



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

Communicated on 13 June 2014

THIRD SECTION

Application no. 22200/10
Ernest VARDANEAN and Irina VARDANEAN
against the Republic of Moldova and Russia
lodged on 20 April 2010

STATEMENT OF FACTS

The applicants, Mr Ernest Vardanean and Ms Irina Vardanean, are Moldovan nationals, who were born in 1980 and live in Tiraspol. They are represented before the Court by Mr A. Postica and Mr P. Postica, lawyers practising in Chişinău.

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

The applicants are husband and wife and are journalists. At the time of the events they were living in the break-away “Republic of Transdniestria”. The first applicant was employed by a Russian news agency and by a Moldovan newspaper.

On 7 April 2010 the first applicant was arrested by agents of the secret service of the “Republic of Transdniestria” on charges of treason and/or espionage in favour of the Republic of Moldova. A search was carried out in the applicants’ apartment and many of their belongings, such as pictures, were seized.

The first applicant was detained in pre-trial detention until 16 December 2010, when a tribunal from the “Republic of Transdniestria” convicted and sentenced him to imprisonment. During the detention of the first applicant, the second applicant could only visit him on several occasions and his lawyers were denied access to him on the grounds that they were not member of the “Transdniestrian Bar Association”.

Following international pressure, on 5 May 2011, the “President of the Republic of Transdniestria” pardoned the first applicant and he was released.

COMPLAINTS

1. The first applicant complains under Article 5 § 1 of the Convention that his 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.

2. The first applicant complains under Article 6 that his conviction was carried out by a court which did not qualify as a tribunal established by law.

3. Both applicants complain under Article 8 of the Convention about the search of their apartment followed by the seizing of their belongings and about the interdiction for them to see each other while the first applicant was in detention.

4. The first applicant complains under Article 34 of the Convention that his lawyers representing him before the Court could not have access to him during his detention.

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. Was the first applicant deprived of his liberty in breach of Article 5 § 1 of the Convention?

3. Did the first applicant have a fair hearing in the determination of the criminal charge against him by a tribunal established by law as required by Article 6 § 1 of the Convention?

4. Has there been a violation of the applicants’ right to respect for their private and family life and home, contrary to Article 8 of the Convention?

5. Has there been any hindrance in the present case with the effective exercise of the first applicant’s right of application, ensured by Article 34 of the Convention?