



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

Communicated on 11 July 2014

THIRD SECTION

Application no. 75813/12
Denis SCHIDU
against the Republic of Moldova and Russia
lodged on 16 November 2012

STATEMENT OF FACTS

The applicant, Mr Denis Schidu, is a Moldovan national, who was born in 1978 and lives in Grigoriopol, the Transdniestrian region of the Republic of Moldova. He is represented before the Court by Mr A. Zubco, a lawyer practising in Chişinău.

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

On 8 June 2010 the applicant was arrested by the authorities of the “Republic of Transdniestria” on charges of trafficking in drugs and was placed in detention pending trial. The trial against him ended on 18 May 2012 and the applicant was sentenced by the “Supreme Court of Transdniestria” to a four years suspended prison sentence. The applicant was released on the same date.

COMPLAINTS

1. The applicant complains under Article 5 of the Convention that his detention by the “Trandniestrian authorities” was unlawful and ordered by an authority which did not qualify as a court for the purposes of Article 5. Moreover, his detention was contrary even to the “legislation of Transdniestria”.

2. The applicant complains under Article 13 of the Convention that he had no remedies in respect of his complaint under Article 5 of the Convention.

QUESTIONS TO THE PARTIES

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. Was the applicant deprived of his liberty in breach of Article 5 § 1 of the Convention?
3. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 5, as required by Article 13 of the Convention?