



Romania

Ratified the European Convention on Human Rights in 1994

National Judge: Iulia Antoanella Motoc

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judge: Marin Voicu (1996-1998), Corneliu Bîrsan (1998-2013)

[List of judges of the Court since 1959](#)

The Court dealt with 4,701 applications concerning Romania in 2018, of which 4,182 were declared inadmissible or struck out. It delivered 82 judgments (concerning 519 applications), 71 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	6454	3359	1382
Communicated to the Government	495	250	94
Applications decided:	3981	4701	1806
- Declared inadmissible or struck out (Single Judge)	3382	2978	1289
- Declared inadmissible or struck out (Committee)	379	1201	283
- Declared inadmissible or struck out (Chamber)	6	3	6
- Decided by judgment	214	519	228

* January to July 2019

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2019	
Total pending applications*	9305
Applications pending before a judicial formation:	8068
Single Judge	150
Committee (3 Judges)	7559
Chamber (7 Judges)	357
Grand Chamber (17 Judges)	2

*including applications for which completed application forms have not yet been received

Romania and ...

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

Noteworthy cases, judgments delivered

Grand Chamber

Mihalache v. Romania

08.07.2019

In this case, Mr Mihalache submitted that he had been prosecuted twice for having refused to undergo a blood test in the framework of a police control with a view to determining his alcohol blood level.

Violation of Article 4 of Protocol No. 7 (right not to be tried or punished twice)

Nicolae Virgiliu Tănase v. Romania

25.06.2019

The case concerned a judge who had been severely injured in a car accident in 2004. The criminal proceedings, which Mr Tănase had joined as a civil party, were discontinued eight years later with a decision not to prosecute the other two drivers involved in the accident.

Before the Court, Mr Tănase complained in particular that the criminal investigation had been ineffective and too long and that it had been impossible for him to obtain a decision on his civil claim.

No violation of Article 2 as concerned the investigation into the accident

No violation of Article 6 § 1 (right of access to court)

No violation of Article 6 § 1 (right to a fair trial within a reasonable time)

Bărbulescu v. Romania

05.09.2017

The case concerned the decision of a private company to dismiss an employee after monitoring his electronic communications and accessing their contents, and the alleged failure of the domestic courts to protect his right to respect for his private life and correspondence.

Violation of Article 8 (right to respect for private and family life, the home and correspondence)

Lupeni Greek Catholic Parish and Others v. Romania

29.11.2016

The case concerned a request for the restitution of a place of worship that had

belonged to the Greek Catholic Church and was transferred during the totalitarian regime to the ownership of the Orthodox Church.

No violation of the Article 6 § 1 in respect of the right of access to a court

Violation of Article 6 § 1 on account of the breach of the principle of legal certainty

Violation of Article 6 § 1 on account of the length of the proceedings

No violation of Article 14 (prohibition of discrimination) taken together with Article 6 § 1 in respect of the applicants' right of access to a court in comparison with the Orthodox parish

The Court further held that that it was not necessary to examine separately the complaint under Article 14 (prohibition of discrimination) taken together with Article 6 § 1 in so far as it concerned an alleged difference of treatment compared with other Greek Catholic parishes.

Gherghina v. Romania

18.09.2015

The case concerned a disabled student's complaint that he was not able to continue his university studies owing to a lack of suitable facilities on the premises of the universities where he attended courses.

Case declared inadmissible for non-exhaustion of domestic remedies.

The Court, reiterating that those who wish to complain to the European Court against a State have to first use remedies provided for by the national legal system, found that Mr Gherghina's reasons for not pursuing certain legal remedies with regard to his complaints had not been convincing.

Mocanu and Others v. Romania

17.09.2014

The case concerned the investigation and the length of the proceedings which followed the violent crackdown on anti-government demonstrations in Bucharest in June 1990. During the crackdown, Ms Mocanu's husband was killed by gunfire and Mr Stoica was arrested and ill-treated by the police.

Violation of the procedural aspect of Article 2 (right to life - investigation) in respect of Ms Mocanu

Violation of the procedural aspect of Article 3 (prohibition of inhuman and degrading

treatment - investigation) in respect of Mr Stoica

Violation of Article 6 § 1 (right to a fair hearing within a reasonable time) in respect of the Association "21 December 1989"

Centre For Legal Resources On Behalf of Valentin Câmpeanu v. Romania

17.07.2014

The case concerned the death of a young man of Roma origin – who was HIV positive and suffering from a severe mental disability – in a psychiatric hospital. The application was lodged by a nongovernmental organisation (NGO) on his behalf.

Violation of Article 2 (right to life), in both its substantive and its procedural aspects

Violation of Article 13 (right to an effective remedy) in conjunction with Article 2

Among other things, the Court found that, in the exceptional circumstances of the case, and bearing in mind the serious nature of the allegations, it was open to the NGO to act as a representative of Mr Câmpeanu, even though the organisation was not itself a victim of the alleged violations of the Convention.

Sindicatul 'Păstorul cel Bun' v. Romania

09.07.2013

The case concerned the refusal by the Romanian State of an application for registration of a trade union formed by priests of the Romanian Orthodox Church.

No violation of Article 11 (freedom of assembly and association)

The Court held that in refusing to register the applicant union, the State had simply declined to become involved in the organisation and operation of the Romanian Orthodox Church, thereby observing its duty of denominational neutrality under Article 9 of the Convention.

Creangă v. Romania

23.02.2012

The case concerned a police officer's deprivation of liberty in connection with a largescale criminal investigation aimed at dismantling a petroleum-trafficking network.

Violation of Article 5 § 1 (right to liberty and security) on account of Mr Creangă's deprivation of liberty on 16 July 2003, at least from 12 noon to 10 p.m., and his

placement in pre-trial detention on 25 July 2003

No violation of Article 5 § 1 on account of Mr Creangă's deprivation of liberty from 10 p.m. on 16 July 2003 to 10 p.m. on 18 July 2003

Cumpănă and Mazăre v. Romania

17.12.2004

Conviction of journalists for insult and defamation after publishing an article in which they questioned the legality of a contract signed by Constanța City Council.

Violation of Article 10 (freedom of expression)

Brumărescu v. Romania

28.10.1999

Refusal of the Supreme Court of Justice to recognise that the lower courts had jurisdiction to deal with a claim for recovery of possession.

Violation of Article 6 (right to a fair trial)

Violation of Article 1 of Protocol No. 1 (protection of property)

Chamber and Committee

Cases concerning right to life (Article 2)

Violation of Article 2

Ionită v. Romania

10.01.2017

The case concerned the death of the applicants' four-year-old son following an operation. The applicants complained that the authorities had failed to effectively investigate the incident, despite their repeated claims that it had been caused by the negligence of medical staff.

Crăiniceanu and Frumușanu v. Romania

24.04.2012

Deaths of two people who were shot on 25 September 1991 during rioting in front of the Government building in Bucharest and the subsequent investigation (not completed 20 years after the events).

Panaiteescu v. Romania

10.04.2012

The case concerned the applicant's complaint about the Romanian authorities' failure to provide him with specific anti-cancerous medication for free.

[Predică v. Romania](#)

07.06.2011

The case concerned the official explanation for the violent death of a 20 year old man in prison.

[Iorga and Others v. Romania](#)

25.01.2011

Death in prison, after being assaulted by fellow inmates, of the applicants' relative, who had been given a short sentence for not paying a fine of about 20 euros and who was an alcoholic.

[Carabulea v. Romania](#)

13.07.2010

The case concerned a Roma robbery suspect who was tortured in police custody and refused contact with his family. He died in intensive care.

[Lazăr v. Romania](#)

16.02.2010

Case concerning the forensic medical reports in the investigation into a young man's death in hospital.

[Velcea and Mazăre v. Romania](#)

01.12.2009

Refusal of the domestic courts to declare a murderer unworthy of inheriting, because he had committed suicide and had therefore never actually been convicted.

Cases concerning the 1989 anti-communist demonstrations

[Alecu and Others v. Romania](#)

27.01.2015

The applicants are the victims or heirs of victims of the armed crackdown on demonstrations against the communist dictatorship, beginning on 21 December 1989 in Bucharest and in other cities in the country, which led to the collapse of the regime. The case concerns the investigation into those events.

[Violation of Article 2 \(investigation\)](#)

[Violation of Article 3 \(investigation\)](#)

[Association "21 December 1989" and Others v. Romania](#)

24.05.2011

The case concerned the crackdown on anti-government demonstrations in Romania in December 1989.

[Violation of Article 2 on account of the lack of an effective investigation into the death](#)

[of the son of applicants; violation of Article 8 \(right to respect for private life and correspondence\) on account of secret surveillance measures](#)

The Court noted that its finding of a violation of Article 2 related to a wide-scale problem, given that many hundreds of people were involved as injured parties in the impugned criminal proceedings. It added that general measures at domestic level would unquestionably be necessary in the context of the execution of this judgment.

In the 3 cases below, the Court found a violation of Article 2 (lack of an effective remedy)

[Lăpușan and Others v. Romania](#)

08.03.2011

Proceedings brought by nine applicants seeking compensation for violence suffered during the repression of anti-communist demonstrations in Cluj-Napoca in 1989.

[Sandru and Others v. Romania](#)

08.12.2009

Investigations into injuries and deaths related to the 1989 anti-communist demonstrations in Timișoara.

[Agache and Others v. Romania](#)

20.10.2009

Investigation into the death of an officer killed in the anti-communist demonstrations in Târgu-Secuiesc on 22 December 1989.

Right to life and prohibition of inhuman or degrading treatment (Articles 2 and 3)

[Attacks on Roma villages and destruction of houses and possessions](#)

[Costică Moldovan and Others v. Romania](#)

15.02.2011

This application concerned difficulties with the execution of Moldovan (no. 2) and Others v. Romania, judgment of 12 July 2005 (see below).

The Court declared the application inadmissible.

See also [Moldovan and Others v. Romania](#), inadmissibility decision of 17 April 2012.

Gergely v. Romania and Kalanyos and Others v. Romania

26.04.2007

These cases concerned the burning of houses belonging to Roma villagers by local population, the poor living conditions of the victims and the authorities' failure to prevent the attack and to carry out an adequate criminal investigation, depriving the applicants of their right to bring a civil action to establish liability and recover damages.

The Court decided to strike the applications out of its list of cases following a unilateral declaration by the Romanian Government.

See also **Tănase and Others v. Romania**, judgment (striking out) of 26 May 2009.

Moldovan (no. 2) and Others v. Romania

12.07.2005

In September 1993 three Roma men were attacked in the village of Hădăreni by a large crowd of non-Roma villagers, including the local police commander and several officers: one burnt to death, the other two were beaten to death by the crowd. The applicants alleged that the police then encouraged the crowd to destroy other Roma properties: in total 13 Roma houses in the village were completely destroyed. Hounded from their village and homes, the applicants were then obliged to live in crowded and unsuitable conditions – cellars, hen-houses, stables. Following criminal complaints brought by the applicants, some were awarded damages ten years later.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 8 (right to respect for private and family life and home)

No violation of Article 6 § 1 (access to court) of the Convention

Violation of Article 6 § 1 (right to a fair trial) of the Convention on account of the length of the proceedings

Violation of Article 14 (prohibition of discrimination) taken in conjunction with Articles 6 § 1 and 8.

See also **Moldovan (no. 1) and Others v. Romania**, judgment (friendly settlement) of 5 July 2005, and **Lăcătuș and Others v. Romania**, judgment of 13 November 2012.

Cases concerning inhuman or degrading treatment (Article 3)

Violation of Article 3

Bădoiu v. Romania

25.06.2019

The case concerned allegations of police violence and the ensuing investigation.

E.B. v. Romania (no. 49089/10)

19.03.2019

The case concerned the applicant's complaint that her accusations of rape had not been properly investigated and that she had been deprived of her procedural rights.

Al Nashiri v. Romania

31.05.2018

The case concerned the applicant's allegations that Romania had let the United States Central Intelligence Agency (the CIA) transport him under the secret extraordinary rendition programme onto its territory and had allowed him to be subjected to ill-treatment and arbitrary detention in a CIA detention "black site". He also complained that Romania had failed to carry out an effective investigation into his allegations.

Dorneanu v. Romania

28.11.2017

The case concerned the living conditions and care provided to a prisoner, Mr Dorneanu, who was suffering from terminal metastatic prostate cancer. He died after eight months in detention.

D.M.D. v. Romania (no. 23022/13)

03.10.2017

The case concerned the proceedings brought by a son against his father for domestic abuse. The proceedings lasted over eight years and ended in the father's conviction of physically and mentally abusing his child. D.M.D., the applicant, complained that those proceedings had been ineffective and that he had not been awarded damages. In particular, the domestic courts had found at last instance that they did not have to examine the issue of compensation as neither he nor the prosecutor had made such a request before the lower courts.

The Court recalled in particular that Member States should strive to protect

children's dignity and that, in practice, this required an adequate legal framework to protect children against domestic violence.

Alexandru Enache v. Romania

03.10.2017

The case concerned, on the one hand, a prisoner's complaint about his conditions of detention and, on the other, his complaint about discrimination on grounds of sex stemming from the fact that under Romanian legislation, only convicted mothers of children under the age of one can obtain a stay of execution of their prison sentences until their child's first birthday.

Bălșan v. Romania

23.05.2017

The case concerned an allegation of domestic abuse.

Ms Bălșan alleged that the authorities had failed to protect her from her husband's violent behaviour and to hold him accountable, despite her numerous complaints.

I.C. v. Romania (no. 36934/08)

24.05.2016

The case concerned a complaint about the inadequacy of the investigation into a 14-year old girl's allegation of rape.

**M.C. and A.C. v. Romania
(no. 64602/12)**

12.04.2016

The case concerned the applicants' complaint that they had been attacked on their way home from a gay march and that the ensuing investigation had been inadequate.

M. G. C. v. Romania (no. 61495/11)

15.03.2016

The case concerned an allegation of defective legislation for the prosecution of rape and/or sexual abuse of children in Romania.

Grămadă v. Romania

11.02.2014

The case concerned the shooting of Mr Grămadă by a police officer during the arrest of a man who was on the run and took refuge in Mr Grămadă's home.

C.A.S. and C.S. v. Romania (no. 26692/05)

20.03.2012

The case concerned a seven-year-old's complaint that it had taken the authorities five years to investigate his repeated rape by a man, eventually acquitted, who had forced his way into the family flat when the boy had come home alone from school in a period from January to April 1998.

Parascineti v. Romania

13.03.2012

Placement of applicant in psychiatric institution.

M. and C. v. Romania (no. 29032/04)

27.09.2011

Allegations that a three-year old boy was sexually abused amidst acrimonious proceedings between his parents over custody and contact rights.

Archip v. Romania

27.09.2011

Applicant's allegation that he had been taken to his local police station and handcuffed to a tree for nearly three hours for complaining about a reduction in his sickness benefit.

Jiga v. Romania

16.03.2010

The case concerned the obligation for a defendant (Director General of the Economic and Budgetary Directorate at the Ministry of Agriculture and Food) to wear prison clothing in court, the prolongation of his pre-trial detention and his conditions in detention.

Stoica v. Romania

04.03.2008

Clash between police officers and people of Roma origin outside a bar during which the 14-year-old applicant was ill-treated by the police.

Cobzaru v. Romania

26.07.2007

The case concerned the applicant's alleged ill-treatment by the police.

Pantea v. Romania

03.06.2003

Former public prosecutor remanded in custody.

Examples of cases concerning conditions of detention

[Kanalas v. Romania](#)

06.12.2016

The case concerned the conditions in which Mr Kanalas was held in the prisons of Oradea and Rahova, and the rejection by the prison administration of his request for leave in order to attend his mother's funeral.

[Violation of Article 3](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

The Court found – as it had already found in respect of the same prisons – that the conditions of the applicant's detention breached Article 3 of the Convention.

[Apostu v. Romania](#)

03.02.2015

The case concerned the pre-trial detention conditions of a former mayor accused of corruption and his allegation that part of the case file was leaked to the media.

[Violation of Article 3](#)

[Violation of Article 8 \(right to respect for private and family life, the home and the correspondence\)](#)

[Florin Andrei v. Romania](#)

15.04.2014

The case concerned the physical conditions of the applicant's detention in a cell at Constanța police station for two months in 2005, in particular overcrowding, poor sanitary conditions and lack of access to a toilet.

[Violation of Article 3](#)

[Remus Tudor v. Romania](#)

15.04.2014

The case concerned the applicant's conditions of detention, in particular overcrowding and poor hygiene, when serving his sentence in Jilava Prison from April 2009 to November 2011.

[Violation of Article 3](#)

[Stanciu v. Romania](#)

24.07.2011

The case concerned the applicant's conditions of detention in several Romanian prisons, in particular overcrowding, bad hygiene conditions and inadequate medical treatment.

[Violation of Article 3](#)

Noting that there were 80 similar applications against Romania concerning this issue pending before the Court, the Court pointed out that this case reflected a common problem in Romanian prisons and that, despite efforts to improve the situation, Romania had to take further steps, including a compensation scheme.

[Ciupercescu v. Romania](#)

15.06.2010

The applicant, in pre-trial detention, objected that he had been placed under the detention regime for dangerous prisoners involving, in particular unannounced body searches on a weekly basis and whenever he left the prison.

[No violation of Article 3 as regards the applicant's classification as a dangerous prisoner](#)

[Two violations of Article 3 as regards the applicant's detention regime following his classification as a dangerous prisoner and the conditions of his detention in Bucharest-Jilava Prison \(overcrowding\)](#)

[Brândușe v. Romania](#)

07.04.2009

Conditions of detention and detrimental effect on private life of offensive smells produced by a city-run refuse site 20 metres from the prison.

[Violation of Article 3](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

Cases concerning medical care in detention

[Gavriliță v. Romania](#)

22.06.2010

Alleged failure of authorities to provide sick prisoner with medical care.

[No violation of Article 3](#)

Also see [Gagiu v. Romania](#) (24.02.2009) and [Petrea v. Romania](#) (29.04.2008)

Cases concerning non-smokers in detention

[Elefteriadis v. Romania](#)

25.01.2011

Applicant's exposure to fellow prisoners' tobacco smoke in shared cells, while being transported to court and in the waiting areas before his court appearances.

[Violation of Article 3](#)

[Florea v. Romania](#)

14.09.2010

Overcrowding and poor hygiene conditions in detention, including subjection to passive smoking.

[Violation of Article 3](#)

Right to liberty and security cases (Article 5)

[Cîrstea v. Romania](#)

23.07.2019

The case concerned the applicant's placement in pre-trial detention in the proceedings which followed a dramatic fire in a neonatal intensive-care ward where she was responsible for monitoring care.

[Violation of Article 5 § 3 \(justification of pre-trial detention\)](#)

[No violation of Article 5 §§ 1 and 4 \(right to a speedy review of the lawfulness of detention\)](#)

[Al Nashiri v. Romania](#)

31.05.2018

The case concerned the applicant's allegations that Romania had let the United States Central Intelligence Agency (the CIA) transport him under the secret extraordinary rendition programme onto its territory and had allowed him to be subjected to ill-treatment and arbitrary detention in a CIA detention "black site". He also complained that Romania had failed to carry out an effective investigation into his allegations.

[Violations of Article 5 \(right to liberty and security\), Article 8 \(right to respect for private life\), and Article 13 \(right to an effective remedy\) in conjunction with Articles 3, 5 and 8](#)

[N. v. Romania \(no. 59152/08\)](#)

28.11.2017

The case concerned the detention of a person suffering from psychiatric disorders.

[Violation of Article 5 § 1](#)

[Violation of Article 5 § 4 \(right to speedy review of the lawfulness of detention\)](#)

[Under Article 46 \(binding force and execution of judgments\), the Court held, firstly, that the authorities should implement without delay the County Court's judgment of 21 February 2017 ordering N.'s release in conditions meeting his needs; and secondly, that the deficiencies identified in his case were likely to give rise to other well-founded applications.](#)

[C.B. v. Romania \(no. 21207/03\)](#)

20.04.2010

[Psychiatric detention of a man charged with maliciously accusing a police officer.](#)

[Violation of Article 5 §§ 1 \(e\) and 4](#)

Inadmissibility decision

[B.A.A. v. Romania \(no. 70621/16\)](#)

18.04.2019

[The case concerned the applicant's complaint about an arrest order issued by the Romanian authorities.](#)

[Application declared inadmissible as manifestly ill-founded.](#)

Cases concerning Article 6

[Right to a fair trial](#)

[Violation of Article 6](#)

[Ovidiu Cristian Stoica v. Romania](#)

24.04.2018

[The case concerned Mr Stoica's conviction by an appeal court of the dissemination of obscene images \(sexual intercourse between him and his former partner\) without a renewed hearing of the witnesses and on the basis of the same evidence which had been deemed insufficient by the first instance court having acquitted him.](#)

[S.C. Uzinexport S.A. v. Romania](#)

31.03.2015

[The case concerned the dismissal of a claim by a company seeking to obtain default interest for late payment in respect of a sum owed to it by the State.](#)

[Roşianu v. Romania](#)

24.06.2014

[The case concerned the refusal by the mayor of Baia Mare to disclose information](#)

about the use of public money by the municipal administration to a journalist who had submitted a request to that effect. The mayor had also refused to comply with court decisions ordering him to hand over the information.

S.C. Raisa M. Shipping. S.R.L. v. Roumanie

08.07.2013

The case concerned proceedings brought by the applicant company against the Galați River Administration of the Lower Danube Galați regarding river tax billing.

In this case, the Court focused on the application of the legislation in force at the relevant time (currently amended) concerning summoning by way of posting.

Popa and Tănăsescu v. Romania

10.04.2012

The case concerned the applicants' complaint that the last instance national court deciding in a criminal case against them convicted them without giving them the possibility to defend themselves in person and to submit evidence.

Stefănică and Others v. Romania

02.11.2010

Case concerning the compensation granted for dismissal to 18 former employees of a former State-owned bank, which was involved in a restructuring process in 1998 and 1999 which entailed hundreds of dismissals. The applicants complained that the domestic courts' decisions with regard to the granting of compensation for dismissal had been inconsistent, even though the claims had been brought by people in similar situations and had involved similar legal issues.

Albert v. Romania

16.02.2010

Proceedings against a mayor for removing the Romanian flag from his town hall and translating the town's name into Hungarian.

Tudor Tudor v. Romania

24.03.2009

Action for recovery of possession of a flat bought from the State

Beian v. Romania

06.12.2007

The case concerned proceedings relating to social benefits for forced labour during the applicant's military service.

Lupas and Others v. Romania

14.12.2006

Dismissal of the applicants' actions to recover confiscated property by the Court of Cassation pursuant to the unanimity rule, which did not allow undivided property to be claimed without the participation of all the joint owners.

No violation of Article 6

Bivolaru v. Romania (no. 2)

02.10.2018

The case concerned criminal proceedings in which Mr Bivolaru – leader of a movement known as the "Movement for spiritual integration in the absolute" ("MISA") – was sentenced to six years' imprisonment for sexual relations with a minor.

Telbis and Viziteu v. Romania

26.06.2018

The case concerned the seizure of cash and property from the applicants on the suspicion that they had benefited from bribes taken by a close relative, a doctor who made decisions on work capacity in a pensions office. He later admitted to the charges and was sentenced to three years in prison.

Dragoș Ioan Rusu v. Romania

31.10.2017

The case concerned a university researcher's conviction for trafficking Diazepam via his local post office. Mr Rusu, the applicant, alleged in particular that his conviction had been unfair because it was based on unlawfully obtained evidence, namely envelopes seized by the prosecuting authorities at the post office without the approval of a court.

Albu and Others v. Romania

10.05.2012

The case concerned the complaints of 64 civil servants that their claims for salary-related benefits were wrongfully dismissed in an unfair trial, notably alleging that the national courts had not taken into consideration other rulings on similar claims brought by their fellow civil servants across the country in which such benefits had been granted.

See also cases in which the Court applied its case-law following the Court's judgment in the case *Albu*:

[Frimu and Others v. Romania](#)

[Tunaru v. Romania](#)

13.11.2012 (decision on the admissibility)

[Neghea and Others v. Romania](#)

[Radu and Others v. Romania](#)

11.09.2012 (decision on the admissibility)

Right to a fair trial within a reasonable time

Violation of Article 6

[Bivolaru v. Romania \(no. 2\)](#)

02.10.2018

The case concerned criminal proceedings in which Mr Bivolaru – leader of a movement known as the “Movement for spiritual integration in the absolute” (“MISA”) – was sentenced to six years’ imprisonment for sexual relations with a minor.

[Al Nashiri v. Romania](#)

31.05.2018

The case concerned the applicant’s allegations that Romania had let the United States Central Intelligence Agency (the CIA) transport him under the secret extraordinary rendition programme onto its territory and had allowed him to be subjected to ill-treatment and arbitrary detention in a CIA detention “black site”. He also complained that Romania had failed to carry out an effective investigation into his allegations.

[Vlad and Others v. Romania](#)

26.11.2013

The case concerned the length of legal proceedings that the three applicants had been involved in before the Romanian courts, and the remedy available for their excessive length.

Due to there being 500 similar cases against Romania currently pending before the European Court concerning excessive length of criminal and civil proceedings, the Court held that there was a systemic problem which required further reforms of the legal system in order for the right to a fair trial within a reasonable time to be secured in Romania.

[Codarcea v. Romania](#)

02.06.2009

Length of proceedings in a case of medical negligence and applicant’s inability to obtain the compensation awarded to her by a court because of the doctor’s insolvency.

The domestic courts refused to recognize the liability of the hospital.

[Abramiuc v. Roumania](#)

24.02.2009

Non execution of a final decision ordering the payment of royalties to the applicant for the period of time his invention had been used; length of two sets of proceedings and the applicant’s impossibility to complain of that length under Romanian law.

Right of access to Court

Violation of Article 6

[Reformed Church Foundation for Student Housing and Stanomirescu v. Romania](#)

07.01.2014

These cases concerned the systemic issue of the non-execution by the Romanian authorities of binding and enforceable domestic decisions given against State authorities and in favour of an NGO and an individual applicant.

[Weissman and Others v. Romania](#)

24.05.2006

Large stamp duty required to initiate proceedings (EUR 323,264).

Presumption of innocence

[Neagoe v. Romania](#)

21.07.2015

The case concerned a statement made by the spokesperson of the Court of Appeal before the latter had conducted its deliberations, encouraging the public to consider the applicant, Mr Neagoe, guilty of – among other things – manslaughter.

Violation of Article 6 § 2

**Case on Article 7
(no punishment without law)**

[Plechkov v. Romania](#)

16.09.2014

The case concerned the sentencing of Mr Plechkov to a suspended prison term together with the confiscation of his boat (including the installations, tools and cargo on board) for allegedly fishing illegally within the Romanian “exclusive economic zone” in the Black Sea.

Violation of Article 7 (no punishment without law)
Violation of Article 1 of Protocol No. 1 (protection of property)

Cases concerning private and family life (Article 8)

Violation of Article 8

O.C.I. and Others v. Romania **(no. 49450/17)**

21.05.2019

The case concerned the interpretation of “grave risk” under international law in a child custody dispute.

R. I. and Others v. Romania **(no. 57077/16)**

04.12.2018

The case concerned a woman who was given custody of her two children but who was not able to enforce the orders, which left the children with the father.

Dragoş Ioan Rusu v. Romania

31.10.2017

The case concerned a university researcher’s conviction for trafficking Diazepam via his local post office. Mr Rusu, the applicant, alleged in particular that his conviction had been unfair because it was based on unlawfully obtained evidence, namely envelopes seized by the prosecuting authorities at the post office without the approval of a court.

M. G. C. v. Romania (no. 61495/11)

15.03.2016

The case concerned an allegation of defective legislation for the prosecution of rape and/or sexual abuse of children in Romania.

Zaiet v. Romania

24.03.2015

The case concerned the annulment of a woman’s adoption, at the instigation of her adoptive sister, 31 years after it had been approved and 18 years after the death of their adoptive mother.

This was the first occasion on which the Court had to consider the annulment of an adoption order in a context where the adoptive parent was dead and the adopted child had long reached adulthood.

Ostace v. Romania

25.02.2014

The case concerned Mr Ostace’s inability to obtain the revision of a judgment establishing his paternity in spite of an extra-judicial forensic examination proving the contrary. The request was rejected on the ground that the document in question did not exist at the time of the initial proceedings.

Hulea v. Romania

02.10.2012

The case concerned the refusal of the Defence Ministry to grant Mr Hulea parental leave on the grounds that by law such leave was granted only to female personnel.
[Romanian translation](#) of this judgment

Karrer v. Romania

21.02.2012

The case concerned a complaint by a father and his daughter about international child abduction proceedings before the Romanian courts.

A.M.M. v. Romania (no. 2151/10)

14.02.2012

The case concerned paternity proceedings brought by the mother of a minor with disabilities, who was herself severely disabled.

Georgel and Georgeta Stoicescu v. Romania

26.07.2011

71-year-old woman, who was left disabled after being attacked by a pack of stray dogs.

Press release in [Romanian](#)

Geleri v. Romania

15.02.2011

Expulsion of a political refugee on the grounds of national security, under an order that did not set out reasons.

Băcilă v. Romania

30.03.2010

Effects on the applicant’s health and living environment of the pollution generated by a plant producing lead and zinc.

Haralambie v. Romania

27.10.2009

Obstacles encountered by the applicant to access to the personal file created on him by the former secret services of the Communist Regime (the *Securitate*).

Tătar v. Romania

27.01.2009

Pollution generated by a technological process used by a company to exploit the Baia Mare gold mine.

Petrina v. Romania

14.10.2008

Allegations that the applicant was a member of the former Secret Services of the Communist Regime - the *Securitate*.

Dumitru Popescu v. Romania

26.04.2007

Use of telephone tapping in the course of an investigation.

No violation of Article 8

Stoian v. Romania

25.06.2019

The case concerned complaints by the applicants, a disabled son and his mother, that the authorities had failed to provide suitable access to education for him.

No violation of Article 8, taken alone and in conjunction with Article 14 (prohibition of discrimination)

No violation of Article 2 of Protocol No. 1 (right to education), taken alone and in conjunction with Article 14

Achim v. Romania

24.10.2017

The case concerned the placement in care of Ms and Mr Achim's seven children on the grounds that the couple had not been fulfilling their parental duties and obligations.

Naidin v. Romania

21.10.2014

The case concerned the barring of a one-time informer of the Romanian political police from employment in the public service.

Knecht v. Romania

02.10.2012

The applicant complained that she had been prevented from becoming a mother by means of *in vitro* fertilisation due to the State's refusal to transfer embryos she had deposited with a private clinic and which, when the clinic came under criminal investigation, had been seized and deposited at the Institute of Forensic Medicine, which had not been authorised to function as a genetic bank.

Pini and Bertani & Manera and Atripaldi v. Romania

22.06.2004

Refusal of institution for orphaned and abandoned children to hand Romanian children adopted by the applicants (four Italian nationals).

**Freedom of expression cases
(Article 10)**

Violation of Article 10

Brisco v. Romania

11.12.2018

The case concerned a chief prosecutor's dismissal for breaching the secrecy of a criminal investigation when he made statements to the press. He was sanctioned following a judge's complaint that his press release and interview with a television channel had allowed the media to identify her as being implicated in a money scam.

Gîrleanu v. Romania

26.06.2018

The case concerned the arrest and conviction of a journalist for possessing and trying to verify classified information on national security, namely documents belonging to a Romanian military unit based in Afghanistan.

Bucur and Toma v. Romania

08.01.2013

Agent of the intelligence-gathering services (Mr Bucur) sentenced in criminal proceedings for having communicated to the media audio tapes involving politicians and journalists.

Frăsilă and Ciocîrlan v. Romania

10.05.2012

The case concerned the enforcement of a court decision giving journalists the right of access to the premises of a local radio station where they worked.

Andreescu v. Romania

08.06.2010

Conviction of a well-known human rights activist for remarks concerning the agency managing the intelligence service's archives (the "CNSAS": the National Council for the Study of the Archives of the *Securitate*, the Romanian intelligence service under the former regime).

No violation of Article 10

Catalan v. Romania

09.01.2018

The case concerned the dismissal of a civil servant (Mr Catalan), who worked for the National Council for the Study of *Securitate* Archives (CNSAS), for disclosing information for the publication of an article claiming that a religious leader had collaborated with the *Securitate* (the former political police under the communist regime).

Case dealing with freedom of assembly and association (Article 11)

Manole and “Romanian Farmers Direct” v. Romania

16.06.2015

The case concerned the refusal to register the union of self-employed farmers which Mr Manole wished to set up.

No violation of Article 11

Effective remedy rights (Article 13)

Brudan v. Romania

10.04.2018

The case concerned the length of the criminal proceedings brought against the applicant, which began on 23 March 2000 and ended on 18 June 2014.

Violation of Article 13 (right to an effective remedy)

Violation of Article 6 § 1 (right to a fair trial within a reasonable time)

Cases concerning Article 14 (prohibition of discrimination)

Lingurar v. Romania

16.04.2019

The case concerned a raid in 2011 by 85 police and gendarmes on the Roma community in Vâlcele (Romania).

Violation of Article 3 (prohibition of inhuman or degrading treatment) as concerned the ill-treatment of the applicant family during the raid

Two violations of Article 14 in conjunction with Article 3 because the raid had been

racially motivated and the related investigation had been ineffective

Lingurar and Others v. Romania

16.10.2018

The case concerned two police operations in the Roma community of Pata Rât to locate individuals suspected of theft.

Violation of both the substantive and procedural aspects of Article 3

No violation of the substantive aspect of Article 14 (prohibition of discrimination) taken together with Article 3

Violation of the procedural aspect of Article 14 taken together with Article 3

Cernea v. Romania

27.02.2018

The case concerned the rejection of the candidature of Mr Cernea – the Executive President of the ecologist party *Partidul Verde* at the time – for 17 January 2010 by-elections on the grounds that he was not standing for a party represented in Parliament. The decision was made under a law which had been amended less than a year before the by-elections under an organic law.

No violation of Article 14 (prohibition of discrimination) in conjunction with Article 3 of Protocol No. 1 (right to free elections)

Lupeni Greek Catholic Parish and Others v. Romania

29.11.2016

The case concerned a request for the restitution of a place of worship that had belonged to the Greek Catholic Church and was transferred during the totalitarian regime to the ownership of the Orthodox Church.

No violation of the Article 6 § 1 in respect of the right of access to a court

Violation of Article 6 § 1 on account of the breach of the principle of legal certainty

Violation of Article 6 § 1 on account of the length of the proceedings

No violation of Article 14 (prohibition of discrimination) taken together with Article 6 § 1 in respect of the applicants' right of access to a court in comparison with the Orthodox parish

The Court further held that that it was not necessary to examine separately the complaint under Article 14 (prohibition of discrimination) taken together with Article 6 § 1 in so far as it concerned an alleged

[difference of treatment compared with other Greek Catholic parishes.](#)

See also [Moldovan \(no. 2\) and Others v. Romania](#), judgment of 12 July 2005.

Cases dealing with property issues (Article 1 of Protocol No. 1)

Violation of Article 1 of Protocol No. 1

[Catholic Archdiocese of Alba Iulia v. Romania](#)

25.09.2012

The case concerned a Catholic religious community which wished to recuperate, under an emergency order enacted in 1998, ownership of assets confiscated by the Romanian authorities during the communist period.

[Radovici and Stănescu v. Romania](#)

02.11.2006

Prolonged inability of the applicants to enjoy the use of formerly confiscated property that had been legally returned to them, because of the impossibility of evicting a tenant occupying the flat.

Inadmissible decision

[Alexandru-Mihai Pop and Others v. Romania](#)

25.04.2019

The case concerned the requirement for the applicants to pay a pollution tax based on an emergency ordinance (OUG no. 50/2008), for the purposes of registering in Romania the second-hand vehicles they had bought in other European Union countries. [Applications declared inadmissible for failure to exhaust domestic remedies.](#)

Cases dealing with the right to free elections (Article 3 of Protocol No. 1)

Violation of Article 3 of Protocol No. 1

[Danis and Association of Ethnic Turks v. Romania](#)

21.04.2015

The case concerned the applicant association's inability to meet the requirements for standing in the 2008 parliamentary elections following the entry

into force of a new electoral law only seven months before the elections. The new law required national minority organisations not represented in Parliament to have been granted charitable status in order to be able to stand for election.

[Grosaru v. Romania](#)

02.03.2010

Refusal to allocate a seat as Member of Parliament under an electoral law.

No-violation of Article 3 of Protocol No. 1

[Cernea v. Romania](#)

27.02.2018

The case concerned the rejection of the candidature of Mr Cernea – the Executive President of the ecologist party *Partidul Verde* at the time – for 17 January 2010 by-elections on the grounds that he was not standing for a party represented in Parliament. The decision was made under a law which had been amended less than a year before the by-elections under an organic law.

Pilot judgment procedure¹

[Rezmives and Others v. Romania](#)

25.04.2017 (pilot judgment)²

The case concerned the conditions of detention in Romanian prisons and in detention facilities attached to police stations.

The applicants complained, among other things, of overcrowding in their cells, inadequate sanitary facilities, lack of hygiene, poor-quality food, dilapidated equipment and the presence of rats and insects in the cells.

[Under Article 3](#), the Court held in particular that the conditions of the applicants' detention, also taking into account the length of their incarceration, had subjected them to hardship going beyond the

¹ The pilot judgment procedure was developed as a technique of identifying the structural problems underlying repetitive cases against many countries and imposing an obligation on States to address those problems.

² The pilot judgment procedure was developed as a technique of identifying the structural problems underlying repetitive cases against many countries and imposing an obligation on States to address those problems.

unavoidable level of suffering inherent in detention.

Under Article 46 (binding force and execution of judgments), the Court decided to apply the pilot-judgment procedure, finding that the applicants' situation was part of a general problem originating in a structural dysfunction specific to the Romanian prison system.

The Court held that the State should introduce: (1) measures to reduce overcrowding and improve the material conditions of detention; and (2) remedies (a preventive remedy and a specific compensatory remedy).

The Court decided to adjourn the examination of similar applications that had not yet been communicated to the Romanian Government and to continue its examination of applications that had already been communicated. Within six months from the date on which the judgment became final, the Romanian Government had to provide, in cooperation with the Committee of Ministers, a precise timetable for the implementation of the general measures.

Maria Atanasiu and Others v. Romania

12.10.2010

Cases concerning the restitution of properties nationalised under communism. The Court has already found over 150 violations in cases of this kind³, and several hundred similar cases are pending before it.

Violation of Article 6 § 1 (right to a fair hearing) - concerning Mrs Atanasiu and Mrs Poenaru

Violation of Article 1 of Protocol No. 1 (protection of property) – concerning the three applicants

In this pilot judgment, the Court adjourned the cases concerning properties nationalised during the communist era in Romania pending general measures at national level. A new extension of time-limit for implementation of general measures to resolve shortcomings in the system of restitution or compensation in respect of properties nationalised by the Romanian State has been granted to the Romanian Government. On 7 May 2013, the Court

decided that the adjournment of its examination of all applications stemming from the same general problem would remain in force until the adoption of one or several lead decisions on the action taken by the Government in response to the *Maria Atanasiu and Others* pilot judgment.

Case examined by the Court following the pilot judgment procedure conducted in the case Maria Atanasiu and Others v. Romania

Preda and Others v. Romania

29.04.2014

The case concerned administrative and/or judicial proceedings for compensation or restitution in respect of property confiscated or nationalised by the communist regime, in accordance with laws passed by Romania after the fall of the regime in December 1989.

The Court held unanimously that the complaint under Article 1 of Protocol No. 1 (protection of property) should be rejected for failure to exhaust domestic remedies as regards seven of the applications.

As regards application no. 3736/03, the Court held that there had been a violation of Article 1 of Protocol No. 1.

The Court also concluded that, bearing in mind the margin of appreciation enjoyed by the Romanian State, the law enacted by the Romanian Parliament provided in principle – except in situations where there were multiple documents of title for the same building – an accessible and effective framework of redress for alleged violations of the right to peaceful enjoyment of possessions, and that it was up to the claimants concerned to make use of that framework.

Noteworthy cases, decisions delivered

Nastase v. Romania

18.11.2014

The case concerned the conviction of Adrian Nastase, former Prime Minister and former Minister for Foreign Affairs of Romania, by the High Court of Cassation and Justice, for using his influence as chairman of a political party in order to obtain financing for his 2004 election campaign.

Application declared inadmissible (manifestly ill-founded)

³ For example Viașu v. Romania (09.12.2008), Katz v. Romania (20.01.2009) and Faimblat v. Romania (13.04.2009)

Merschdorf v. Romania

21.05.2013

The case concerned the refusal of the Romanian authorities to allow foreign citizens to recover the property rights of assets their parents owned in Romania, which assets were confiscated under the communist regime.

Application declared inadmissible (manifestly ill-founded)

Dumitru and Others v. Romania

19.09.2012

The case concerned the decision to pay allowances awarded by judicial decisions to members of the civil service (judges) in instalments.

Application declared inadmissible (paying in instalments of allowances was not unreasonable)

Iovitoni and others v. Romania

07.05.2012

Applicants charged a pollution tax subsequently held to be in breach of European Union law.

Application declared inadmissible (the applicants' rights under the Convention were not violated)

Tripon v. Romania

06.03.2012

Dismissal of a customs officer for extended absence from work on account of his pre-trial detention.

Application declared inadmissible (no breach of the applicant's human rights)

Mihăies v. Romania and Sentes v. Romania

02.03.2012

The applicants complained of 25% salary cuts for a period of six months in application of a law introducing measures to balance the State's budget.

Applications declared inadmissible (no breach of the applicants' human rights)

Zelca and Others v. Romania

29.09.2011

Complaint by Romanian civil servants concerning unpaid salary.

Application declared inadmissible
Press release in [Romanian](#)

Farcas v. Romania

30.09.2010

Physically handicapped applicant who complained that he could not access certain buildings and in particular, that civil cases he wished to bring before the courts could not be examined as he could not access court buildings.

Application declared inadmissible (neither the right of access to a court nor the right of individual petition had been hindered by insurmountable obstacles preventing the applicant from bringing proceedings)

First application by the Court of the new admissibility criterion introduced by Protocol No. 14

Adrian Mihai Ionescu v. Romania

28.06.2010

Since the entry into force of Protocol No. 14 to the Convention on 1 June 2010, a new admissibility criterion is applicable: an application is inadmissible where "the applicant has not suffered a significant disadvantage, unless respect for human rights as defined in the Convention and the Protocols thereto requires an examination of the application on the merits and provided that no case may be rejected on this ground which has not been duly considered by a domestic tribunal".

In Mr Ionescu's case the three conditions of the new inadmissibility test were satisfied: the applicant had not suffered any significant disadvantage (the alleged financial loss was limited), respect for human rights did not require an examination of the application on the merits (the relevant legal provisions had been repealed) and the case had been "duly considered" on the merits by the Bucharest District Court.

Noteworthy pending cases

Grand Chamber

**Article 1 of Protocol No. 7
(procedural safeguards relating to
expulsion of aliens)**

**Muhammad and Muhammad v.
Romania (no. 80982/12)**

The case concerns a procedure to remove two Pakistani nationals from Romania after they had been declared undesirable.

Relying on Article 1 of Protocol No. 7 to the Convention and Article 13 (right to an effective remedy) of the Convention, the applicants complain that they were not informed of the reasons for their removal from Romania. They allege that the domestic courts merely referred to the secrecy of the information in question and did not specify the offences of which they stood accused.

[Relinquishment](#) in favour of the Grand Chamber on 26 February 2019

[Grand Chamber hearing](#) on 25 September 2019

Chamber

**Article 2
(right to life)**

M.A. v. Romania (no. 999/19)

Case [communicated](#) to the Government on 7 May 2019

In this case the applicant, an insulin-dependent, complains that he was taken to a hospital by force under suspicion of substance abuse. The medical team suspected that he was under the influence of drugs and refused to provide insulin for him until they had run tests to prove that he was not a drug addict.

Relying mainly on Articles 2 (right to life) and 5 (right to liberty and security) of the Convention, the applicant alleges that his life was endangered and that he was taken by force to a hospital.

**Article 3
(inhuman or degrading treatment)**

Alissa v. Romania (no. 48780/17)

Case [communicated](#) to the Government on 8 June 2018

The case concerns the living conditions of the applicants (Syrian nationals, refugees) in the Regional Centre for Accommodation and Procedures for Asylum Seekers in

Bucharest. It also concerns their complaint that during the daytime they could not leave the Centre because of the restrictions imposed on them by the Romanian authorities (Article 5 § 1 of the Convention).

**Article 3, Article 6,
Article 8 (right to respect for private
and family life),
Article 14 (prohibition of
discrimination),
and Article 2 of Protocol 1 (right to
education)**

**M.C. and Others v. Romania
(no. 44654/18)**

Case [communicated](#) to the Government on 28 February 2019

The case concerns the authorities' response to the allegations that the first applicant, a child suffering from a mental disorder, was ill-treated and bullied at school by teachers and other pupils. It also concerns the right to respect for the private and family life of the second and third applicants, the first applicant's parents.

**Article 6
(right to a fair trial)**

Dragnea v. Romania (no. 75317/17)

Case [communicated](#) to the Government on 23 October 2018

The case concerns the lack of the signature on the final judgement of two out of the five judges who sat on the panel which pronounced that judgment in the context of criminal proceedings against Mr Dragnea (the President of the Chamber of Deputies and President of the Social Democratic Party).

**Adrian Năstase v. Romania
(no. 744/15)**

Case [communicated](#) to the Government on 27 November 2018

The applicant is a former prime minister of Romania.

The application concerns the trial panel's alleged lack of impartiality and the alleged unfairness of the criminal proceedings which led to the applicant's conviction for blackmail and corruption.

**Article 6
and Article 7 (no punishment without
law)**

**SC CREDIT EUROPE LEASING IFN SA v.
Romania (no. 38072/11)**

Case [communicated](#) to the Government on
16 October 2018

The case concerns the seizure of the applicant company's property (779 press kiosks and 7 lorries) in the course of a criminal investigation against other companies. It also concerns the lack of a possibility for the applicant company to contest the seizure separately during the investigation.

Jidic v. Romania (no. 45776/16)

Case [communicated](#) to the Government of
Romania on 27 April 2017

The case concerns the length of the criminal proceedings brought against Mr Jidic, the lack of an effective remedy for his complaint concerning the length of proceedings and the alleged breach by the last-instance court of the principle of retrospective application of the more lenient criminal law by applying the old criminal law provisions to his case.

The applicant relies on Article 6, Article 7, and Article 13 (right to an effective remedy) of the Convention.

**Article 6 and
Article 8 (right to private life)**

Bogdan v. Romania (no. 36889/18)

Case [communicated](#) to the Government on
7 February 2019

The case concerns a disciplinary procedure initiated in June 2016 by the Superior Council of the Judiciary ("the CSM") against

the applicant while she was a judge at the Bucharest Court of Appeal.

The case also concerns various aspects of the conduct of the disciplinary procedure.

**Article 6 and
Article 10 (freedom of expression)**

Kövesi v. Romania (no. 3594/19)

Case [communicated](#) to the Government on 31
January 2019

The applicant is the former head of the National Anticorruption Prosecution Department (DNA). The application concerns the alleged lack of a possibility for the applicant to contest her removal from the position as chief prosecutor of the DNA and her allegation that her mandate was terminated owing to views she had expressed publicly in her professional capacity.

**Article 6, Article 14 (prohibition of
discrimination) and Article 1 of
Protocol No. 1 (protection of property)**

**Brădăţeanu and Others v. Romania
(no. 27189/17)**

Case [communicated](#) to the Government on 15
December 2017

The case concerns the applicants' complaint that the High Court of Cassation and Justice delivered two final conflicting decisions in litigations related to alleged unfair terms of credit agreements denominated in a foreign currency.

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