

Press release issued by the Registrar

**GRAND CHAMBER HEARING
GUJA v. MOLDOVA**

The European Court of Human Rights is holding a Grand Chamber hearing today 6 June 2007 at 9 a.m. in the case of *Guja v. Moldova* (application no. 14277/04).

The applicant

Jacob Guja was born in 1970 and lives in Chişinău. He was Head of the Press Department of the Moldovan Prosecutor General's Office.

Summary of the facts¹

The case concerns his dismissal for giving a newspaper two letters received by the Prosecutor General's Office.

In January 2003 the President of Moldova visited the Centre for Fighting Economic Crime and Corruption where there was a discussion of the problem of public officials placing pressure on law-enforcement bodies relating to pending criminal proceedings. The President stressed the need to fight corruption and called on law enforcement officers to disregard undue pressure from public officials. The President's statement was reported in the media.

A few days later the applicant gave the national newspaper *Jurnal de Chişinău* two letters received by the Prosecutor General's Office, neither of which bore any sign of being confidential.

The first – sent to the Prosecutor General by the Deputy Speaker of Parliament, Mr V. Mişin, on 21 June 2002 – was written on the Parliament's official headed paper. It asked the Prosecutor General to "get personally involved in the case" of four police officers charged with illegal detention and ill-treatment of detainees. Mr Mişin stated that the police officers, who had asked for protection from prosecution, were part of one of the "best teams" in the Ministry of Internal Affairs (the Ministry) and were being prevented from working normally "as a result of the efforts of the employees of the Prosecutor General's Office". He also asked in that context whether the "Vice Prosecutor General fights crime or police".

The second letter – from Mr A. Ursachi, a Vice-Minister in the Ministry, to a deputy prosecutor general – was written on official Ministry headed paper. It revealed that one of the police officers mentioned in the first letter had previously been sentenced only to a fine (which he was exempted from paying) and that he had been re-employed by the Ministry, despite being convicted, among other things, of illegal detention endangering life or health or

¹ This summary by the Registry does not bind the Court.

causing physical suffering and abuse of power accompanied by acts of violence, use of firearm or torture.

On 31 January 2003 *Jurnal de Chişinău* published an article entitled: “Vadim Mişin intimidates the prosecutors” describing the President’s anti-corruption drive and noting that abuse of power had become a widespread problem in Moldova. The paper cited Mr Mişin’s apparent attempts to protect the four police officers as an example, printing photographs of the two letters.

The applicant was subsequently asked by the Prosecutor General to explain how the two letters had come to be published by the press. On 14 February 2003 the applicant admitted having given the two letters to the newspaper, stating that he had acted in line with the President’s anti-corruption drive, in order to create a positive image of the Prosecutor’s Office, and that the letters were not confidential.

Prosecutor I.D., who was suspected of having given the applicant the letters, was later dismissed.

On 17 February 2003 the applicant informed the Prosecutor General that the letters had not been obtained from I.D. He also expressed concern about I.D.’s dismissal.

On 3 March 2003 the applicant was dismissed on the grounds, among other things, that the letters had been secret and that he had failed to consult the heads of other departments of the Prosecutor General’s Office before handing over the letters, in breach of the press department’s internal regulations.

On 21 March 2003 the applicant brought an unsuccessful civil action against the Prosecutor General’s Office seeking reinstatement, arguing, among other things, that the letters were not classified as secret in accordance with the law and that he had not been obliged to consult other heads of department.

Complaints

The applicant complains about his dismissal, relying on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights and Article 10 (freedom of expression) of the Convention.

Procedure

The application was lodged with the European Court of Human Rights on 30 March 2004. On 20 February 2007 the Chamber to which the case was allocated relinquished jurisdiction in favour of the Grand Chamber under Article 30².

² Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects.

Composition of the Court

The case will be heard by the Grand Chamber composed as follows:

Jean-Paul **Costa** (French), *President*,
Christos **Rozakis** (Greek),
Nicolas **Bratza** (British),
Boštjan M. **Zupančič** (Slovenian),
Peer **Lorenzen** (Danish),
Françoise **Tulkens** (Belgian),
Giovanni **Bonello** (Maltese)
Josep **Casadevall** (Andorran),
Rait **Maruste** (Estonian),
Kristaq **Traja** (Albanian),
Snejana **Botoucharova** (Bulgarian),
Stanislav **Pavlovski** (Moldovan),
Lech **Garlicki** (Polish),
Alvina **Gyulumyan** (Armenian),
Ljiljana **Mijović** (citizen of Bosnia and Herzegovina),
Mark **Villiger** (Swiss)³,
Päivi **Hirvelä** (Finnish), *judges*,
Dean **Spielmann** (Luxemburger),
Renate **Jaeger** (German),
Dragoljub **Popović** (Serbian), *substitute judges*,

and also, Erik **Fribergh**, *Registrar*.

Representatives of the parties

Government: Vladimir **Grosu**, *Agent*,
Gheorghe **Zamislă**, *Adviser*;

Applicant: Vladislav **Gribincea**, Vitalie **Zama**, *Counsel*.

Iacob **Guja** will also attend the hearing.

After the hearing the Court will begin its deliberations, which are held in private.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

³ Judge elected in respect of Liechtenstein.