



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

Communicated on 29 September 2014

THIRD SECTION

Application no. 29182/14
Vitalii BESLEAGA and Serghei BEVZIUC
against the Republic of Moldova and Russia
lodged on 3 April 2014

STATEMENT OF FACTS

The applicants, Mr Vitalii Besleaga and Mr Serghei Bevziuc, are Moldovan nationals, who were born in 1964 and 1968 respectively and live in Varnita and Bender, the Transdniestrian region of Moldova. They are represented before the Court by Mr A. Postica, a lawyer practising in Chişinău.

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

On 15 November 2013 the applicants were arrested by the “Transdniestrian authorities” and placed in detention on remand on charges of corruption. The first ten days the applicants were detained in Prison No. 1 in Tiraspol after which they were transferred to Hlinaia prison in Grigoreopol. The conditions of detention in both prisons were very poor. There was no heating, no ventilation; the cells were infested with vermin and very dirty. The food was insufficient and of a very bad quality. The applicants did not receive any medical care in spite of the fact that one of them was suffering from diabetes and another needed surgery on his colon.

The applicants are detained to date.

COMPLAINTS

The applicants complain under Article 3 of the Convention about the inhuman and degrading conditions of detention and about the lack of necessary medical assistance.

The applicants also complain under Article 5 of the Convention that their 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.

The applicants finally complain under Article 13 of the Convention that they had no remedies in respect of their complaints under Articles 3 and 5 of the Convention.

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 case?

2. Has there been a violation of Article 3 of the Convention on account of the conditions in which the applicants have been detained during the period of time referred to in the application? Did the applicants receive appropriate medical care while in detention?

3. Were the applicants deprived of their liberty in breach of Article 5 § 1 of the Convention?

4. Did the applicants have at their disposal effective domestic remedies for their complaints under Articles 3 and 5, as required by Article 13 of the Convention?