



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

Communicated on 28 May 2014

THIRD SECTION

Application no. 45533/09
Serghei GHENT
against the Republic of Moldova and Russia
lodged on 19 August 2009

STATEMENT OF FACTS

The applicant, Mr Serghei Ghent, is a Russian national, who was born in 1955 and lives in Tiraspol, the Transdniestrian region of Moldova. He is represented before the Court by Mr A. Postica, a lawyer practising in Chisinau.

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

The applicant was an employee of a private company who initiated labour law proceedings against the employer after his dismissal.

The proceedings commenced on 7 June 2005 and ended on 19 February 2009. During this time the case was heard three times by the Supreme Court of Justice of the self-proclaimed Republic of Transdniestria, of which two times a rehearing by the first-instance court was ordered. Each examination of the case before the Supreme Court was carried out by the same judge rapporteur and the applicant was not allowed to see the materials of the case-file during the proceedings. The applicant's action against his employer was dismissed.

COMPLAINT

The applicant complains under Article 6 of the Convention that the proceedings were unfair because the Transdniestrian courts were not "tribunals established by law", the judges were not impartial and independent, especially the judges of the Supreme Court, and because he could not have access to the case-file.

QUESTION TO THE PARTIES

Did the applicant have a fair hearing by a tribunal established by law in the determination of his civil rights and obligations, in accordance with Article 6 § 1 of the Convention?