



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

Communicated on 13 June 2014

THIRD SECTION

Application no. 7529/10
Roman CANTER and Serghei MAGALEAS
against the Republic of Moldova and Russia
lodged on 3 February 2010

STATEMENT OF FACTS

The applicants, Mr Roman Canter and Mr Serghei Magaleas, are Moldovan nationals, who were born in 1980 and 1977 respectively and live in Slobozia and Parcani, the Transdniestrian region of Moldova. They are represented before the Court by Mr P. Postica, a lawyer practising in Chişinău.

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

On 2 March 2005 the applicants were arrested and placed in detention on remand on suspicion of murder. They were finally convicted by the “Supreme Court of Transdniestria” on 4 August 2009 and sentenced to fourteen years of imprisonment.

COMPLAINTS

The applicants also complain under Article 6 that their conviction was carried out by a court which did not qualify as a tribunal established by law and that the proceedings were not fair.

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. Did the applicants have a fair hearing in the determination of the criminal charges against them by a tribunal established by law as required by Article 6 § 1 of the Convention?