

European Court of Human Rights decides to review legality of Moldovan Government's ban on the Shor Party

LONDON, UNITED KINGDOM, March 19, 2024 /EINPresswire.com/ -- The European Court of Human Rights (the Court) has decided to hear arguments in the case brought by the SHOR party against Moldova and called upon the Moldovan Government to respond to the challenge brought in relation to its ban on the Shor Party.

“

Open and fair elections are a key pillar in any democracy and the Moldovan government's ban on the SHOR Party last year undermined those rights. We welcome the Court's decision to hear the case.”

Marina Tauber

The Court indicated on Monday that, following a preliminary examination of the admissibility of the case, it has decided to give notice of the application (Application No. 31493/23) to the Moldovan Government and invite them to submit a written statement on the facts, admissibility and the merits, by 1 July 2024.

The Court also stated that the application could constitute a “case with impact”, meaning that it may raise important issues of relevance for Moldova and/or for the Convention system as a whole.

It should be noted that the vast majority of applications to the ECHR are dismissed without being examined on the merits. In 2020, for instance, 95% of cases were declared inadmissible or struck out and only 2,000 reached the level of a court review.

The application to the Court was filed in August on behalf of the SHOR Party of Moldova, claiming that the ban on the party was a violation of key human rights.

Shaul Brazil, Partner at BCL Solicitors LLP in London stated that: “The applicants are pleased that the Court has accepted this case and invited the Government of Moldova to respond to our submissions, which identify several grounds to demonstrate that the ban on the SHOR Party violated the applicants' Convention rights. We are confident that the Court will review this case objectively and on its merits.”

Marina Tauber, former Vice-Chair of the SHOR Party stated that: “This is an important milestone in the pursuit of justice for the SHOR Party. Open and fair elections are a key pillar in any

democracy and the Moldovan government's ban on the party last year undermined those rights. We welcome the Court's decision to approve the application and to hear the case."

Application No. 31493/23

The legal team representing the applicants include:

- Shaul Brazil, Partner, and Alexandra Kardas, Associate, at BCL Solicitors LLP in London.
- Alison Macdonald KC, Amy Sander and Lorraine Aboagye, barristers at Essex Court Chambers, London.
- Carsten Zatschler SC of the Bar of Ireland.
- Thierry Bontinck, Partner at DALDEWOLF in Brussels.

Background:

- The SHOR Party was established in 1998 and advocated Social Democratic principles.
- Since 2016, several steps have been taken against the SHOR Party and its members, which amount in the view of the Applicants to a political campaign of harassment by the Government, instrumentalising the Central Electoral Commission, the prosecutorial authorities, and ultimately the Moldovan courts.
- This harassment ultimately culminated in a ban on the SHOR Party, confirmed by the Constitutional Court on June 19, 2023. The Constitutional Court voted with a majority of three against two judges.
- The Application raises serious concerns regarding the apparent bias from the Presiding Judge, Judge Nicolae Roșca, who in fact is one of the founding members of the PAS Party (founded and led by the current President, Maia Sandu), and stood as a candidate on behalf of the PAS Party in the 2019 Parliamentary elections. Judge Roșca also previously acted as President Maia Sandu's lawyer in a civil trial against Ilan Shor, party leader of the SHOR Party. In addition, Judge Roșca's daughter is presently President Maia Sandu's adviser. Despite this apparent conflict of interest, the Court refused to recuse Judge Roșca.
- As for the justification of the ban against the SHOR Party, the application demonstrates that the SHOR Party has no history of violence. This conclusion is underlined by the dissenting opinions of Judges Vladimir Țurcan and Serghei Țurcan of the Moldova Constitutional Court who each expressed serious concern about the lack of evidence in this regard. Judge Serghei Țurcan also noted that none of the Party's leaders have been convicted of committing acts of violence or inciting violence for political purposes.
- The SHOR Party's peaceful political activity in fact is in contrast to protests previously held by the PAS party. During 2017, the PAS Party organized several protests during which demonstrators tried to force their way into the national television station and several police

officers were injured.

- The dissolution of the SHOR Party was not a necessary measure in a democratic society. In order to fulfil that requirement, the measure in question must answer a 'pressing social need' and be proportionate to the 'legitimate aim' pursued. Further, the reasons adduced to justify it must be 'relevant and sufficient'.

Shaul Brazil

BCL Solicitors LLP

[email us here](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/696910607>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2024 Newsmatics Inc. All Right Reserved.