



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

FIFTH SECTION

**CASE OF RELIGIOUS CULT 'BISERICA UNIFICĂRII'
AND AKHUNZIANOV v. THE REPUBLIC OF MOLDOVA**

(Application no. 45588/16)

JUDGMENT

STRASBOURG

16 July 2026

This judgment is final but it may be subject to editorial revision.

**In the case of Religious cult 'Biserica Unificării' and Akhunzyanov
v. the Republic of Moldova,**

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

María Elósegui, *President*,

Diana Sârcu,

Sébastien Biancheri, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 45588/16) against the Republic of Moldova lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 26 July 2016 by a Moldovan religious organisation ("the first applicant") and by a Moldovan national ("the second applicant"; together "the applicants"), whose relevant details are listed in the appended table, represented by Ms D. Străisteanu, a lawyer practising in Chişinău;

the decision to give notice of the application to the Moldovan Government ("the Government"), represented by their acting Agent at the time, Ms D. Maimescu;

the parties' observations;

Having deliberated in private on 25 June 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The present case concerns a search of the headquarters of a religious organisation (the first applicant) and several of its locations, allegedly used as a prayer room and youth centre, and the search of the second applicant's home. The applicants relied on Articles 8 and 13 of the Convention. The first applicant also relied on Article 9 of the Convention.

2. On 19 June 2015 a criminal investigation was initiated on charges of human trafficking, allegedly organised by the members of the applicant religious organisation and conducted under its cover.

3. On 19 October 2015 the prosecutor issued orders to search five locations associated with the first applicant: its headquarters, the home of the second applicant (in connection with the organisation's accountant, his late spouse) and the homes of the organisation's other followers, which, as alleged by the first applicant, served as its prayer room and youth centre. The texts of all five orders were identical except for the addresses of the locations to be searched. The orders were subsequently submitted to the investigating judge for authorisation.

4. On 21 October 2015 the Centru District investigating judge authorised all five searches. The warrants used the same wording as the prosecutor's

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orders when describing the scope of the granted search powers. Their relevant part reads as follows:

“In the submitted search request, the prosecutor alleged that, during the course of the criminal investigation, it was established that between 2008 and 2015, [S.O., C.M., N.S., L.H.] and other unidentified persons involved with [the first applicant] in criminal activity and acting within an organised criminal group with the aim of exploitation in begging and forced labour, by means of deceit, alluding to spiritual and religious values and abusing the financial vulnerability of the victims, recruited [C.V., R.O., G.A., D.E., G.E., G.V.] and other persons, who, both on the territory of the Republic of Moldova and in other States, were subjected to psychological threats and forced to beg in public places and to work without remuneration or adequate food. ...

From the material submitted to the court by the prosecutor, the evidence gathered and the special investigative material, a reasonable suspicion arises that objects and documents relevant to the criminal case may be stored at the address indicated by the prosecutor.

The court has examined the appropriateness of the proposed search in relation to the legal and factual circumstances and considers that, at this stage, the search is both timely and necessary, as the evidence sought by the prosecutor can be obtained and confirmed only through the execution of the search, with no other legal means available, making this action subject to authorisation.

... [T]he court orders:

The authorisation of the search at the [following] address ... with the purpose of identifying and seizing instruments intended to be used or which served as means in the commission of the offence, as well as objects or documents that may be relevant to the criminal case, namely: electronic data storage devices (CDs, DVDs and USB drives), computers, financial means obtained through criminal activity, bank cards, financial reports, registers, notebooks and agendas containing notes on the circulation of financial means resulting from begging, none of which can be obtained through other procedures except by conducting the search.”

5. From 7 a.m. to 10 a.m. on 30 October 2015, simultaneously at all five locations, the police searched and seized agendas, minutes of the cult's meetings, cash, bank cards, telephones, laptops and other information carriers. The first applicant submitted that the searches had been conducted without the participation of its duly authorised representatives. The search at the home of the second applicant was carried out with the participation of the second applicant and his wife.

6. The applicants alleged that they had not received a copy of the search warrants, either before or after the searches. Following a request by their lawyer, copies of the search warrants were communicated to the first applicant on 3 March and 9 April 2016 and to the second applicant on 9 April 2016.

7. On 16 March 2016 the first applicant appealed against the search warrant concerning its headquarters and requested that the time-limit for appeal be reinstated, submitting that it had received a copy of the search warrant only on 3 March 2016. In its appeal, it argued that it had had no procedural standing in the criminal proceedings when the search had been

ordered; that there had been no reasonable suspicion that it had committed an offence; and that no reasons had been stated in the search warrants, which had been formulated in extremely broad terms, giving the investigators unfettered discretion to search for anything they wanted.

8. On 29 March 2016 the Chişinău Court of Appeal allowed the first applicant's appeal, setting aside the investigating judge's decision authorising the search and rejecting the prosecutor's search request as unfounded. In reaching that conclusion, the appellate court's reasoning included the following:

"The court observes that the decision by the investigating judge of 21 October 2015 authorising the search at [the headquarters of the first applicant] ... is unreasoned, unfounded and not based on any relevant evidence.

... After examining both the search order and the prosecutor's search request, the court notes that the reasoning section of the procedural acts is missing entirely.

... [I]n the contested order, the items sought were described in general terms ...

The court notes that the material submitted by the prosecutor was not accompanied by any evidence capable of demonstrating that objects intended to be used or actually used in the commission of the offence might be found at [the headquarters of the first applicant].

When authorising the search, the investigating judge failed to take into account that [the first applicant] did not have any procedural status. The absence of a charging order accompanied by the conferral of procedural status is tantamount to lack of reasonable grounds to believe that the suspect, accused or defendant might abscond from the prosecuting authority or the court, obstruct the establishment of the truth in the criminal proceedings or commit further offences. Consequently, the prosecuting authority did not demonstrate a compelling need to carry out the search at [the headquarters of the first applicant].

... The court further notes that, in the present case, the prosecutor failed to submit any evidence capable of justifying the necessity to conduct the search or to demonstrate that the items in question could not be obtained through other means. The execution of a search constitutes an interference by public authorities with the inviolability of one's home and must therefore be duly reasoned and necessary in a democratic society.

... [T]he court notes that the proportionality between the measure sought and the circumstances to be clarified was not established. Moreover, the investigating judge did not specify in the decision which documents or items were to be seized."

9. On 12 April 2016 the applicants appealed against two other search warrants concerning the search of the youth centre and the home of the second applicant. They requested that the time-limit for appeal be reinstated, submitting that they had received a copy of the respective search warrants only on 9 April 2016. In their appeals, the applicants raised the same arguments as in the appeal submitted by the first applicant on 16 March 2016 (see paragraph 7 above).

10. On 25 April 2016 the Chişinău Court of Appeal refused to reinstate the time-limit for appeal and rejected as out of time the first applicant's appeal in respect of the search carried out at its youth centre. The court concluded

that on 30 October 2015, when the search had been carried out, the first applicant had been informed of and had received a copy of the search warrant, whereas the applicant's lawyer had lodged the appeal against the search warrant on 12 April 2016, which was more than six months after the search had been conducted, exceeding the statutory three-day time-limit for lodging such appeal.

11. On the same day, the same court reinstated the time-limit in respect of the second applicant's appeal against the search warrant of his home but rejected the appeal as manifestly ill-founded. The appellate court endorsed the reasoning advanced by the investigating judge in support of the decision to authorise the search.

12. The applicants did not provide the Court with any information concerning their appeals against the searches carried out in the other two locations and the first applicant did not provide the Court with any information as to whether its members who had appealed against those search warrants had acted on its behalf.

13. Both applicants complained under Article 8 of the Convention that the searches and seizures carried out had breached their right to respect for their home, had been unlawful and had been authorised in the absence of sufficient reasons. The first applicant also complained under Article 9 of the Convention that the searches had interfered with its right to freedom of thought, conscience and religion. Both applicants complained of a violation of Article 13 of the Convention, submitting that there had been no effective remedy to challenge the search warrants.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

14. The applicants complained that the searches carried out had breached their right to respect for their home under Article 8 of the Convention. They relied on Article 13 and complained that there had been insufficient reasons for authorising the searches, a lack of effective remedy and divergent approaches adopted by the courts when assessing the lawfulness of identical search warrants.

15. Being the master of the characterisation to be given in law to the facts of the case and bearing in mind the procedural requirements protected under Article 8 of the Convention, the Court finds it appropriate to examine the complaints raised as part of the complaint under Article 8 (see, as a recent authority, *BRD – Groupe Société Générale S.A. v. Romania*, no. 38798/13, § 77, 18 March 2025).

16. The Court notes at the outset that there were a total of five search warrants and that the searches were carried out in five different locations allegedly associated with the applicant organisation. The applicants failed to

substantiate any legitimate interest in respect of two of the five locations (see paragraph 12 above) and the first applicant managed to obtain a favourable domestic judgment concerning its headquarters (see paragraph 8 above) and never lodged any complaint related to the decision in respect of that location. Therefore, the scope of the present case before the Court concerns only two search warrants in two locations – the youth centre and the home of the second applicant – in respect of which the applicants sought to protect their rights to no avail (see paragraphs 10 and 11 above).

17. The Government argued that the applicants had failed to use correctly the available remedies by lodging their appeals five months after the searches had been carried out. Interpreting this argument as an implicit preliminary objection, the Court considers that it relates closely to the merits of the applicants' complaint under Article 8 of the Convention, and decides to join it to merits and, therefore, examine it in the framework of its analysis below.

18. The Court notes that this complaint is neither manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention nor inadmissible on any other grounds. It must therefore be declared admissible.

19. The applicants submitted that, at the time the search had been ordered, they had had no procedural standing in the criminal proceedings and there had been no reasonable suspicion that they had committed any criminal offence. They argued that the search warrants had lacked relevant reasons and had been drafted in overly broad terms, giving unfettered discretion to the investigators to search for anything they wanted. They further contended that all the search warrants and the conditions under which they had been executed had been identical, yet the domestic courts had delivered inconsistent decisions lacking relevant and sufficient reasons, rendering the judicial review ineffective.

20. The Government argued that the searches had been conducted in the presence of representatives of the religious organisation and that the search warrants had been sufficiently precise and that a more precise description of the objects to be seized would have unnecessarily limited the search powers.

21. The general principles concerning searches and seizures were summarised in *Mancevschi v. Moldova* (no. 33066/04, §§ 39-49, 7 October 2008).

22. The Court notes that the domestic courts examined the second applicant's appeal on the merits, even though it was lodged some five months after the search had taken place. It does not appear from the case file, nor has it been disputed by the parties, that the second applicant or his late wife were suspects in the criminal investigation initiated on 19 June 2015 on charges of human trafficking. The Court further observes that the text of the search warrant issued for the search of the second applicant's home was identical to the text of the search request submitted by the prosecutor and did not contain any reasoning as to why it was believed that the second applicant or his wife had been involved in the alleged criminal activity or why the search of their

home would be likely to yield relevant evidence. Moreover, the warrant was drafted in sufficiently broad terms to authorise the seizure of any documents, financial assets or information carriers. However, despite the identical nature of all the search warrants, the same court, which had previously found lacking an identical search concerning the headquarters of the first applicant, citing the absence of status as suspect and the overly broad wording of the search warrant (see paragraph 8 above), upheld the search of the second applicant's home, relying on diametrically opposed reasoning and without providing any justification for distinguishing the two situations. Moreover, two of the three judges sat in both sets of proceedings.

23. The Court reiterates that, where States consider it necessary to resort to measures such as searches of residential premises in order to obtain evidence of offences, it will assess whether the reasons adduced to justify such measures were relevant and sufficient and whether the proportionality principle has been adhered to (see *Buck v. Germany*, no. 41604/98, § 45, ECHR 2005-IV). Having regard to the broad terms of the search warrant in the present case, the Court does not consider that prior judicial authorisation of the search proved to be appropriate safeguards against possible abuse of power during its execution (see, for illustrative purposes, *Postica v. the Republic of Moldova* [Committee], no. 49906/14, § 20, 15 May 2025). Moreover, the subsequent judicial control could not rectify this deficiency because the appellate court merely endorsed the reasoning advanced by the investigating judge in support of the decision to authorise the search (see paragraph 11 above). In these circumstances, the Court considers that the search of the second applicant's home constituted an interference which was not proportionate to the legitimate aim pursued.

24. The Court further observes in respect of the first applicant that the domestic courts refused to reinstate the time-limit for lodging an appeal and did not examine its complaints on the merits.

25. The Court notes that all search warrants issued on 21 October 2015 were identical and were issued under the same conditions. However, the approach taken by the domestic courts in examining the appeals varied. The time-limit for an appeal against the search carried out at the headquarters of the first applicant was tacitly reinstated, without any reasoning provided by the court (see paragraph 8 above). The second applicant's request for the reinstatement of the time-limit was explicitly granted with the calculation of the time-limit from 9 April 2016 (see paragraph 11 above). By contrast, the identical request for the reinstatement of the time-limit for appeal in respect of the search at the youth centre, lodged by the first applicant on the same day as the second applicant's reinstatement request, was rejected on the grounds that the appeal had been lodged more than six months after the search had been carried out (see paragraph 10 above).

26. The Court observes that the refusal to grant the reinstatement request in respect of the search carried out at the youth centre was not supported by

relevant and sufficient reasons. In particular, domestic law refers to a time-limit of three days, running from the date when a copy of the decision was served (Articles 302 and 311 of the Code of Criminal Procedure) but the domestic court failed to clarify its assessment of the starting point of the time-limit for appeal, did not establish when the first applicant had been served with the search warrant and did not assess whether the search had been conducted in the presence of its duly authorised representatives. Furthermore, the courts did not explain the difference in approach taken in other cases, where the appeals against the searches at the headquarters and at the home of the second applicant had been reinstated (see paragraphs 8 and 11 above), although the searches had been carried out at the same time and the appeals had been lodged at around the same time, that is, five to six months after the searches.

27. The Court notes that for a search operation to be compatible with the “necessity” requirement of Article 8 of the Convention, the Court must be satisfied that the procedural safeguards against abuse or arbitrariness were effectively implemented so as to strike a “fair balance” between the individual’s Article 8 rights and the needs of the criminal investigation (see *Reznik v. Ukraine*, no. 31175/14, § 61, 23 January 2025). As the Court has already mentioned above, given the broadly worded search warrants in the present case, the prior judicial authorisation of the search did not provide sufficient appropriate safeguards against possible abuse of power during its execution. Moreover, the refusal of the appellate court to examine the merits of the first applicant’s appeal in practice deprived the applicant of procedural guarantees offered under Article 8 of the Convention and the Court cannot conclude that those proceedings amounted to proper control of lawfulness of the search.

28. In these circumstances, the Court considers that the search of the first applicant’s youth centre constituted an interference which was not proportionate to the aim sought (see *Bagiyeva v. Ukraine*, no. 41085/05, §§ 52-56, 28 April 2016, and the cases cited therein; *Misan v. Russia*, no. 4261/04, §§ 60-62, 2 October 2014; and *Postica v. the Republic of Moldova* [Committee], no. 49906/14, 15 May 2025).

29. Therefore, the Court dismisses the Government’s preliminary objection (see paragraph 17 above) and finds that there has accordingly been a violation of Article 8 of the Convention in respect of both applicants.

II. ALLEGED VIOLATION OF ARTICLE 9 OF THE CONVENTION

30. The first applicant complained that the searches had interfered with its freedom of religion, protected under Article 9 of the Convention. It argued that the searches and seizures carried out at its headquarters and at other locations related to it had disrupted its religious activities and had been aimed at limiting, restricting or intimidating the activity of a minority religious cult.

31. The Court reiterates that measures such as searches and seizures may, in certain circumstances, interfere with the freedom to manifest religion, particularly where they directly disrupt religious services or lead to the confiscation of religious literature (see, for example, *Taganrog LRO and Others v. Russia*, nos. 32401/10 and 19 others, § 254, 7 June 2022, and *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, no. 71156/01, § 133, 3 May 2007). In the present case, however, the first applicant's submissions under Article 9 essentially overlap with the complaints already examined under Article 8. The core of its complaint concerns the lack of sufficient reasons for authorising the searches, the overly broad wording of the warrants and the inconsistent approach of the domestic courts. These matters have already been fully addressed under Article 8 of the Convention. Unlike in the cases cited above, the first applicant did not substantiate that the searches directly disrupted religious worship or resulted in the seizure of religious literature.

32. The Court therefore considers that the complaint under Article 9 of the Convention does not raise any separate issue which has not already been examined under Article 8. Accordingly, there is no need to examine separately the admissibility and merits of the complaint under Article 9 of the Convention (see, *mutatis mutandis*, *Kuznetsov and Others v. Russia*, no. 184/02, § 75, 11 January 2007; *Moscow Branch of the Salvation Army v. Russia*, no. 72881/01, § 101, ECHR 2006-XI; and *Jehovah's Witnesses of Moscow and Others v. Russia*, no. 302/02, § 188, 10 June 2010).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

33. The applicants claimed 7,000 euros (EUR) each in respect of non-pecuniary damage and EUR 2,028 jointly for the costs and expenses incurred in the domestic proceedings and EUR 2,559 for the costs incurred before the Court. The applicants submitted contracts with their legal representative and reports presented by her, including a detailed breakdown of the services provided at domestic level in the amount of 39,136 Moldovan lei (MDL – equivalent to EUR 2,028) and before the Court in the amount of MDL 49,373 (equivalent to EUR 2,559). The first applicant also provided proof of payment for legal services in the amount of MDL 17,180 (equivalent to EUR 850). They requested that the amount of costs and expenses be paid directly to their legal representative.

34. The Government argued that the claims were excessive and unsupported by any evidence.

35. Having regard to the violation found above, the Court awards each of the applicants EUR 3,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

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36. Having regard to the documents in its possession, the Court awards the applicants jointly EUR 2,500 in respect of costs and expenses, payable directly to their legal representative.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Joins* to the merits the Government's preliminary objection as to the non-exhaustion of domestic remedies and *dismisses* it;
2. *Declares* the complaint under Article 8 of the Convention admissible;
3. *Holds* that there has been a violation of Article 8 of the Convention in respect of both applicants;
4. *Holds* that there is no need to examine separately the admissibility and merits of the first applicant's complaint under Article 9 of the Convention;
5. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 3,000 (three thousand euros) to each of the applicants, plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 2,500 (two thousand five hundred euros) in respect of costs and expenses, payable directly to the applicants' representative;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
6. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 16 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

María Elósegui
President

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APPENDIX

List of applicants:

No.	Applicant’s Name	Year of birth / registration	Place of residence / registration
1.	CULTUL RELIGIOS “BISERICA UNIFICĂRII”	2008	Ialoveni
2.	Ilfat AKHUNZYANOV	1977	Chişinău