



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

Published on 10 August 2026

FIFTH SECTION

Application no. 30756/20
Serghei POPOVICI and Others against the Republic of Moldova
and 3 other applications
(see list appended)
communicated on 10 July 2026

SUBJECT MATTER OF THE CASES

The cases concern the alleged effectiveness of the domestic compensatory and preventive remedies in respect of allegedly inadequate material conditions of detention. The applicants complain about an allegedly incorrect calculation of the sentence reduction granted for each day of pre-trial detention in inadequate conditions, the inefficiency of the preventive aspect of the remedy in respect of ongoing detention and/or the allegedly insufficient compensation awarded by the domestic courts.

The applicants rely on Articles 3 (in all cases) and 13 of the Convention (in cases nos. 40491/20, 54231/20). A summary of the applications is provided in the appendix.

QUESTIONS TO THE PARTIES

1. Has there been a violation of Article 3 of the Convention? In particular:

(a) In applications nos. 30756/20 and 54231/2, has there been a violation of Article 3 of the Convention in view of the allegedly inhuman and

degrading conditions of the applicants' detention (*Muršić v. Croatia* [GC], no. 7334/13, §§ 96-101, 20 October 2016; *Valentin Baştovoi v. the Republic of Moldova*, no. 40614/14, § 23, 28 November 2017; and *Shishanov v. the Republic of Moldova*, no. 11353/06, §§ 83-85, 15 September 2015)?

(b) Is the applicant in application no. 40491/20 still in detention? If so, has there been a violation of Article 3 of the Convention in view of the allegedly inhuman and degrading conditions of the applicant's ongoing detention? (*Mironovas and Others v. Lithuania*, nos. 40828/12 and 6 others, §§ 80-83, 8 December 2015)? Was the calculation of the prison-term reduction for each day of pre-trial detention applied in compliance with the domestic law (see *Barbotin v. France*, no. 25338/16, §§ 45-49, 19 November 2020)?

(c) In applications nos. 54231/20 and 54637/21, considering that the domestic courts have acknowledged a breach of Article 3 of the Convention on account of inadequate detention conditions, was the amount of non-pecuniary damage awarded sufficient to deprive the applicants of their victim status (see *Barbotin v. France*, no. 25338/16, §§ 45-49, 19 November 2020)?

2. Did the applicants in all applications have at their disposal an effective domestic remedy, as required by Article 13 in conjunction with Article 3 of the Convention (*Neshkov and Others v. Bulgaria*, nos. 36925/10 and 5 others, §§ 180-91, 27 January 2015)?

APPENDIX

No.	Application no. Lodged on	Applicant Year of Birth Place of Residence Nationality Representative	Summary of facts	Complaints
1.	30756/20 18/08/2020	Serghei POPOVICI 1973 Chişinău Moldovan Liliana ANDRIAŞ 1966 Chişinău Moldovan, Romanian Ghenadie BÎRNAZ 1968 Chişinău Moldovan, Romanian Gheorghe GORUN 1957 Chişinău Moldovan Serghei GUBENCO 1972 Comrat Moldovan	The applicants are judges who were taken into custody on 20.09.2016 and detained for periods of three to four months. They were held in the pre-trial detention facility of the Anti-Corruption Authority and subsequently in prison no. 13. They complained about the conditions of their detention. On 01.11.2019 the Chişinău District Court found that the conditions in prison no. 13 had been inadequate, while dismissing their complaints concerning the conditions in the Anti-Corruption Authority's pre-trial detention facility, which it considered to have been adequate. That judgment was upheld by the Chişinău Court of Appeal on 20.02.2020.	Article 3 of the Convention: inadequate material conditions of detention in the pre-trial detention facility of the Anti-Corruption Authority, which included overcrowding (personal space under 4 sq.m. per detainee), lack of or insufficient electric light, lack of or inadequate hygienic facilities (the sanitary facilities were not separated from the living area and did not afford any privacy), lack of or poor quality of bedding and bed linen, inadequate temperature, lack of fresh air, passive smoking, lack of toiletries.

POPOVICI AND OTHERS v. THE REPUBLIC OF MOLDOVA AND OTHER APPLICATIONS – SUBJECT MATTER OF THE CASE AND QUESTIONS

No.	Application no. Lodged on	Applicant Year of Birth Place of Residence Nationality Representative	Summary of facts	Complaints
		Iurie HÎRBU 1973 Telenești Moldovan Sergiu LEBEDIUC 1972 Chișinău Moldovan Georghe MARCHITAN 1948 Coșcalia Moldovan Mihail MORARU 1966 Chișinău Moldovan, Romanian Ștefan NIȚĂ 1968 Chișinău Moldovan		

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No.	Application no. Lodged on	Applicant Year of Birth Place of Residence Nationality Representative	Summary of facts	Complaints
		Aurica US 1948 Chişinău Moldovan Igor VORNICESCU 1965 Chişinău Moldovan Represented by: Alexandru POSTICĂ		
2.	40491/20 01/09/2020	Ştefan NOVOLOACĂ 1968 Sîngerei Moldovan Represented by: Ana BOLBOCEANU	The applicant was taken into custody on 20.04.2000 and, following his conviction, has been serving his prison sentence ever since. He was detained in prisons nos. 13, 17, 11, 16 and 2. The applicant complained about the conditions of his pre-trial and post-conviction detention and, on 24.09.2019, the Edineţ District Court found that his detention in all the above-mentioned facilities had been inadequate, reducing his prison term by 1,168 days. The applicant challenged the calculation method, arguing that the court had failed to apply the statutory formula (a reduction of two days for each day of	Article 3 of the Convention: (i) incorrect calculation of the prison-term reduction applied for each day of pre-trial detention provided by Article 385 § 5 of the Criminal Code of Procedure. (ii) continued detention in inadequate conditions. Article 13 of the Convention about the absence of any effective remedy in respect of his complaint concerning inadequate conditions of detention.

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No.	Application no. Lodged on	Applicant Year of Birth Place of Residence Nationality Representative	Summary of facts	Complaints
			pre-trial detention) and had not ordered the elimination of the precarious detention conditions. This judgment was finally upheld by the Bălți Court of Appeal on 02.12.2019.	
3.	54231/20 02/12/2020	Vladimir MOCREAC 1964 Chișinău Moldovan Represented by: Victoria GAMURARI	The applicant was taken into custody on 30.09.2005 and was released on 03.02.2017, after having served his prison sentence. He was detained in prisons nos. 13, 4 and 16. The applicant complained about the conditions of his detention in all facilities and on 04.09.2019 the Chișinău District Court found that his detention in prison no. 13 had been in inadequate conditions and, considering that he was no longer in detention, awarded him MDL 43,250 (equivalent to EUR 2,185). His complaints concerning the conditions of detention in the other prisons were dismissed, as the detention conditions there had been adequate. That judgment was finally upheld by the Chișinău Court of Appeal on 02.03.2020.	Article 3 of the Convention: (i) insufficient amount of non-pecuniary damage awarded by the domestic courts for the detention in prison no.13. (ii) inadequate material conditions of detention in prisons nos. 4 and 16 (overcrowding with personal space under 4 sq.m. per detainee, lack of or insufficient electric light, lack of or inadequate hygienic facilities, lack of or poor quality of bedding and bed linen, inadequate temperature, lack of fresh air, passive smoking, lack of toiletries, quality of food, no or restricted access to potable water). The applicant contracted tuberculosis during detention. Article 13 of the Convention about the absence of any effective remedy in respect of his complaint concerning inadequate conditions of detention

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No.	Application no. Lodged on	Applicant Year of Birth Place of Residence Nationality Representative	Summary of facts	Complaints
4.	54637/21 12/10/2021	Roman MIȘCOI 1969 Bădiceni Moldovan	The applicant was taken into custody on 06.03.2013 and was released on 18.09.2020, after having served his prison sentence. He was detained in prisons nos. 13 and 6, for a total of 2,656 days. The applicant complained about the conditions of his detention and on 27.05.2021 the Soroca District Court found that those conditions had been inadequate and, considering that he was no longer in detention, awarded him MDL 33,200 (equivalent to EUR 1,515). That judgment was finally upheld by the Bălți Court of Appeal on 15.06.2021.	Article 3 of the Convention: insufficient amount of non-pecuniary damage awarded by the domestic courts.