



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

Communicated on 29 September 2014

**THIRD SECTION**

Application no. 6151/12  
Mihail PETIS and Others  
against the Republic of Moldova and Russia  
lodged on 18 January 2012

**STATEMENT OF FACTS**

The applicants, Mihail Petis, Maxim Ciumacenco, Mihail Doaga and Igor Gherghelejiu are Moldovan nationals who were born in 1989, 1981 and 1991 respectively and live in Bender. They are all represented by A. Postica, a lawyer practising in Chisinau.

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

The applicants were arrested by the “Transdnietrian authorities” and placed in detention between 27 and 31 August 2009 on charges of rape of a minor girl.

On 27 May 2011 they were all convicted to prison sentences varying between seven and twenty years’ imprisonment. The applicants appealed and argued, *inter alia*, that the alleged victim of the rape was a prostitute who engaged in sexual relations with them voluntarily and who lodged a criminal complaint against them three days later as a result of a money related dispute.

On 19 July 2011 the “Supreme Court of Transdnistria” examined the applicants’ appeal in their absence and dismissed it.

The applicants are detained to date in the Hlinaia prison in the Transdnistrian region of Moldova.

**COMPLAINTS**

The applicants complain under Article 5 of the Convention that their detention by the “Trandniestrian authorities” was unlawful and ordered by an authority which did not qualify as a court for the purposes of Article 5. Moreover, their detention was contrary even to the “legislation of Transdnistria”.

The applicants also complain under Article 6 that their conviction was carried out by a court which did not qualify as a tribunal established by law and that the proceedings were not fair.

### **QUESTIONS TO THE PARTIES**

1. Did the applicants 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. Were the applicants deprived of their liberty in breach of Article 5 § 1 of the Convention?

3. Did the applicants have a fair hearing in the determination of the criminal charges against them by a tribunal established by law as required by Article 6 § 1 of the Convention?