



## Case of Stepuleac v. Moldova

Applications no 8207/06

**Country:** Moldova

**Region:** Europe

**Year:** 2007

**Court:** The European Court of Human Rights

**Health Topics:** Chronic and noncommunicable diseases, Diet and nutrition, Health care and health services, Prisons

**Human Rights:** Right to liberty and security of person

### Facts

The Moldovan Ministry of Internal Affairs arrested Mr. Gheorghe Stepuleac and detained him at the General Directorate for Fighting Organized Crime (GDFOC) detention centre. Following his release on bail, the Ministry again arrested and detained Mr. Stepuleac at the same detention centre. During his detention Mr. Stepuleac alleged he had inadequate access to food, sunlight, toilets and running water, and medical treatment. Mr. Stepuleac only received a full meal and access to toilets and running water once daily. His cell was windowless. Finally, the detention centre had no medical personnel, and the Government refused to provide medical services, including medical specialists, without Mr. Stepuleac first being diagnosed by a medical specialist. As a result, it was impossible for Mr. Stepuleac to secure any medical treatment, even following his family doctor's preliminary diagnosis of bronchitis.

Mr. Stepuleac brought this case to the European Court of Human rights alleging that the Moldovan Government's actions violated Article 3 and Article 5 Â§ 1, 3, and 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the "Convention").

At issue was whether the conditions of Mr. Stepuleac's detention constituted inhuman or degrading treatment or punishment (in violation of Article 3), and whether Mr. Stepuleac's arrest was based on reasonable suspicion of his having committed a crime (as required by Article 5 Â§ 1).

### Decision and Reasoning

The Court held that the Government violated Mr. Stepuleac's Article 3 and Article 5 Â§ 1 rights. It was not necessary for the Court to discuss Mr. Stepuleac's claims regarding Article 5 Â§ 3 and 4, concerning the legitimacy of certain components of his detention, as his detention as a whole was in violation of Article 5 Â§ 1.

The Court held that the conditions of Mr. Stepuleac's detention violated his Article 3 rights. His limited access to necessities like food, water and a toilet was not sufficient under Article 3. Furthermore, Mr. Stepuleac did not have access to the level of medical treatment required by Article 3.

The Court held that the Government also violated its procedural duties under Article 3 by failing to investigate Mr. Stepuleac's intimidation allegations, especially considering his vulnerable state. The State has an obligation to properly investigate allegations of ill-treatment under Article 3 and in this case the State did not investigate Mr. Stepuleac's claims. Further, Mr. Stepuleac was particularly vulnerable to intimidation, as he was unwillingly kept in solitary confinement for suspect reasons.

The Court held that Mr. Stepuleac's arrests were not reasonable, and therefore violated his Article 5 Â§ 1 rights. Reasonableness in the context of Article 5 Â§ 1 "presupposes facts or information which would satisfy an objective observer that the person concerned may have committed the offence" (para 68). A genuine suspicion held by the investigator is not necessarily sufficient. Neither arrest met this standard. Both arrests were allegedly based on victims identifying Mr. Stepuleac in their complaints. The first complaint contained a verifiable falsehood, and the complainant had reasons to dislike Mr. Stepuleac. Further, there is no evidence that the complainant actually identified Mr. Stepuleac. The second complaint only included Mr. Stepuleac's name following a GDFOC

### Decision Excerpts

“The Court notes that the applicant was given one full meal per day at the GDFOC (see paragraph 51 above). It also notes that the applicant's wife was given the right to send him food once a week. In this regard, the Court observes that the permissions given to the applicant's wife to send him food, submitted by the Government, confirm that he generally received food from her once a week. The Court can but note the clear insufficiency of food given to the applicant, which in itself raises an issue under Article 3 of the Convention (see *KadiÅ·is v. Latvia* (no. 2), no. 62393/00, Å§ 55, 4 May 2006).” (Para 55)

“He was promised medical assistance whenever he needed it, despite his express claim that he already needed such assistance. As a result, the applicant was in a vicious circle where he could not get assistance until he “really needed” it, while at the same time he could not prove such a medical need in the absence of qualified medical opinion to confirm his fears. It follows that the applicant did not receive sufficient medical treatment while being detained in the GDFOC detention centre.” (Para 59)

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