



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

THIRD SECTION

Application no. **42757/09**
by PROMO LEX and Others
against Moldova
lodged on 3 August 2009

STATEMENT OF FACTS

THE FACTS

The first two applicants, Promo-LEX and CReDO, are non-governmental organisations from the Republic of Moldova. The third applicant, Mr I. Grosu is a Moldovan national born in 1972 who lives in Chişinău. The applicants are represented before the Court by Mr A. Postica, a lawyer practising in Chişinău.

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

On 3 February 2009 the first and the second applicants organised a protest demonstration in front of the Prosecutor General's Office. The third applicant participated at the action. The aim of the demonstration was to denounce the inaction of the Prosecutor General's Office in connection with the abuses by the police. Several minutes after the beginning of the demonstration the protesters were attacked by seven men wearing masks who started to beat them up and to spray tear gas at them. As a result of the attack the third applicant sustained numerous injuries to his head and limbs. The protesters defended themselves and managed to immobilise two attackers. One of the attackers admitted to having been paid 1,000 Moldovan lei by an unknown person for his participation in the attack.

The gathering was observed from the very beginning by four uniformed police officers and by six plain clothed officers some of whom filmed the event. However, they did not intervene to put an

end to the clash between the protesters and the attackers. The protesters called the police and requested assistance but to no avail. A police patrol appeared only after one hour and a half and took into custody the two immobilised attackers.

The organisers of the manifestation lodged a criminal complaint with the Prosecutor General's Office; however, no action followed. On the contrary, the Prosecutor General's Office issued a statement in which the organisers of the demonstration were blamed for provoking the clash.

The two attackers apprehended by the applicants were charged for creating public disorder. However, the outcome of the criminal proceedings against them is unknown to date.

COMPLAINTS

1. The applicants complain under Article 11 of the Convention that the State did not discharge its positive obligations to protect their right to freedom of assembly.
2. The applicants also complain under Article 13 of the Convention that they did not have effective remedies against the police's failure to protect them.

QUESTIONS TO THE PARTIES

1. Has there been a violation of the applicants' right to freedom of assembly as guaranteed by Article 11 of the Convention?
2. Did the applicants have at their disposal an effective domestic remedy for their complaint under Article 11, as required by Article 13 of the Convention?

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STATEMENT OF FACTS AND QUESTIONS