



# Romania

## Ratified the European Convention on Human Rights in 1994

### National Judge: Iulia Motoc

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

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

The Court dealt with 4,347 applications concerning Romania in 2016, of which 4,089 were declared inadmissible or struck out. It delivered 86 judgments (concerning 258 applications), 71 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017*
Applications allocated to a judicial formation	4604	8194	4284
Communicated to the Government	909	2214	446
Applications decided:	4439	4348	2090
- Declared inadmissible or struck out (Single Judge)	3751	3497	1783
- Declared inadmissible or struck out (Committee)	382	578	241
- Declared inadmissible or struck out (Chamber)	46	14	4
- Decided by judgment	260	259	62
Interim measures:	6	11	2
- Granted	0	1	0
- Refused (including out of scope)	6	10	2

\* January to July 2017

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

Applications pending before the court on 01/07/2017	
Total pending applications	12460
Applications pending before a judicial formation:	9573
Single Judge	331
Committee (3 Judges)	8404
Chamber (7 Judges)	836
Grand Chamber (17 Judges)	2

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

### Romania and ...

#### Its contribution to the Court's budget

For 2017 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2017 contribution of Romania to the Council of Europe's (EUR 328 million budget) is **EUR 3,577,833**.

#### 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 **672** Registry staff members of whom **37** are Romanian.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### **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

**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 Frumusanu 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**

### [Alecui 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.

#### **Cases concerning inhuman or degrading treatment (Article 3)**

##### Violation of Article 3

### [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)

#### **Brânduse 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

#### **Cases concerning right to liberty and security (Article 5)**

#### **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

#### **Cases concerning Article 6**

#### **Right to a fair trial/hearing**

#### **Violation of Article 6**

#### **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.

#### **Roșianu 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

**[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

**[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

#### [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

### [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).

#### **Cases concerning an incident between Roma and non Roma villagers in Hădăreni**

##### **Moldovan and Others v. Romania (no. 2)**

[Judgment of 12.07.2005](#)

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

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

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

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

Violation of Article 14 (prohibition of discrimination)

Also see *Moldovan and Others v. Romania*

(no. 1) - [Friendly settlement of 05.07.2005](#)

**Moldovan and 29 Others v. Romania**

[Decision of 15.02.2011](#)

The case concerned difficulties with execution – general measures – of judgment *Moldovan and Others v. Romania* (no. 2) of 12.07.2005

[Applications declared inadmissible](#) (depending on applications: non exhaustion of domestic remedies, manifestly ill-founded complaints, 6 month delay not respected)

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

Violation of Article 10

##### **[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).

### **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](#)

### **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.

### **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.

### **Pilot judgment procedure<sup>1</sup>**

### [Rezmiveş and Others v. Romania](#)

25.04.2017 (pilot judgment)<sup>2</sup>

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 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 \(a preventive remedy and a specific compensatory remedy\)](#).

<sup>1</sup> 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.

<sup>2</sup>

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.

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 kind<sup>3</sup>, 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

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<sup>3</sup> For example [Viasu v. Romania](#) (09.12.2008), [Katz v. Romania](#) (20.01. 2009) and [Faimblat v. Romania](#) (13.04.2009)

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

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### **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 \(manifestly ill-founded\)](#)

### **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**

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#### **Grand Chamber**

#### **Nicolae Virgiliu Tănase v. Romania** **(no. 41720/13)**

The case mainly concerns the alleged ineffectiveness and lack of promptness of a criminal investigation into a car accident, in which the applicant suffered serious injuries.

Relying in substance on Article 3 of the Convention Mr Tănase complains that he was subjected to inhuman and degrading treatment because the criminal investigation opened by the domestic authorities into his car accident lacked promptness and was ineffective. In particular, he claims that the domestic authorities failed to examine the merits of the case and clarify the circumstances of the accident, allowing the special statute of limitation in respect of the third party's offence to take effect.

[Relinquishment](#) in favor of the Grand Chamber on 18 May 2017

[Grand Chamber hearing](#) on 15 November 2017

## Chamber

### **Marian Gîrleanu v. Romania (no. 50376/09)**

[Communicated](#) to the Romanian Government in June 2013

The case concerns the arrest and the sentencing of a journalist to a fine for having retained and subsequently divulged classified information to third parties regarding Romanian military operations in Afghanistan.

Mr Gîrleanu complains under Article 10 (freedom of expression) of the Convention.

### **Nedescu v. Romania (no. 70035/10)**

[Communicated](#) to the Romanian Government in November 2012

The applicants complain that they could not use the frozen embryos that they had deposited with a clinic. They rely on Article 8 (right to respect for private and family life) of the Convention.

### **Al Nashiri v. Romania (no. 33234/12)**

[Communicated](#) to the Romanian Government in September 2012

Chamber [hearing](#) on 29 June 2016

The applicant in this case is the same as in the case [Al Nashiri v. Poland](#).

In the present case, Mr Al-Nashiri mainly complains that Romania, who he alleges knew and should have known about the rendition programme, the secret detention site within its territory in which he was held, and the torture and inhuman and degrading treatment to which he and others were subjected to as part of the process,

knowingly and intentionally enabled the CIA to detain him, and has refused to date to properly acknowledge or investigate any wrongdoing.

Mr Al-Nashiri relies on Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security), 6 (right to a fair trial), 8 (right to respect for private and family life), 10 (freedom of expression) and 13 (right to an effective remedy) of the Convention, and on Protocol No. 6 (abolition of the death penalty) to the Convention.

### **Cases dealing with domestic violence**

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

[Communicated](#) to the Romanian Government in March 2014

The applicant complains in particular that the Romanian authorities failed to investigate promptly into the allegations of ill-treatment inflicted on him by his father. He also complains about the length of the criminal proceedings against his father.

The applicant relies on Articles 3 (prohibition of inhuman or degrading treatment), 6 § 1 (right to a fair trial) and 35 (inadmissibility criteria) of the Convention.

### **Case concerning conditions of detention**

#### **Flămînzeanu (IV) v. Romania (no. 56443/11)**

[Communicated](#) to the Romanian Government in January 2012

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