



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

THIRD SECTION

Application no. 21867/09
by Ionel BIGEA
against Moldova
lodged on 27 April 2009

STATEMENT OF FACTS

THE FACTS

The applicant, Mr Ionel Bigea, is a Romanian national who was born in 1969 and lives in Bârlad, Romania. He is represented before the Court by Mr A. Postică, a lawyer practising in Chişinău.

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

The applicant is a priest within the Metropolitan Church of Bessarabia and has been assigned to the church of the Vadul lui Isac village, in the south of Moldova, for the last sixteen years.

In 2007 the then President of Moldova Vladimir Voronin declared that he did not recognise the Metropolitan Church of Bessarabia. After that, the authorities made an unsuccessful attempt to expulse the applicant from Moldova and created numerous obstacles in his activity as a priest. Following judicial proceedings, in 2008 the applicant obtained a residence permit and a work permit valid until August 2009.

On 9 April 2009 the Moldovan authorities introduced a visa regime with Romania. On 11 April 2009 the applicant made an attempt to travel from Romania to Moldova with his residence permit but was refused entry on Moldovan territory on the ground that he did not have a visa.

The applicant challenged the refusal before the Chişinău Court of Appeal and, on 24 April 2009, obtained a final judgment ruling the refusal unlawful and obliging the border police to allow the applicant to enter the Moldovan territory on the basis of his residence permit.

On the same date the applicant made an unsuccessful attempt to enter Moldova on the basis of his residence permit and of the court judgment. The border police refused to comply with the judgment and insisted that the applicant needed a visa.

The applicant repeated his attempt on 25 April 2009 but was again unsuccessful.

Because of the refusal of the authorities to let the applicant enter Moldova, he was unable to be with his congregation for Easter, a very important religious event in Moldova.

COMPLAINTS

The applicant complains that the refusal of the authorities to comply with the Court of Appeal's judgment of 24 April 2009 constituted a breach of his rights guaranteed by Articles 6, 8, 9 and 2 of Protocol No. 4 to the Convention.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicant's right to respect for his private and family life within the meaning of Article 8 § 1 of the Convention? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?

2. Has there been a restriction on the applicant's right to liberty of movement, guaranteed by Article 2 § 1 of Protocol No. 4?