



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

THIRD SECTION

Application no. 46367/10  
Anatol CEBOTAR  
against the Republic of Moldova and Russia  
lodged on 2 August 2010

**STATEMENT OF FACTS**

The applicant, Mr Anatol Cebotari, is a Moldovan and Ukrainian national, who was born in 1968 and lives in Ternovca, Moldova. He is represented before the Court by Mr A. Zubco, a lawyer practising in Chişinău.

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

At the time of the events the applicant worked as an investigator in the so called Ministry of Internal Affairs of the break-away “Moldavian Republic of Transdnistria” (the “MRT”). On 15 May 2008 he was arrested on suspicion of fraud. He was remanded in custody for the whole duration of the criminal proceedings which ended with the judgment of the Supreme Court of MRT of 2 February 2010 by which the applicant was found guilty and sentenced to ten years’ imprisonment.

On 1 August 2012 the applicant was pardoned by the “president” of the MRT and was released on the same date.

COMPLAINTS

1. The applicant complains under Article 5 § 1 of the Convention that his detention was not ordered by a lawfully constituted court.

2. The applicant also complains under Article 6 § 1 of the Convention that he was convicted by illegally constituted MRT courts and that the proceedings were unfair.

**QUESTIONS TO THE PARTIES**

1. Did the applicant 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. Do the facts of the case disclose a violation of Article 5 § 1 of the Convention? In particular, was the applicant's detention by the MRT authorities "lawful", within the meaning of Article 5 § 1 of the Convention?

3. Did the applicant have a fair hearing in the determination of the criminal charges against him, in accordance with Article 6 § 1 of the Convention?