



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

Application no. 1203/05
Sergiy Volodymyrovych SOYMA
against the Republic of Moldova, Russia and Ukraine
lodged on 28 December 2004

STATEMENT OF FACTS

The present application was introduced by Mr Sergiy Volodymyrovych Soyma, a Ukrainian national born in 1976 who lived in Vinnytsya. The applicant was represented before the Court by Mr V.M. Shulgin, a lawyer practising in Vinnytsya. After his death in 2006 his mother, Ms Pavlina Petrivna Soyma expressed her wish to continue the proceedings before the Court in her deceased son's stead.

The facts of the case, as submitted by the applicant, may be summarised as follows.

In 2001 the applicant was arrested in the break-away "Moldavian Republic of Transdnistria" (the "MRT") on charges of murder. On 28 June 2002 he was finally convicted by the MRT Supreme Court and sentenced to ten years' imprisonment.

According to the applicant, during his pre-trial detention he was subjected to ill-treatment in order to make him confess to the committing of the murder.

After his conviction the applicant requested on many occasions from different Ukrainian authorities to be transferred to a Ukrainian prison. However, his efforts did not pay off. In particular, the Ministry of Foreign Affairs of Ukraine informed him that it had contacted the similar authority in Moldova which informed that Moldova did not exercise any control over the territory of the MRT and could not therefore ensure his transfer to a Ukrainian prison.

On 24 May 2006 the applicant was found dead from hanging in the gym of the prison in which he was detained. It does not appear that the applicant's mother requested and/or obtained a medical forensic report concerning the circumstances of his death.

COMPLAINTS

1. The applicant's mother complains under Article 2 of the Convention that Moldova, Russia and Ukraine are responsible for the applicant's death.

2. The applicant's mother complains under Article 3 of the Convention that the applicant was subjected to torture by the MRT militia.

3. She further complains against Moldova and Russia under Article 5 § 1 of the Convention that the applicant's detention was not ordered by a lawfully constituted court.

4. The applicant's mother also complains under Article 6 § 1 of the Convention against Moldova and Russia that the applicant was convicted by illegally constituted MRT courts.

5. Under Article 8 of the Convention, the applicant's mother complains that the applicant could not meet his parents while in detention.

6. She finally complains under Article 13 that the applicant could not challenge the decision of the MRT Supreme Court of 28 June 2002.

QUESTIONS

1. Did the applicant come within the jurisdiction of the Republic of Moldova and/or the Russian Federation within the meaning of Article 1 of the Convention as interpreted by the Court, *inter alia*, in the cases of *Ilaşcu and Others v. Moldova and Russia* [GC], (No. 48787/99, ECHR 2004-VII) and *Catan and Others v. Moldova and Russia* [GC] (nos. 43370/04, 8252/05 and 18454/06, §§ 102-123, 19 October 2012) on account of the circumstances of the present case?

2. Has the applicant's right to life, ensured by Article 2 of the Convention, been violated in the present case?

3. Do the facts of the case disclose a violation of Article 5 § 1 of the Convention? In particular, was the applicant's detention by the MRT authorities "lawful", within the meaning of Article 5 § 1 of the Convention?

4. Did the applicant have a fair hearing in the determination of the criminal charges against him, in accordance with Article 6 § 1 of the Convention? In particular, was the tribunal which dealt with the applicant's case established by law, as required by Article 6 § 1 of the Convention?