

RULES OF EVIDENCE AT EUROPEAN COURT OF HUMAN RIGHTS

*Ph. D., student **Petru BALAN***

University of the Academy of Sciences of Moldova

Abstract

The requirements for the proofs and the dividing of the burden of proof between the parties have some particularities in the case examination procedure at the European Court of Human Rights.

It is important to mention that the European Court of Human Rights gave up copying the rules of fact finding and the evidence procedures from the national judicial systems of the member-states of the Convention for the Protection of Human Rights and Fundamental Freedoms. Therefore, the Court prefers other requirements for the proofs than those which are usually used in the national law systems. The Court applies its own rules of proof assessment and fact finding procedure. The present study's object is the analysis of the rules of proof assessment and the fact finding at the European Court of Human Rights.

Key words: proof, case law, evidence, fact finding, application, admissibility

Introduction

The right to individual appeal to the European Court of Human Rights (hereinafter ECtHR) is done by an application addressed to the Court, in formal terms, it is a "claim to court". It is true that there isn't a code of judicial proceedings of the ECtHR, but we saw that the Court adopted, under the provisions of the Convention, its own organization and functioning Rules, and under its provisions the Court issued practice directions regarding the initial application, addressed to the Court (Bîrsan C., 2006: 215).

Evidence requirements as well as the division of the burden of proof between the parties, have a number of peculiarities in the examination of cases by ECtHR. It is worth to note from the outset that the ECtHR refused to take probation criteria from national laws of the member states to the European Convention on Human Rights and Fundamental Freedoms (hereinafter the Convention). That is why the Court precludes a bit different evidence requirements than those met in national legal systems. The vast majority of cases are rejected by the Court as "manifestly ill-founded" under paragraph 3 and 4 of article 35 of the Convention. By this way, the Court often means the fact that the applicant has not sufficiently justified or did not present sufficient evidence to support his allegation. Also as ill-founded can be recognized the applications in which besides insufficient legal foundation in their support, doesn't exist or aren't sufficient evidence testifying the facts and arguments presented by the claimant in the application (Afanasiev D., 2009: 15).

1. The presentation of evidence at European Court of Human Rights. The burden of proof

According to the Rules of Court (Article 47 par. 3.1) the applicant must support to the Court all the relevant elements, in particular documents and judicial decisions or acts issued by the other bodies relating to the subject of the application. Also he is held to

bring to the attention of the Court if he submitted his request to another instance of international investigation or settlement of disputes by producing the relevant documents in this regard (Rules of ECHR, 2014: 35).

ECtHR application form is published on the official website of the Court (<http://hudoc.echr.coe.int>) and is a formal legal document that can affect the rights and obligations of the applicant. Therefore the Court recommends applicants before completing, follow the instructions given in the practice directions relating to the application "How to fill in the application form". Thus, according to these practice directions about filling in the application form to the Court, it must be accompanied by a numbered and chronological list of documents namely, copies of all court decisions or other decisions, as well as of all documents which the applicant wishes to be taken into account by the Court as an element of proof in support of his contention of violation of the Convention (conclusions, statements from witnesses, medical reports, records of hearings, expert reports, press accounts about the circumstances of the case or the situation of the plaintiff etc.) The applicant should attach copies of all documents shown in the list. Attached copies must be complete and legible. If it is judicial decisions, they must be submitted in full, not just their operative clause. The Court doesn't return documents, so the Court requests to be submitted copies and not originals. The documents sent to the Court must necessarily be arranged according to date and procedure, numbered consecutively, unstapled, unbound and un-stoken.

It is the applicant's responsibility to take all the steps in good time to obtain the information and documents required for a complete application. If the applicant does not provide one or more of the necessary documents, the application would not be regarded as complete and it would not be examined by the Court, unless the plaintiff has given an adequate explanation of why he was unable to provide the missing documents.

The Court may accept as means of proof and the so-called "new evidence", here are envisaged those facts that were not presented by the applicant at the stage of application or in general were not submitted by the parties to national courts that examined the applicant's case at national level. This position of the Court is well exposed in Court's judgment from 12 July 2001 in case *K. and T. versus Finland*, in which the ECtHR noted that as is well established in case law, Court is not prevented from taking into account any additional information and fresh arguments in determining the merits of the applicants' complaints under the Convention if it considers them relevant. In the opinion of the Court, is not precluded from taking cognizance of this material in so far as it is judged to be relevant to the case under consideration (Case of K. and T. versus Finland, 2001).

In the case of *K.A. versus Finland*, the Court has shown that nothing prevents it to take into account any other supplementary materials and additional arguments of the parties, if it will consider these essential for the examination of the case. Here the Court has indicated that the new evidence may be useful, in particular, to confirm or rule out the facts contained in the respondent state's position. These new materials can take the form of some details of the circumstances of the case, or arguments and legal grounds concerning the circumstances of the case (Case of K.A. versus Finland, 2003).

Concerning the burden of proof, the ECtHR follows the principle of "burden of proof lies with the party who asserts". An analogic principle is fixed and in the national

law of the Republic of Moldova (art. 118 of the Code of Civil Procedure of the Republic of Moldova). Thus, according to the general rule, the Court places the burden of proof on the applicant. Court proceeds from the assumption that the applicant has the obligation to acknowledge all those facts, which he described as a violation of his rights by the respondent state authorities. Just as an exception to this general rule, the Court may request from the respondent state authorities the evidence and information necessary for solving the case (Afanasiev D., *ibidem*: 1).

Such exceptions from this rule can be situations when the respondent state authorities have exclusive or partial access to information that can confirm or reject the allegations of the applicant. In particular, in such situations, the Court examines applications for causing injury or death to persons who are in detention or in some other way are in the custody of the respondent state's authorities. In these situations, not the applicant, but the state has the obligation to submit to the Court convincing evidence. The Court considers that in these cases appear solid assumptions about facts of causing bodily injury or death (Afanasiev D., *idem*).

In its case-law concerning violations of the Convention consisting in torture or inhuman and degrading treatment, the Court has consistently pointed out that when a person is in detention and police custody, any injury which is caused during this period gives rise to strong presumptions of fact (Case of *Salman versus Turkey*, 2000). According to the Court, in such cases the respondent state has the obligation to provide a plausible explanation about the origin of lesions found and to submit evidence regarding the elements that question the victim's allegations, particularly if these are justified by medical documents (Case of *Selmouni versus France*, 1999).

With reference to the Article 2 and 3 of the Convention, the State has the obligation to undertake thorough and effective investigation, capable of leading to the identification and punishment of those responsible. Therefore, the Court also notes that, if a person makes a credible assertion like that, being in police custody or other similar authority of the State, has undergone treatment contrary to Article 3 of the Convention, this provision combined with a general obligation imposed on the state by Article 1 of the Convention of "[ensure] to any person subject to its jurisdiction the rights and freedoms defined (...) [in] Convention", involves itself the conduct of an effective official investigation. This investigation should lead to the identification and punishment of those responsible. Otherwise, the general legal prohibition by law of torture, of inhuman and degrading treatment or punishment, despite its fundamental importance, would be ineffective in practice and it would make possible, in some cases, for state officials to abuse the rights of people in their custody, they having thus a virtual immunity (Case of *Georgiy Bykov versus Russia*, 2010).

Thus, in its case law, the Court held that persons who are in custody or in detention are vulnerable, so that the authorities have an obligation to protect them (*Bîrsan C.*, *idem*: 208).

In cases when only the respondent state's authorities have access to information that can confirm or reject the applicant's statements, the burden of proof lies with them, situation in which the respondent state's authorities are required to provide full and convincing explanations over the case. If the respondent state does not submit the necessary information without credible and valid reason of this behavior, the Court is entitled to consider the applicant's arguments founded.

In addition, the failure of the respondent state's authorities to submit the information that they are in possession, without convincing explanations, can not just give grounds for considering the applicant's statements as true, but may give grounds for considering violation by the respondent state of the provision of article 38 point 1 "a" of the Convention. This rule also refers to the cases of state delaying of the submission of required information to resolve the matter, which creates obstacles for the Court in its activity to determine the case circumstances.

Relevant in this part, are the Court's conclusions made in the case *Timurtas versus Turkey*: "More importantly, the Court would emphasize that Convention proceedings do not in all cases lend themselves to rigorous application of the principle of *affirmanti incumbit probatio* (he who alleges something must prove that allegation). The Court has previously held that it is of the utmost importance for the effective operation of the system of individual petition instituted under former Article 25 of the Convention (now replaced by Article 34) that States should furnish all necessary facilities to make possible a proper and effective examination of applications. It is inherent in proceedings relating to cases of this nature, where an individual applicant accuses State agents of violating his rights under the Convention, that in certain instances solely the respondent State has access to information capable of corroborating or refuting these allegations. A failure on a Government's part to submit such information as is in their hands without a satisfactory explanation may not only reflect negatively on the level of compliance by a respondent State with its obligations under Article 38 § 1 (a) of the Convention (former Article 28 § 1 (a)), but may also give rise to the drawing of inferences as to the well-foundedness of the allegations. In this respect, the Court reiterates that the conduct of the parties may be taken into account when evidence is being obtained. It is for the above reasons that the Court is of the opinion that in the particular circumstances of the present case the Government were in a first line position to assist the Commission within the meaning of former Article 28 § 1 (a) by providing access to the document which they claim is the genuine document bearing the reference number which appears on the photocopy. It is insufficient for the Government to rely on the allegedly secret nature of that document which, in the Court's opinion, would not have precluded it from having been made available to the Commission's delegates, none of whom are Turkish (see paragraph 11 of the Commission's report), so that they could have proceeded to a simple comparison of the two documents without actually taking cognizance of the contents. Consequently, the Court finds it appropriate to draw an inference from the Government's failure to produce the document without a satisfactory explanation" (*Case of Timurtas versus Turkey*, 2000).

Accordingly, in claims concerning torture, the applicant can confirm only those measures that he has taken in order to establish the facts of inhuman behavior, but if his efforts were futile due to the inaction of the respondent state's authorities, responsible for effective investigation of these cases, the burden of proof is transmitted to the respondent state. In this case, the state must prove that torture did not exist in reality, and to explain why no action has been taken as a result of the, of the applicant's complaints. If the state will not provide exhaustive explanations, then those facts referred by the applicant even confirmed by indirect evidence will be recognized as been established.

It should be mentioned here ECtHR decision in case *Ribitsch versus Austria*, where the Court noted that "It is not disputed that Mr. Ribitsch's injuries were sustained during his detention in police custody, which was in any case unlawful, while he was entirely under the control of police officers. Police Officer Markl's acquittal in the criminal proceedings by a court bound by the principle of presumption of innocence does not absolve Austria from its responsibility under the Convention. The Government were accordingly under an obligation to provide a plausible explanation of how the applicant's injuries were caused. But the Government did no more than refer to the outcome of the domestic criminal proceedings, where the high standard of proof necessary to secure a criminal conviction was not found to have been satisfied. It is also clear that, in that context, significant weight was given to the explanation that the injuries were caused by a fall against a car door. Like the Commission, the Court finds this explanation unconvincing; it considers that, even if Mr. Ribitsch had fallen while he was being moved under escort, this could only have provided a very incomplete, and therefore insufficient, explanation of the injuries concerned. On the basis of all the material placed before it, the Court concludes that the Government have not satisfactorily established that the applicant's injuries were caused otherwise than – entirely, mainly, or partly – by the treatment he underwent while in police custody" (Case of *Ribitsch versus Austria*, 1995).

In the other case *Ivanov versus Russia*, the applicant submitted to the Court that he would have been detained in terrible conditions, which in his opinion constituted a breach of Article 3 of the Convention. For their part, the authorities of the respondent state argued that the applicant was detained in satisfactory condition. They said they have no papers on the number of people who were held in a single cell with the complainant, since these documents were destroyed. However, the applicant contested that Government claim to be untrue. The Court has indicated that it does not need to check the veracity of each applicant's allegation because it is guided by the facts that were provided by the applicant and not denied by the government.

The Court emphasized that it follows the rule that if only the respondent state's authorities have access to information that confirms or refutes the applicant's allegations, then only they bear the obligation to present such evidence. Court held that the respondent state had not submitted any plausible explanations on the allegations made by the complainant. The Court held that the respondent state did not present evidence to rebut the complainant's allegations. In conclusion, the Court found a violation of Article 3 of the Convention (Case of *Igor Ivanov versus Russia*, 2007).

Despite the above mentioned, we cannot affirm categorically that the complainant would be freed out of its obligation to prove the application made to the Court concerning the violation of Article 2 and Article 3 of the Convention (Afanasiev D., *ibidem*: 1].

In the case of examination of applications concerning the conditions of detention (Article 3 of the Convention), ECtHR often fundamentals its conclusions on the basis of materials of international or regional non-governmental organizations, including those on human rights. In particular when assessing applications on violation of Article 3 of the Convention, it always follows the recommendations developed in the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Afanasiev D., *ibidem*: 2]. In particular, the Committee recommends that the minimum space for an inmate to be not less than 4 square meters. Violation of this

rule recommended by the Committee, in places of detention and overcrowding of cells, by itself or in conjunction with other factors may constitute a violation of Article 3 of the Convention. In case *Segheti versus Moldova*, the Court stated that in terms of overcrowding, it knows the general situation in Moldova's prisons and found a violation in a number of cases on this issue. However, it appears from the Government's observations (claimant has focused on Prison No. 3) that in Prison No.15 he originally received 4 square meters for personal space, which later increased to 8 and even 10 square meters. In the absence of evidence to prove the contrary, the Court concludes that the complaint concerning the overcrowding of applicant's cell in Penitentiary No. 15 is unfounded, since the space he enjoyed was more than the minimum of 4 square meters recommended by the Committee (Case of Segheti versus The Republic of Moldova, 2013).

2. Assessment of evidence to the European Court of Human Rights

Oftenly, when investigating the case to the ECHR, the positions of the parties differ in respect of the sequence of facts and events or even in part related to their existence. In these cases, the ECHR considers the facts and circumstances of the case based on all the evidence presented by both sides. However, the Court does not grant any preference evidence submitted by the respondent State, but examine them in the same conditions as evidence of the complainant.

The basic requirement filed by the Court regarding the evidences lies in their truth, in another words, the evidence must be truthful. If the Court finds that a claim is based on false evidence or they are made based on facts that have not occurred in reality, it will be rejected as submitted by abuse of the right to appeal to the ECtHR (Afanasiev D., *idem*).

In the case *Jian versus Romania*, the respondent state's authorities accused the plaintiff of abuse of the right to apply to the Court, referring to the applicant's attempt to mislead the Court by sending two forged documents. The Court noted that the applicant, firstly, hid a part of a document to conceal important circumstances of the case, and secondly, presented a falsified medical certificate to prove his statements of ill-treatment. Thus, the Court held that the plaintiff deliberately tried to induce the European Court in error by distorting the facts that constitute the core of his application. ECHR qualified such actions as abuse of the right to submit an application and declared the application as inadmissible (Afanasiev D., *ibidem*: 3).

ECtHR does not submit any procedural requirements to the evidences. The Court does not reject presented evidences, on the basis that these don't meet some the procedural requirements. The Court is guided by the principle of free assessment of all the evidence in question. The Court examines all the evidence presented by the parties, it will not limit in any way the parties in their efforts to present evidence and it won't limit in the ability to appreciate (Afanasiev D., *ibidem*: 3).

However, to accept the evidence they need to be relevant to the case.

This specific manner of free assessment of the evidences presented to the Court, allow it to make its own conclusions, which involves a full, systemic examination of all aspects and all the circumstances of the case and the evidence submitted by the parties.

It is to be pointed out that the applicant is not limited in any way in its right to submit additional evidence to the Court even after he filed his application. Being free in the appreciation of the facts, the Court may assess the facts in a different perspective than the applicant or the respondent state itself (Afanasiev D., *idem*).

The ECtHR has the right to judge otherwise the facts than the national courts. Conclusions made by national courts regarding the acts of the case, formally, are not in any way binding on the Court, therefore it has the right to review and appraise the facts established by the national courts otherwise (Afanasiev D., *ibidem*: 3).

However, the Court notes that the domestic courts have more opportunities of finding of facts on the case and the Court's mission is not in their research. ECtHR considers that primarily the national courts must ascertain the circumstances of the case, and the Court's role in this regard is one alternative. In the absence of very special reasons, the Court does not question the findings of the national courts in establishing the facts and does not review the facts established by the national courts. The Court proceeds to establish the facts only in rare cases when it is inevitable under the circumstances of the specific case. In particular, in cases of examining applications of violation of Article 2 (right to life) and Article 3 (prohibition of torture and ill-treatment) of the Convention, the Court usually examines and assesses all the circumstances of the case or itself, regardless of the facts that they have already been established by the national courts.

Being aware of the subsidiary character of its competence (with reference to national courts), the ECtHR has indicated that it can not assume unfoundedly the duties of first trial which examined the circumstances of the case, unless under specific circumstances of the case such a measure would be inevitable.

If national courts have examined the case, the Court will not substitute the given appreciation of circumstances of the case by national courts with its own appreciation. Thus, even if the findings of national courts are not binding on the Court, under normal conditions are necessary serious grounds for the Court to distance itself from the conclusions reached by the national courts (Afanasiev D., *idem*).

In other cases, there must be very serious reasons for the Court to deprive itself from national courts findings on the facts of the case (Afanasiev D., *ibidem*).

In the absence of any special requirements for evidences, to establish the alleged circumstances of the examined cases, through constant jurisprudence, the Court was developed the standard of "beyond reasonable doubt". The standard of proof "beyond reasonable doubt" means that an evidence can result from an accumulation of clues or assumptions uncontested sufficiently serious, precise and consistent. The first time this form of assessment was used in the case *Ireland versus Great Britain* and became inherent part of the ECtHR's jurisprudence (Case of Ireland versus United Kingdom, 2000).

Court's practice grounds at the assumption that the term "reasonable doubt" can not be considered a doubt based exclusively on a theoretical hypothesis or invented. Such doubt can be based only on the facts of the case.

As the Court held in case *Labita versus Italy*, allegations of ill-treatment must be supported by appropriate evidence. In assessing this evidence, the Court adopts the standard of proof "beyond reasonable doubt" but adds that such proof may arise from the coexistence of sufficiently serious deductions, clear and concordant or irrefutable presumption of a similar nature (Case of Labita versus Italy, 2003).

In particular, the criterion of "beyond reasonable doubt" is used strictly to examine cases of infringement of Article 2 and 3 of the Convention. Any application that claims violation of these articles, must be accompanied by appropriate evidence, evidence that must generate concrete conclusions, corroborated and compelling and un rebutted presumptions. Given the vital significance of the rights guaranteed by Article 2 and 3 of the Convention, the Court in all cases carefully examines the circumstances of the case, despite the fact that the national authorities have carried out some research and examination procedure laid down by their national law (Afanasiev D., *idem*). In the case *Fedorov versus Moldova*, the Court noted that allegations of ill-treatment contrary to Article 3 of the Convention must be duly substantiated by evidence. To establish the alleged circumstances of the case, the Court takes into account the standard of proof "beyond reasonable doubt" that such evidence may result from an accumulation of clues or assumptions uncontested sufficiently serious, precise and concordant (Case of Feodorov versus The Republic of Moldova, 2014). Having the right to assess the circumstances of the case otherwise than the national courts, the Court makes use of his right in such cases. Those rare occasions when the Court hears witnesses, make inquiries to national authorities and organizes outputs of it delegation on the spot, occur in practice in claimed cases of infringement of Article 2 and Article 3 of the Convention (Afanasiev D., *idem*).

When the Court considers testimony, it also, can use the "beyond reasonable doubt" principle. This way, the Court can not accept witness statements as evidence, if it considers that they are contradictory, vague or inaccurate, especially based on "hearsay". Yet the Court does not require notary written statements of witnesses. In examining the merits of the case, the Court may itself examine the witnesses of the parties (Afanasiev D., *ibidem*).

However the level of persuasion necessary to reach the concrete conclusion and the division of the burden of proof between the parties are inextricably linked with the specific circumstances of the case, the character of parties allegations and nature of the infringed right guaranteed by the Convention. In principle, the evidence requirements depend on the specific infringement claimed to the Court.

3. The mission of ECtHR of finding facts on-site

The consecration of the regulation. According to article 38 par. 1 "a" of the European Convention on Human Rights and Fundamental Freedoms, once the application is declared admissible, the Court shall continue the examination of the case in contradiction with representatives of the parties and, where appropriate, undertake an investigation, for the effective conduct of which the states concerned are obliged to provide it all necessary facilities. The text makes no distinction between interstate and individual applications (Bîrsan C.; *idem*: 437).

According to Rule A1 of the Rules of the European Court of Human Rights, in force since 1 January 2014, a Chamber of the ECHR: (1) may, at the request of a party or of its own motion, adopt any investigative measure which it considers capable of clarifying the facts of the case. The Chamber may, *inter alia*, invite the parties to produce documentary evidence and decide to hear as a witness or expert or in any other capacity any person whose evidence or statements seem likely to assist it in carrying out its tasks. (2) The

Chamber may also ask any person or institution of its choice to express an opinion or make a written report on any matter considered by it to be relevant to the case. (3) After a case has been declared admissible or, exceptionally, before the decision on admissibility, the Chamber may appoint one or more of its members or of the other judges of the Court, as its delegate or delegates, to conduct an inquiry, carry out an on-site investigation or take evidence in some other manner. The Chamber may also appoint any person or institution of its choice to assist the delegation in such manner as it sees fit. (4) Proceedings forming part of any investigation by a Chamber or its delegation shall be held in camera, save in so far as the President of the Chamber or the head of the delegation decides otherwise. (5) The President of the Chamber may, as he or she considers appropriate, invite, or grant leave to, any third party to participate in an investigative measure. The President shall lay down the conditions of any such participation and may limit that participation if those conditions are not complied with. (6) In some cases when some judges are empowered, they can carry out investigation elsewhere than in Strasbourg, from where it emerges that they can move on site when there are exceptional cases or depending on complexity, in cases where the application alleges particularly serious violations of the Convention.

The official text exposed above refers, in particular, to the fact-finding mission of ECtHR on-site as a method of proof applied in the examination of cases by the Court. Thus, the Chamber invested with resolving an application, may appoint one or more judges, as delegates of the Court to proceed to the collection of information where the facts of the case took place, to visit places of detention and to hear witnesses or experts in the concerned state; Court may appoint any person or institution of its choice, to assist the delegation in fulfilling its mission. In the Convention system in force until 1 November 1998, fact-finding missions in the state concerned in question were made by the former Commission, which at that time had decisive role in establishing the facts. Particularly complex cases required the movement of some delegations in the concerned states and use of extensive documentation to permit a more exact establishment of the facts and law (*Bîrsan C. idem*: 441).

The obligation of states to cooperate with the European Court in establishing the facts.

Article 38 par. 1 “a” of the Convention refers to the obligation of the member states to provide all necessary facilities when the European Court undertakes an investigation carried out in the forms which it considers most appropriate: delegation’s movement on-site, hearing witnesses and gathering the documents in the capital of concerned state, at places of detention or at the Court Head Office etc. (*Bîrsan C.*, *ibidem*: 446). According to the Rule A2 of the Rules of the Court, both the applicant and the state in question are bound to assist the Court as necessary in implementing any investigative measures, and the Contracting Party on whose territory on-site proceedings before a delegation take place, shall extend to the delegation the facilities and cooperation necessary for the proper conduct of the proceedings. These shall include, to the full extent necessary, freedom of movement within the territory and all adequate security arrangements for the delegation, for the applicant and for all witnesses, experts and others who may be heard by the delegation. It shall be the responsibility of the Contracting Party concerned to take

steps to ensure that no adverse consequences are suffered by any person or organisation on account of any evidence given, or of any assistance provided, to the delegation.

Starting from these premises, European Court decided on a more general level, that ensuring the cooperation of contracting states is a fundamental principle of European judicial proceedings concerning the protection of human rights [1, p. 446] (Bîrsan C., *ibidem*: 446). A concrete illustration of the contents of this obligation of cooperation and the consequences of its failure by a contracting state, in our vision, is given by the Court's analysis of the behavior of one of the states involved – Russia – in the case *Shamayev and others versus Georgia and Russia*.

It must be said, however, that no matter how useful is the collection of evidence, especially witness statements "on-site" or the capital of involved state, this activity can be achieved only when it's required by the quite exceptional circumstances in some cases. Indeed, the movement of delegations of the European Court comprising usually three judges, members of the Registry, interpreters and others are quite expensive and require special organizational efforts of the Court and perfect cooperation of the state concerned (Bîrsan C., *ibidem*: 442).

This is why the vast majority of cases, proceedings before the Court, both during admissibility of the application, and in the analysis of its substance is essentially written, it is based on the documents, comments and observations of the parties; may be submitted and other relevant materials, such as to make credible the claimed facts by the applicant, such as: published volumes, reports about the facts in question, videos and others, all following to be appreciated on their usefulness by the European Court.

Causes when the ECtHR applied investigative measures on-site:

1. Ilașcu and others versus Moldova and the Russian Federation, no. 48787/99. Judgment of the European Court of Human Rights of 8 July 2004.

2. Ireland versus the United Kingdom, no. 5310/71. European Court of Human Rights decision of 18 January 1978.

3. Akdivar versus Turkey, no. 26853/04. European Court of Human Rights decision of 16 September 1996.

4. Shamayev and others versus Georgia and the Russia, no. 36378/02. Decision of the European Court of Human Rights of 12.04.2005.

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3. Rules of ECHR entry into force 1 July 2014 (www.echr.coe.int).

4. Application Form to ECHR (http://www.echr.coe.int/Documents/Application_Form_2014_1_ENG.pdf)

5. Notes for filling in the application form to ECHR (http://www.echr.coe.int/Documents/Notes_for_Filling_in_the_Application_Form_2014_1_ENG.pdf).

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7. Case of K.A. versus Finland (application no. 27751/95) ECHR Judgment from 14 January 2003 [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{"fulltext":\["K A Finland"\],"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-60885"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{).

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9. Case of Salman versus Turkey (application no.21986/93) ECHR Judgment from 27 June 2000 [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{"fulltext":\["Salman"\],"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-58735"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{).

10. Case of Selmouni versus France (application no. 25803/94) ECHR Judgment from 28 July 1999 [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{"fulltext":\["Selmouni"\],"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-58287"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{).

11. Case of Georgiy Bykov versus Russia (application no.24271/23) Judgment from 14 October 2010 [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{"fulltext":\["Georgiy Bykov"\],"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-100950"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{).

12. Case of Timurtas versus Turkey ECHR Judgment from 13 June 2000 in: *Jurisprudența instituțiilor internaționale de drept în problematica refugiaților*, Chișinău, vol. 3, 2002.

13. Case of Ribitsch v. Austria ECHR Judgment from 4 December 1995 in: *Hotărâri ale Curții Europene a Drepturilor Omului, culegere selectivă, Polirom*, vol. I, 2000.

14. Case of Igor Ivanov v. Russia ECHR Judgment from 7 June 2007 [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{"fulltext":\["Ivanov"\],"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-80921"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{).

15. Case of Segheti v. The Republic of Moldova. ECHR Judgment from 15 October 2013. In: *Monitorul Oficial nr.43-46 din 21.02.2014*.

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