



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

THIRD SECTION

Application no. 50425/11
Radu CALANCEA
against Moldova

STATEMENT OF FACTS

THE FACTS

The applicant, Mr Radu Calancea, is a Moldovan national who was born in 1991 and lives in Chişinău. He is represented before the Court by Mr A. Postica, Mr P. Postica, Ms N. Hriplivii, Ms L. Potang, lawyers practising in Chişinău, and the “Promo Lex” association.

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

On 6 and 7 April 2009 a protest against alleged electoral fraud took place in the centre of Chişinău. The protest was peaceful in the beginning; however, in the afternoon of 7 April 2009 some of the protesters became violent. Clashes with the police took place and the Parliament building and the Presidential Palace were damaged by stone throwing. A large number of police officers and protesters were injured. At a certain moment the police forces, largely outnumbered by the protesters, abandoned the two buildings, allowing several hundred persons to enter. Those persons destroyed and pillaged the buildings, setting parts of the Parliament alight. On the same night some 200 persons were arrested on charges of large-scale disorder. The opposition was accused of an attempted coup d'état.

In the evening of 7 April 2009 the applicant was attending a peaceful manifestation in front of the Government building. At approximately 10.20 p.m. a group of police officers arrested and beat him with batons, kicked and punched him all over his body for approximately ten minutes. Later the applicant was taken to the Buiucani Police Station where the ill-treatment continued. On 9 April 2009 the applicant was examined by a doctor who found multiple signs of ill-treatment on his body and face.

On 13 April 2009 the applicant lodged a criminal complaint with the Prosecutor's Office about his ill-treatment.

The applicant was released from detention on 16 April 2009.

On 8 July 2009 the Prosecutor's Office dismissed the applicant's complaint on the ground that his allegations had been ill-founded. The Prosecutor's Office relied on the statements of the arresting police officers who denied having ill-treated the applicant. The applicant appealed against this decision and, on an unspecified date, an investigation judge quashed it and ordered repeated investigation into the applicant's allegations.

On 25 May 2010 the Prosecutor's Office ordered the stay of the investigation on the ground that the persons who had allegedly ill-treated the applicant could not be identified. The applicant challenged the order arguing, *inter alia*, that the investigation was incomplete.

On 12 May 2011 the applicant's appeal was dismissed by the Buiucani District Court.

COMPLAINTS

1. The applicant complains under Article 3 of the Convention about the ill-treatment received at the hands of the police, the inhuman and degrading conditions of his detention, lack of medical assistance during detention, failure to provide him with food for one day, transportation in the trunk of a car and failure to conduct an effective investigation into his allegation of ill-treatment.
2. The applicant also complains under Article 13 of the Convention that he had no effective remedy against the alleged ill-treatment to which he had been subjected.

QUESTIONS TO THE PARTIES

1. Was the applicant subjected to ill-treatment in breach of Article 3 of the Convention (see, for example, *Tomasi v. France*, judgment of 27 August 1992, Series A no. 241-A)?
2. Having regard to the procedural protection from ill-treatment under Article 3 of the Convention (see *Labita v. Italy* [GC], no. 26772/95, § 131, ECHR 2000-IV), was any investigation conducted in the present case by the domestic authorities? If so, was it effective for the purposes of that Article?
3. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 3, as required by Article 13 of the Convention?

The Government are asked to submit a copy of the full version of the case file, concerning the criminal investigation instituted by the Prosecutor's Office in respect of the applicant's criminal complaint.