



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

FIFTH SECTION

CASE OF GALINA ROȘCA AND OTHERS v. THE REPUBLIC OF MOLDOVA

(Application no. 14975/15)

JUDGMENT

STRASBOURG

24 September 2026

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

In the case of Galina Roșca and Others v. the Republic of Moldova,

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

Andreas Zünd, *President*,

Mykola Gnatovskyy,

Vahe Grigoryan, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 14975/15) 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 14 March 2015 by three Moldovan nationals, relevant details listed in the appended table, (“the applicants”) who were represented by Mr M. Belinschi, a lawyer practising in Chișinău;

the decision to give notice of the complaints concerning a breach of the principle of legal certainty to the Moldovan Government (“the Government”), represented by their Agent, Mr D. Obadă, and to declare inadmissible the remainder of the application;

the parties’ observations;

Having deliberated in private on 3 September 2026,

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

SUBJECT MATTER OF THE CASE

1. The case concerns an alleged breach of the principle of “legal certainty”. The applicants complained under Article 6 § 1 of the Convention and under Article 1 of Protocol No. 1 to the Convention.

2. A certain R.P. had four children: R.I, R.T., R.G and R.Gr. In April 2000 R.P. died. He left a will whereby he bequeathed certain property (plots of land, hereinafter “the testate property”) to R.I. On an unknown date within six months of R.P.’s death, R.I. formally accepted the succession under the will and on 8 November 2000 was issued with a certificate attesting his right as heir to the testate property.

3. The first applicant was married to R.G. until his death on an unspecified date before R.P.’s death. The second and third applicants are the children of R.G. and the first applicant. Prior to R.P.’s death the applicants had lived on his property. They continued to do so after his death.

I. FIRST SET OF PROCEEDINGS

4. In February 2011 R.I., represented by G.A., obtained from the notary public in charge of R.P.’s succession proceedings a certificate attesting to his right to a part of the property not covered by the will. He then donated that property to G.V. On 29 March 2011 G.V. brought court proceedings seeking

the applicants' removal from the disputed property. On 30 March 2011 the applicants lodged a counter-claim which was aimed at annulling a certificate attesting that R.I. was the heir to the part of the property not covered by the will and the donation of that property to G.V., as well as the formal recognition that they had *de facto* accepted R.P.'s succession by living on the property.

5. On 15 November 2011 the Criuleni District Court accepted G.V.'s claims and rejected those lodged by the applicants. The court found that R.I. had accepted the succession within six months, as required by law. Moreover, since R.G. was already dead at the time of R.P.'s death, the applicants did not have a right to the property as his heirs under the law.

6. On 15 May 2012 the Chișinău Court of Appeal overturned that judgment and accepted the applicants' claims. It found that under the law the applicants had risen to the rank which R.G. would have attained if he were alive at the time of R.P.'s death. The court decided that after R.P.'s death, the applicants had *de facto* accepted the succession by living on his property. It also established that none of R.P.'s other children, including R.I., had accepted R.P.'s succession of the property not covered by the will within six months of his death. Moreover, R.I. had not only missed the six-month time-limit for accepting the succession, but when he had eventually done so in February 2011, he had not acted personally but *via* a representative (G.A.), which was contrary to the law. The court ultimately found that R.I. "did not have the legal or moral right to [the disputed property]".

7. R.I. and G.V. lodged an appeal on points of law, arguing, *inter alia*, that when R.I. had accepted the succession within six months of R.P.'s death, he had done so in respect of the entire property that he could inherit, both the property bequeathed in the will and his part of the remainder of property. They also argued that while the Court of Appeal had established the applicants' *de facto* acceptance of the succession, it did not take into account that R.I. had also formally accepted the succession within six months as required by law. Lastly, they argued that under the applicable law, when an heir accepted a succession, he or she did so with respect to the entirety of the estate, which implied that by accepting the succession of the testate property, R.I. had also accepted the succession of his share of the property not covered by the will.

8. On 2 January 2013 the Supreme Court of Justice upheld the lower court's judgment. It found, *inter alia*, that in 2000 R.I. had only requested a certificate attesting that he was the heir based on the will, and not a certificate of intestate inheritance, which he had requested only in 2011. On 30 April 2014 the same court rejected an extraordinary appeal lodged by R.Gr., who complained about not being involved in the proceedings and that the higher courts had not reacted to the viewing in court of the notarised declarations by two of R.P.'s nieces and nephews (including one of the applicants, Ms Roșca Diana), according to which they had refused to inherit R.P.'s property.

II. SECOND SET OF PROCEEDINGS

9. On 27 May 2013 the applicants brought court proceedings against the notary public in charge of R.P.'s succession proceedings, asking to have the certificate attesting that Roșca Andrei (the second applicant) was the heir to one quarter of the part of R.P.'s property not covered by his will annulled and that it be replaced by other certificates according to which each of the three applicants had the right to one third of that property.

10. On 11 December 2013 the Criuleni District Court accepted the applicants' claims, finding that the facts established in a final court decision did not have to be proved again and could not be contested in subsequent court proceedings.

11. On 30 July 2014 the Chișinău Court of Appeal set aside that decision and adopted another one, rejecting the applicants' claims. It found that although the judgment of 15 May 2012 had become final (see paragraph 6 above), it had only established that the applicants had the right to inherit, but not that they were the only heirs. Since R.I. had also accepted the succession within six months of R.P.'s death, he had the right to obtain a part of the property not covered by R.P.'s will.

12. The applicants appealed, arguing, *inter alia*, that the Court of Appeal had not properly taken into account the judgment of 15 May 2012, which had established that R.I. did not have the right to the disputed property. On 3 December 2014 the Supreme Court of Justice rejected the appeal as unfounded.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND ARTICLE 1 OF PROTOCOL NO. 1 TO THE CONVENTION

13. The applicants complained of a breach of the principle of legal certainty within the meaning of Article 6 § 1 of the Convention and of Article 1 of Protocol No. 1 to the Convention.

A. Admissibility

14. The Government argued that Mrs Roșca Galina did not have victim status because she did not fall within the classification of heirs with the right to inherit in the present case. They also submitted that Ms Roșca Dina could not claim to be a victim of a breach of her rights because she had refused to accept R.P.'s succession, as evidenced by the relevant entry in the notary public's record. Mr Roșca Andrei also did not have victim status because he had eventually obtained exactly the share of the property which he had had the right to obtain. Lastly, since the applicants had lodged the present

application while knowing that under domestic law, they had had no right to inherit, this amounted to an abuse of the right of individual petition.

15. The Court notes that in both sets of proceedings, the courts accepted both that the applicants had had rights as heirs and had in fact inherited a part of R.P.'s property. Moreover, in adopting their decisions, the courts were fully aware of the relevant facts which had been brought to their attention (see paragraphs 6 and 8 above).

16. The Court reiterates that it is in the first place for the domestic courts to interpret domestic law. In the absence of manifest arbitrariness in the domestic courts' decisions, it does not see any reason to depart from their findings as regards the fact that all the applicants were entitled to a part of R.P.'s property.

Moreover, as opposed to the first set of proceedings, where it was decided that Mr Roșca Andrei would share the relevant property with the other applicants, after the second set of proceedings, he was ordered to share it also with R.I., effectively diminishing the value of his part.

The Court finds that none of the applicants' actions can be viewed as an abuse of the right of individual petition. Accordingly, the Government's objections must be dismissed.

17. The Court further notes that the complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. They must therefore be declared admissible.

B. Merits

18. The applicants submitted that the result of the second set of proceedings had been to nullify a part of what had already been determined in a final court judgment in their favour.

19. The Government argued that there had been no conflict between the final judgments in the two sets of proceedings: while the first one had established the applicants' right to inherit a part of R.P.'s property not affected by the will, the second one had confirmed that R.I. had also had a similar right and that the property had had to be shared in accordance with the law.

20. The Court reiterates that, where the courts have finally determined an issue, their ruling should not be called into question (see, for instance, *Brumărescu v. Romania* [GC], no. 28342/95, § 61, ECHR 1999-VII). This aspect of legal certainty presupposes, in general, respect for the principle of *res judicata*, which, by safeguarding the finality of judgments and the rights of the parties to the domestic proceedings – including any persons involved as victims – serves to ensure the stability of the judicial system and contributes to public confidence in the courts. According to the Court's settled case-law, while the requirements of the

principle of legal certainty and the force of *res judicata* are not absolute (see, for an example in the criminal-law sphere, *Moreira Ferreira v. Portugal* (no. 2) [GC], no. 19867/12, § 62, 11 July 2017), a departure from that principle is justified only when made necessary by circumstances of a substantial and compelling character, such as the correction of fundamental defects or a miscarriage of justice (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, § 238, 1 December 2020).

21. In the present case, the Court observes that in the first set of proceedings, the courts had to decide which of the potential heirs had obtained the right to inherit R.P.'s property not covered by his will and what share thereof each party had the right to. In its judgment of 15 May 2012, the Chișinău Court of Appeal clearly established that no one other than the applicants had accepted in due time the succession of R.P.'s property not covered by his will. Moreover, it expressly found that R.I. did not have the legal right to inherit that part of the property (see paragraph 6 above). That judgment was upheld by the final judgment of the Supreme Court of Justice. Notwithstanding those very clear findings, in the second set of proceedings, the courts found that R.I. had the right to inherit a part of the same property, in respect of which the Court of Appeal had already expressly stated that he did not. Moreover, the reason relied on in the second set of proceedings – that in accepting the testate property R.I. had also done so with respect to the property not covered by the will – had already been expressly raised before the Supreme Court of Justice in the original proceedings and rejected when it upheld the Court of Appeal's finding that R.I. did not have the right to inherit such property (see paragraphs 7 and 8 above).

22. In view of the fact that in the present case there was no setting aside of a final court judgment, the Court considers that by reaching conclusions which directly contradict principal findings made in the previously adopted final judgment, the new proceedings effectively undermined the finality of the original proceedings. The foregoing considerations are sufficient to enable the Court to conclude that the principle of *res judicata* has not been observed in the present case.

23. There has accordingly been a violation of Article 6 § 1 of the Convention.

24. The Court also notes that as a result of the judgments in the second set of proceedings, the applicants lost a part of the property to which they had the right after the end of the original proceedings, since they now have to share that property with R.I. In the light of its findings with regard to the fairness of the proceedings (see the previous paragraph), the Court finds that there has been a breach of Article 1 of Protocol No. 1 to the Convention in the present case.

II. OTHER COMPLAINTS

25. Lastly, the applicants complained, under Article 6 § 1 of the Convention, that the reasons given by the courts in the second set of proceedings were insufficient. Having regard to the facts of the case, the submissions of the parties and its findings above, the Court considers that it has dealt with the main legal questions raised by the case and that there is no need to examine those complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

26. The applicants claimed 4,500 euros (EUR) each in respect of non-pecuniary damage and EUR 2,630 for costs and expenses.

27. The Government submitted that these sums were excessive and unsubstantiated.

28. The Court awards the applicants jointly EUR 3,600 in respect of non-pecuniary damage, plus any tax that may be chargeable.

It also awards them, jointly, EUR 1,500 for costs and expenses, plus any tax that may be chargeable to the applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention concerning the breach of legal certainty admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention;
3. *Holds* that there is no need to examine the admissibility and merits of the remaining complaints;
4. *Holds*
 - (a) that the respondent State is to pay the applicants jointly, 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 3,600 (three thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 1,500 (one thousand and five hundred euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses;
 - (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;

5. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 24 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

Andreas Zünd
President

APPENDIX

List of applicants:

Application no. 14975/15

No.	Applicant's Name	Year of birth/registration	Nationality	Place of residence
1.	Galina ROȘCA	1958	Moldovan	Hirtopul Mare
2.	Andrei ROȘCA	1988	Moldovan	Hirtopul Mare
3.	Dina ROȘCA	1987	Moldovan	Hirtopul Mare