



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

Communicated on 18 December 2014

THIRD SECTION

Applications nos 28648/06 and 18832/07
Iurie TURTURICA against the Republic of Moldova and Russia
and Petru CASIAN against the Republic of Moldova and Russia
lodged on 8 June 2006 and 18 April 2007 respectively

STATEMENT OF FACTS

The applicant in the first case, Mr Iurie Turturica, is a Moldovan national, who was born in 1962 and lives in Lunga, the Transdniestrian region of Moldova. He is represented before the Court by Mrs N. Uritu, a lawyer practising in Chisinau.

The applicant in the second case, Mr Petru Casian, is a Moldovan national, who was born in 1951 and lives in Corjova, the Transdniestrian region of Moldova. He is represented before the Court by Mr A. Postica, a lawyer practising in Chisinau.

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

Both applicants had their cars registered with the constitutional authorities of Moldova and had Moldovan registration plates installed on them.

On 27 January 2005 the first applicant was stopped by a “customs officer” of the self-proclaimed “Republic of Transdniestria” who seized his car on the ground that, upon entry on the territory of Transdniestria he had failed to register it with the “customs authorities”. He later was obliged to pay a fine equal to twenty percent of the value of the car in order to recover it. In the meantime the applicant borrowed a car from a friend of his, also with Moldovan number plates and registered it with the Transdniestrian “customs authorities”. The registration was to expire on 30 August 2005. On the day of expiry, the applicant sent his son to re-register the car with the “customs authorities”, however, the registration was refused on the ground that the applicant had to be present in person. The applicant went the next day only to have his car seized, for failure to register it in the allocated time-limit. He was obliged to pay a fine equal to fifty percent of the value of the car in order to be able to recover it.

The first applicant challenged the first fine before the Transdniestrian “authorities”, but his appeal was rejected. He also complained to the Moldovan constitutional authorities, which initiated criminal proceedings in respect of the fact of the unlawful seizure of his car. The materials submitted by the applicant do not contain any information concerning the outcome of those proceedings or the persons against whom the proceedings were initiated. The applicant did not challenge the second fine before the Transdniestrian “authorities”, as he considered that he had no prospects of success after the experience with the first fine.

The second applicant had his car seized on 28 February 2008 on the ground of his failure to leave the territory of Transdnistria before the expiry of the registration with the “customs authorities”. He was obliged to pay a fine of some 60 United States Dollars in order to recover his car.

The second applicant complained to the constitutional authorities of Moldova, but they informed him that there was nothing they could help him with.

COMPLAINTS

The applicants complain under Article 1 of Protocol No. 1 to the Convention that the seizing of their cars constituted an unlawful interference with their right to property. The first applicant also complains under Article 6 that the Transdniestrian courts were not “tribunals established by law”.

QUESTIONS TO THE PARTIES

1. Did the applicants 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 cases?

2. Do the facts of the cases disclose a violation of Article 1 of Protocol no. 1 to the Convention?

3. Was Article 6 § 1 of the Convention under its criminal head applicable to the proceedings which led to the fining of the applicant in the first application? If so, did the applicant have a fair hearing in the determination of the criminal charge against him by a tribunal established by law as required by Article 6 § 1 of the Convention?