



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

Communicated on 27 August 2018

**SECOND SECTION**

Application no. 36545/06

Petru OPREA and Others against the Republic of Moldova and Russia  
(see list appended)

**STATEMENT OF FACTS**

A list of the applicants and the basic information concerning each applicant are set out in the appendix. They are represented before the Court by Mr A. Postică and Mr I. Manole, lawyers practising in Chişinău.

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

The applicants live in the village of Molovata-Nouă (Dubăsari district), situated on the left bank of the Nistru river and under Moldovan control. At the time of lodging their application, they all owned plots of land near their village. In all cases the land is situated across a road (Tiraspol – Dubăsari - Râbniţa route) which links the northern and southern regions of the self-proclaimed “Moldovan Republic of Transdniestria” (the “MRT”) and in Moldovan controlled enclaves within the territory controlled by the “MRT”. The applicants’ main source of income is the working of the land owned by them.

Between 1992 and 1998 the applicants used the land they owned without interference. In 1998 the “MRT” authorities installed checkpoints in order to verify the movement of agricultural products across the “border”, coinciding with the above-mentioned road. According to the applicants, the impugned checkpoints enabled the “MRT” authorities to subject them to various forms of harassment, such as impeding them from transporting the necessary tools, agricultural machinery, equipment and fuel for the exploitation of their land. The harvesting and transportation of the agricultural production became extremely problematic, the applicants and their family members being often humiliated when stopped at the checkpoints. From then on the applicants also had to pay various taxes and fees to “MRT” authorities, which they accepted since their livelihood depended on working their land.

On 28 January 2000 the so-called “MRT” government issued a decision “on regulation of land relations in Dubăsari district” compelling the owners of the plots of land situated across the Râbnița - Dubăsari route to conclude rental contracts with the Dubăsari administration.

In October 2004 the “MRT” authorities declared that the land owned by the applicants was the property of the “MRT”. The applicants could continue working it, on condition of renting it from the local “MRT” authorities.

In February 2005, the applicants were prevented by the “MRT” authorities from exploiting and cultivating their land. As a consequence, they sustained losses owing to their inability to use the land at the beginning of the agricultural season. Moreover, the land was not worked in the following years, which made it difficult to bring it back to its former capacity.

According to the applicants, they have been exposed to threats of being fined, sanctioned or arrested by the “MRT” authorities, unless they could produce proof of signed rental contracts with the Dubăsari administration. The applicants reported cases of seizure of the agricultural machines belonging to those who tried to work their land. The landowners’ plots of land were under the supervision of the “MRT” military, border guards and militia who would sanction any attempt to work the land.

The applicants made numerous complaints to the local “MRT” authorities, asking for a right of passage to their land and requesting permission to cultivate and harvest, but this was refused since those authorities considered the land in question to be property of the “MRT”.

The applicants also complained to the Moldovan authorities, who replied that they had no means to compel the “MRT” authorities to allow them free passage. They asked the Moldovan Prosecutor General’s Office to start a criminal investigation against the people responsible for blocking the applicants’ access to their land.

The applicants complained to the Russian embassy in Moldova and to the Organization for Security and Co-operation in Europe (“the OSCE”), to no avail. On 26 April 2005 a group of landowners, including some of the applicants, protested in front of the Russian embassy in Moldova, asking the authorities of that State to intervene as a guarantor of peace and stability in the region. A similar protest took place on 11 May 2005.

In 2006 the Moldovan authorities managed to negotiate with the “MRT” authorities a temporary “MRT” registration mechanism for the landowners in the impugned area, which allowed them to access their land and transport the harvest. Despite the existing mechanism, the applicants maintain that they lack genuine free access to their land.

## COMPLAINTS

The applicants complain under Article 1 of Protocol No. 1 to the Convention that they lost access to their property and to the fruits of their labour.

They also complain under Article 13 of the Convention that they do not have any remedies in respect of their complaint under Article 1 of Protocol No. 1 to the Convention.

## 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 and 2 others, §§ 102-23, ECHR 2012 (extracts), on account of the circumstances of the present case?

2. Do the facts of the case disclose a breach of Article 1 of Protocol No. 1 to the Convention?

3. Did the applicants have at their disposal effective remedies in respect of their complaint under Article 1 of Protocol No. 1 to the Convention, as required under Article 13 of the Convention?