



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

THIRD SECTION

Application no. 77407/11
Iurie CRACIUNEAN
against Moldova
lodged on 2 December 2011

STATEMENT OF FACTS

THE FACTS

The applicant, Mr Iurie Craciunean, is a Moldovan national who was born in 1979 and lives in Cahul. He is represented before the Court by Mr A. Postica, Mr P. Postica, Ms N. Hriplivii, Ms L. Potang, lawyers practising in Chişinău, and members of 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 night of 7 to 8 April 2009, after having participated at the demonstration of protest, the applicant was returning home together with a group of young persons with a mini bus. At approximately 1 a.m. a group of police officers stopped the mini bus and ordered the driver to follow them to a police station. At the police station the applicant was subjected to severe ill-treatment throughout the whole night by being beaten with batons and with plastic bottles full of water and punched and kicked all over his body. He was also forced to strip naked and do sit-ups.

On 10 April at approximately 4 p.m. the applicant was released from detention.

On the same day the applicant filed a criminal complaint against the police officers who had ill-treated him. On 13 April 2009 he underwent a forensic medical examination as a result of which numerous bruises were found on his thighs. Later the applicant started to experience headaches and nausea and on 22 April 2009 he was hospitalised with the diagnosis of head concussion. He was released from hospital on 4 May 2009.

On 18 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 10 November 2011 the applicant's appeal was dismissed by the Rascani 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 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 or other forms of treatment contrary to 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.