



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

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FIFTH SECTION

Application no. 63224/19
Corneliu ȚURCANU
against the Republic of Moldova
lodged on 18 November 2019
communicated on 6 July 2026

SUBJECT MATTER OF THE CASE

The present case concerns the protection of the applicant's reputation after a police officer shared a police photograph – a mugshot – of the applicant via a messaging application.

The applicant is a businessman. On 1 August 2016 the applicant was arrested by the police as part of an investigation into fraud relating to a business venture. At the police station he was told to take off his shirt and to pose for a photograph wearing only his T-shirt and holding a placard with a booking number. He was initially photographed with a camera, but then a police officer asked him to stay in the same position and took a photograph of him with a mobile phone camera. The police officer shared the photograph with various people via a messaging application.

On 4 August 2016 the applicant lodged a criminal complaint with the prosecutor in respect of the actions of the police officer who had taken a photograph of him and had shared it illegally with the purpose of humiliating him. The prosecutor confirmed that the police officer had shared the applicant's photograph, but could not identify who had leaked the photograph to the general public. The prosecutor refused to initiate criminal proceedings, stating that the severity of the treatment did not reach the threshold for torture or other forms of ill-treatment. The applicant appealed against the prosecutor's decision.

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SUBJECT MATTER OF THE CASE AND QUESTIONS

On 30 December 2016 the investigating judge ordered the reopening of the inquiry in order to identify whether the police officers concerned had complied with their statutory duties. The appellate court upheld that decision.

The prosecutor refused to initiate a criminal investigation, relying on the same grounds as before. The applicant appealed against that decision. On 14 March 2018 the investigating judge upheld the prosecutor’s decision. However, on 19 July 2018 the appellate court overturned that decision and ordered the reopening of the inquiry into the applicant’s complaint.

On 27 October 2018 the prosecutor refused to initiate a criminal investigation, relying on the same grounds as before. On 15 February 2019 and 20 May 2019 respectively the investigating judge and the Chișinău Court of Appeal upheld the prosecutor’s decision.

The applicant relies on Articles 3, 6, 8 and 13 of the Convention.

QUESTION TO THE PARTIES

Has there been a violation of Article 8 § 1 of the Convention? In particular, was there an interference with the applicant’s right to respect for his private life as a result of the release of his police photograph to the public and if so, was such an interference “necessary in a democratic society” (see *Margari v. Greece*, no. 36705/16, §§ 46-60, 20 June 2023; *Negru v. the Republic of Moldova*, no. 7336/11, §§ 24-35, 27 June 2023; and *Toma v. Romania*, no. 42716/02, §§ 80-93, 24 February 2009)?