



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

Communicated on 14 September 2015

THIRD SECTION

Application no. 5659/07
Iurie COȚOFAN
against the Republic of Moldova and Russia
lodged on 16 January 2007

STATEMENT OF FACTS

The applicant, Mr Iurie Coțofan, is a Moldovan national, who was born in 1961 and lives in Corjova. He is represented before the Court by Mr I. Manole, a lawyer practising in Chișinău.

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

The applicant had his car registered with the constitutional authorities of Moldova and had Moldovan registration plates installed on it.

On 16 December 2006 a “customs officer” of the self-proclaimed “Republic of Transdniestria” stopped the applicant at a check-point and seized his car on the ground that upon entry on the territory of Transdniestria he had failed to stop at the “border”. He was later obliged to pay a fine of 58 United States dollars in order to recover the car.

On 19 December 2006 the applicant’s driving licence was seized on the ground that he had failed to comply with traffic rules. According to the applicant, his car was also seized, on the ground of his failure to comply with “customs regulations”, but the seizure report was destroyed and he was able to recover his car five hours later after the intervention of a group of Russian peacekeepers. His driving licence was not returned and he was issued a temporary driving licence.

According to the applicant, he complained to the constitutional authorities of Moldova, but they informed him that there was nothing they could help him with.

COMPLAINTS

The applicant complains under Article 1 of Protocol No. 1 to the Convention that seizure of his car and his fining constituted an unlawful interference with his right to property.

He also complains under Article 13 of the Convention that he did not have an effective remedy for his complaint under Article 1 of Protocol No. 1 to the Convention.

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 *Ilașcu 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, ECHR 2012 (extracts)) on account of the circumstances of the present case?

2. Do the facts of the case disclose a violation of Article 1 of Protocol no. 1 to the Convention?

3. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 1 of Protocol No. 1 to the Convention, as required by Article 13 of the Convention?