

D-lui Alexandru POSTICĂ
Asociația PROMO-LEX
str. Dumitru Rîșcanu nr. 11 b. 41
MD-2024 CHIȘINĂU
REP. MOLDOVA

THIRD SECTION

ECHR-LE4.1aR
RP/GZ/scu

3 February 2015

Application no. 74441/14
Botnari v. the Republic of Moldova

Dear Sir,

I write to inform you that following a preliminary examination of the admissibility of the above application on 27 January 2015, the President of the Section to which the case has been allocated decided, under Rule 54 § 2 (b) of the Rules of Court, that notice of the application should be given to the Government of the Republic of Moldova and that the Government should be invited to submit written observations on the admissibility and merits of the case.

You will find enclosed an information note to applicants on the proceedings after communication of an application.

The Government have been requested to submit their observations by 27 May 2015. These will be sent to you in order that you may submit written observations in reply on behalf of the applicant, together with any claim for just satisfaction under Article 41 (cf. Rule 60). **Please do not send any submissions before being asked to do so by the Court.** Any unsolicited submissions will normally not be included in the case file for consideration by the Court (Rule 38 § 1).

The Government have been requested to deal with the questions set out in the document appended to this letter (Statement of facts prepared by the Registry of the Court and Questions to the parties).

The Government have also been requested to indicate within the above time-limit their position regarding a friendly settlement of this case and to submit any proposals they may wish to make in this regard (Rule 62). The same request will be made of you when you receive their observations.

I would inform you that at this stage of the proceedings, according to Rule 34 § 3, all communications of applicants or their representatives shall as a rule be made in one of the Court's official languages, English or French.

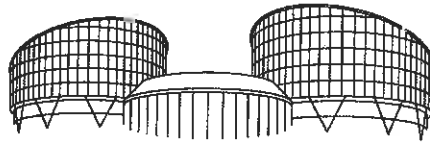
I should draw your attention to Rule 33 of the Rules of Court, according to which documents deposited with the Registry by the parties or by any third parties are to be accessible to the public, unless the President of the Section decides otherwise for the reasons set out in Rule 33 § 2. It follows that as a general rule any information contained in the documents which you lodge with the Registry, including information about identified or identifiable persons, may be accessible to the public. Moreover, such information may appear in the Court's HUDOC data base accessible via the Internet if the Court includes it in a statement of facts prepared for notification of a case to the respondent Government, a decision on admissibility or striking off, or a judgment.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Marialena Tsirli', written in a cursive style.

Marialena Tsirli
Deputy Section Registrar

Encs: Statement of facts and Questions
Information note



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

Communicated on 27 January 2015

THIRD SECTION

Application no. 74441/14
Viorica BOTNARI
against the Republic of Moldova
lodged on 20 November 2014

STATEMENT OF FACTS

The applicant, Ms Viorica Botnari, is a Moldovan national, who was born in 1972 and is detained in Chişinău. She is represented before the Court by Mr A. Postica, a lawyer practising in Chişinău.

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

On 26 February 2003 the applicant was diagnosed with non-Hodgkin lymphoma (NHL – a type of blood cancer). This disease affected her spleen, bone marrow and the lymph nodes. She was also diagnosed with chronic Hepatitis.

On 17 March 2010 the applicant was arrested by the police and charged with fraud and forging official documents. She was placed in the detention centre of the General Directorate for Fighting Organised Crime of the Ministry of Interior (“GDFOC”).

According to the applicant, she was held in a cell situated underground with bad sanitary conditions, which had no heating system and no linen for the wood-covered stone platform which served as a bed. The food was provided only once a day and no drinking water was available. The medical treatment had been interrupted and the GDFOC’s administration refused to transfer her to a hospital.

On 4 April 2010 the applicant was transferred to Penitentiary No. 13. The applicant asserted that she had been detained in a cell with sixteen other inmates and had been subjected to passive smoking. She had not been provided with bedding and could not normally sleep. The cell was infested with vermin and the food was of a very poor quality. She had not been provided with medical assistance as required by her condition.

As a result of being detained in inhuman conditions her state of health seriously deteriorated. In both detention facilities there was no specialised oncology doctor, nor appropriate medication, while chemotherapy was

unavailable. The applicant undertook the last chemotherapy session in a specialised civilian hospital in April 2013 while under house arrest.

The applicant's lawyer inquired with the Penitentiary Department about the medical care received by the applicant while in detention, but the only answer was that the applicant has been registered as an oncology patient since 5 June 2013 and was provided with medical treatment according to her diagnosis.

On 10 June 2013 the Centru District Court found the applicant guilty as charged and sentenced her to thirteen years and six months of imprisonment. The case is pending before the Chisinau Court of Appeal.

COMPLAINTS

The applicant complains under Article 3 of the Convention that she was detained in inhuman conditions, which aggravated her health problems, and that she was not provided with appropriate medical care.

She also complains that she did not have, as required by Article 13 of the Convention, any effective remedies at her disposal for her complaints under Article 3.

QUESTIONS TO THE PARTIES

1. Has there been a violation of Article 3 of the Convention? In particular, was the applicant held in inhuman or degrading conditions of detention?

2. Did the applicant receive an appropriate medical care in respect of her health problems, as required by Article 3 of the Convention?

3. Did the applicant have at her disposal an effective domestic remedy for her complaints under Article 3 regarding her conditions of detention and medical assistance, as required by Article 13 of the Convention?