EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF ILEANA ROȘU v. ROMANIA

(Application no. 74061/17)

JUDGMENT

Art 1 P1 • Control of the use of property • Seizure of the applicant's assets, jointly owned with her husband, ordered in the context of criminal proceedings against him for the purpose of recovering damage caused by the corruption-related crimes under investigation • Necessity and proportionality of the impugned measure subject to adequate judicial review immediately after its adoption • Duration of the measure (over 5 years) not excessive given the complexity of the criminal proceedings • Applicant remained in possession of the seized assets and was not deprived of the possibility of using them • Least intrusive measures taken • Nature of seizure temporary • Safeguards provided by domestic legal framework • No excessive burden • Fair balance struck between competing interests

Prepared by the Registry. Does not bind the Court.

STRASBOURG

16 July 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

In the case of Ileana Roșu v. Romania,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Lado Chanturia*, President*,
Faris Vehabović,
Anja Seibert-Fohr,
Ana Maria Guerra Martins,
Sebastian Răduleţu,
András Jakab,
Corinna Wissels*, judges*,
and Hasan Bakırcı, *Section Registrar,*

Having regard to:

the application (no. 74061/17) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Romanian national, Ms Ileana Roșu ("the applicant"), on 10 October 2017;

the decision to give notice to the Romanian Government ("the Government") of the complaint concerning Article 1 of Protocol No. 1 to the Convention;

the parties' observations;

Having deliberated in private on 23 June 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns, in particular, the applicant's complaint under Article 1 of Protocol No. 1 to the Convention that her property (jointly owned with her husband) was seized for an excessive amount of time, in the absence of a reasonable opportunity to effectively challenge, before the competent authorities, the seizure measure that had been ordered in the context of criminal proceedings against her husband.

THE FACTS

2. The applicant was born in 1978 and lives in Bucharest. She is a lawyer and was represented before the Court by Mr R.L. Chiriţă, a lawyer practising in Cluj-Napoca.

3. The Romanian Government were represented by their co-Agent, Mr S.A. Purza, of the Ministry of Foreign Affairs.

4. The facts of the case, as submitted by the parties, may be summarised as follows.

I. CRIMINAL INVESTIGATION AND SEIZURE OF ASSETS

5. On 8 December 2015 an ongoing criminal investigation launched by the National Anti-Corruption Directorate (*Direcţia Naţională Anticorupţie* – “the DNA”) was extended to include the applicant’s husband, R.R.M. Together with several other people, including public officials, he was accused of conspiracy to commit an offence, peddling influence, complicity in acts of abuse of office and money laundering, committed in his capacity of lawyer.

6. On 12 February 2016, relying on Article 249 of the Code of Criminal Procedure (“the CPP” – see paragraph 23 below), Article 20 of Law no. 78/2000 on the prevention, detection and punishment of corruption offences (“Law no. 78/2000” – see paragraph 27 below) and Article 24[1] of Law no. 656/2002 on the prevention and punishment of money laundering (“Law no. 656/2002” – see paragraph 28 below), the prosecutor ordered the seizure of various assets jointly owned by R.R.M. and the applicant, including one flat (“property A”), plots of land (“property B”) and a house and the appurtenant land (“property C”). The measure was ordered taking into account the nature of the offences under investigation and the need to cover the damage caused to the State by those offences. In addition, Laws nos. 78/2000 and 656/2002 provided that the application of precautionary measures was compulsory for the offences under investigation in the present case (see paragraphs 27 and 28 below). The prosecutor also noted that the damage to the State budget amounted to 135,874,800 euros (EUR) and that, pursuant to the provisions of the Criminal Code (“the CC”), the proceeds of corruption offences (such as peddling influence and abuse of office) were subject to confiscation (see paragraph 29 below; see also paragraph 63 below, where the purpose of the measure is clarified).

7. The seizure order was made in respect of the entirety of properties A, B and C (a 1/1 share) and an annotation regarding the mortgage (*notare ipotecară*) was entered in the Land Register. Meanwhile the assets in question remained in the possession of the applicant and R.R.M.

8. On 15 February 2016, during the enforcement of the order referred to in paragraph 6 above, a report was drafted by the police in the presence of R.R.M. and his lawyer. This report set the value of the seized assets at EUR 765,870.43 and stated that the alleged damage caused to the State amounted to EUR 135,874,800. R.R.M. was warned that, although the seized assets remained in his possession, they were not to be sold.

II. COMPLAINT AGAINST THE SEIZURE

9. On 18 February 2016 the applicant and R.R.M. lodged a complaint against the order of 12 February 2016 (see paragraph 6 above) with the Brașov Court of Appeal, on the basis of Article 250 § 1 of the CCP (see paragraph 23 below). They argued that the seizure of their jointly owned

assets had been unlawful, as under Article 249 § 5 of the CCP (ibid.), only the suspect's assets could be seized when that measure was taken to cover the damage caused by the offences under investigation. They explained that the assets were also the applicant's property and that the seizure should only have been ordered in respect of R.R.M.'s 1/2 share of each asset. They also complained that the alleged damage caused to the State by the offences under investigation (see paragraphs 6 and 8 above) had been calculated arbitrarily.

10. On 23 February 2016 the Brașov Court of Appeal decided with final effect that the order of 12 February 2016 had been lawful and justified in respect of all the assets concerned. The court found that the order had been thoroughly reasoned both in fact and in law by the references to the facts of the case, the alleged damage caused by the offences and the references to the legal provisions concerning the obligation to order precautionary measures. The court stated that the value of the damage had been determined by an expert report and could only be challenged by submitting a different expert opinion. The value of the seized assets and the damage to be covered had been mentioned in the enforcement report of 15 February 2016 (see paragraph 8 above), which had been signed by R.R.M. and his lawyer with no objections. Furthermore, the seizure of the property owned jointly by spouses was not in breach of the provisions of Article 249 § 5 of the CCP (see paragraph 23 below), as this type of property belonged simultaneously to both spouses, with no specific share established in either person's favour. Moreover, the seizure in this case was only a provisional measure, having no repercussions for the applicant since, at that stage of the proceedings and before R.R.M.'s potential conviction, the applicant retained all the attributes of an owner and was only prevented from selling the seized property. The applicant had been in this situation even before the seizure order since, as provided by family law, one spouse was unable to dispose of his or her share of the spouses' joint property without first carrying out a division of the jointly owned assets. The court also held that, if R.R.M. were to be convicted and ordered to pay compensation for the damage, Article 818 of the Code of Civil Procedure (see paragraph 30 below) would specifically prohibit the enforcement of any measure concerning jointly owned assets prior to their division. This would mean that the applicant's share would not be affected.

11. The proceedings in the Brașov Court of Appeal were conducted in the presence of the applicant and R.R.M., represented by a lawyer of their own choosing and with the participation of the prosecutor. All parties submitted oral and written statements to the court. The applicant was notified of the judgment on 29 March 2016.

III. LIFTING OF THE SEIZURE

12. On 27 June 2019 the Brașov Court of Appeal acquitted R.R.M. and lifted the seizure order in respect of all his assets, including properties A, B and C (see paragraph 6 above).

13. The DNA appealed against the above-mentioned judgment, and therefore the decision to lift the seizure order was suspended.

14. On 17 December 2020 the High Court of Cassation and Justice (“the High Court”) allowed the DNA’s appeal and convicted R.R.M. of conspiracy to commit an offence and complicity in acts of abuse of office. R.R.M. and 5 other defendants were ordered to pay pecuniary damages to one of the civil parties in the amount of EUR 17,829.73. The court upheld the seizure of R.R.M’s assets, but only for the recovery of damages amounting to EUR 17,829.73.

15. On 23 November 2021 the High Court allowed an extraordinary appeal lodged by R.R.M. and acquitted him of all charges with final effect. The High Court also lifted the seizure ordered on 17 December 2020 (see paragraph 14 above).

16. Throughout the above proceedings R.R.M. had been represented by lawyers of his own choice.

IV. CIVIL COURT PROCEEDINGS

17. While the criminal proceedings were pending, the applicant initiated civil court proceedings on the basis of the provisions of the Code of Civil Procedure governing complaints against enforcement proceedings (*contestație la executare*), seeking to reduce the scope of the seizure order to a 1/2 share of the properties jointly owned by the applicant and her husband. She argued that properties A, B and C (see paragraph 6 above) were jointly owned assets acquired by her and her husband during their marriage, so the seizure of those properties in their entirety had been unlawful.

18. The Bucharest County Court dismissed those claims as inadmissible on 1 March, 18 April and 9 August 2017 for the respective properties. The court noted that the seizure had been ordered in the context of criminal proceedings that were still pending at that time and that the applicant had already used the remedy provided for by Article 250 § 1 of the CCP (see paragraph 23 below) for her situation, in order to contest, for the same reasons, the seizure order and its enforcement (see paragraphs 9 and 10 above).

19. The applicant and R.R.M. also lodged applications with the land registry office, seeking the replacement of the annotations in the Land Register in respect of the 1/1 share of the seized properties (properties A and B) with new annotations in respect of the 1/2 share belonging to R.R.M. The applications were dismissed by the land registry authorities, and

subsequently, the applicant appealed against those dismissals. Her appeals were rejected by the courts on 12 April and 16 May 2017 (the applicant was notified of the decisions on 9 August and 15 June 2017 respectively), as the annotations were found to have been made on the basis of the prosecutor's order (see paragraphs 6 and 7 above) and in compliance with the law.

V. REMOVAL OF THE SEIZURE ANNOTATIONS IN THE LAND REGISTER

20. On 21 July 2021 the land registry office removed the annotation concerning the seizure order (see paragraph 7 above) imposed on property C following an application lodged on 16 July 2021 by R.R.M.'s representatives, who had submitted proof of full payment of damages as ordered by the High Court in its judgment of 17 December 2020 (see paragraph 14 above).

21. On 10 January 2022 the land registry office, following an application lodged by R.R.M.'s representatives on 22 December 2021, removed the annotation concerning the seizure order imposed on property A from the Land Register.

22. On 12 February 2022 the land registry office, following an application lodged by R.R.M. on 1 February 2022, removed the annotation concerning the seizure order imposed on property B from the Land Register.

RELEVANT DOMESTIC LEGAL FRAMEWORK AND PRACTICE

I. CRIMINAL-LAW PROVISIONS

23. The relevant provisions of the CCP which entered into force on 1 February 2014, read as follows:

Article 249 – General conditions for precautionary measures (*măsurile asigurătorii*)

> "1. The prosecutor, in the course of the criminal investigation, the pre-trial chamber judge and the court, during the pre-trial chamber proceedings or trial, may, either of his or her own motion or upon the prosecutor's request, take precautionary measures ... to prevent the concealment, destruction, selling or exclusion [from proceedings] of property that may be subjected to special or extended confiscation or may serve to guarantee the enforcement of a [criminal] fine, legal fees or remedy the damage caused by a criminal offence.
>
> ...
>
> 4. Precautionary measures aimed at securing special or extended confiscation may be taken in respect of property belonging to the suspect, defendant or any other person in whose possession it is found.
>
> 5. Precautionary measures aimed at covering damage [caused by an offence] and guaranteeing the payment of costs and expenses shall be taken only in respect of

property belonging to the suspect, defendant or the party liable under civil law, up to the amount of its probable value.”

Article 250 – Complaint against precautionary measures

“1. The suspect, defendant or any other interested party may lodge a complaint against a precautionary measure taken by the prosecutor, or the manner of its enforcement, within three days from the date of notification of the order imposing the measure or from the date of its enforcement, with the rights and freedoms judge at the court with jurisdiction to hear the [criminal] case on the merits.

...

4. The complaint shall be decided in chambers after the complainant and other interested parties have been summoned to appear, by a reasoned judgment with final effect. The participation of the prosecutor shall be mandatory.

...

8. After the judgment on the merits [of the criminal case] becomes final, a complaint may be made under civil law only with respect to the manner of enforcement of the precautionary measure.”

Article 253 – Record of the seizure and annotation of the mortgage

“1. The criminal investigation body (*organul de cercetare penală*) that enforces the seizure order shall draw up a record of the enforcement, listing the seized assets and their value. ... In addition, the record shall mention any objections raised by the suspect or accused, by the party liable under civil law or by any other interested person.

...

4. With regard to the seized immovable property, the prosecutor, the pre-trial chamber judge or the court that ordered the seizure shall ask the relevant authority to make an annotation of the mortgage (*notare ipotecară*) against the seized property, attaching a copy of the seizure order along with a copy of the seizure report.”

Article 255 – The return of property

“1. If the prosecutor or the rights and freedoms judge, during pre-trial investigations, or the pre-trial judge or the court, during the pre-trial chamber proceedings or trial, finds, upon request or of his or her own motion, that the property seized (*lucrurile ridicate*) from the suspect or the defendant or from any person who received it for safekeeping is the property of the injured party or other person, or has been wrongfully taken from the possession of the injured party or other person, he or she shall order the return of the property. Article 250 shall apply accordingly.

2. Property shall be returned only where doing so does not hinder the establishment of the facts or the determination of the case, and subject to an obligation on behalf of the receiver to keep it until the case is settled with final effect.”

Article 366 § 3 – Participation of the injured party and of other parties to the trial and their rights

“Those whose property is subject to confiscation in the criminal proceedings may be represented by a lawyer and lodge applications, raise objections and submit arguments in connection with the confiscation order.”

Article 409 – Who may lodge an appeal

"1. The following may lodge an appeal:

...

(f) Any natural or legal person who has suffered damage to their legitimate rights by a measure or act of the court [may lodge an appeal], but only in respect of those measures or acts that have caused such damage.

..."

Article 410 § 3 – Time-limit for lodging the appeal

"For the persons referred to in Article 409 § 1 (f), the time-limit for lodging an appeal is ten days and shall run from the date on which they became aware of the act or measure that caused them damage."

24. On 23 May 2016 the CCP was amended to include provisions in Article 250^1 instituting the possibility to lodge a complaint against decisions concerning precautionary measures ordered by the preliminary chamber judge, the first-instance court or the appellate court, within forty-eight hours from the delivery of the decision or, where applicable, from its communication.

25. On 28 February 2021 the CPP was further amended to include provisions in Article 250^2 instituting the obligation for the prosecutor or the court to verify periodically – during the investigation or trial respectively – whether the reasons to maintain previously ordered precautionary measures still existed.

26. Article 409 § 1 (f) of CCP allows any natural or legal person whose legitimate rights have been infringed by a measure or act of the court to lodge an appeal against the measure or act that caused such an infringement.

27. Law no. 78/2000 on the prevention, detection and punishment of corruption offences, as in force at the relevant time, provided in Article 20 that precautionary measures were compulsory in cases concerning corruption.

28. Law no. 656/2002 on the prevention and punishment of money laundering, as in force at the relevant time, provided in Article 24^1 that precautionary measures were compulsory in cases concerning money laundering.

29. Article 291 of the CC sets out the penalties for the offence of peddling influence and provides that the proceeds of that offence are subject to confiscation and, if they are not found, their equivalent should be confiscated. A summary of the relevant provisions of the CC concerning confiscation may be found in *Telbis and Viziteu v. Romania* (no. 47911/15, § 35, 26 June 2018).

II. CIVIL-LAW PROVISIONS

30. The relevant provisions of the Code of Civil Procedure concerning the division of jointly owned property read as follows:

Article 818 – Enforcement of a mortgage against jointly owned immovable property

> "1. The creditors of a co-owner shall not be able to enforce (*să urmărească*) a mortgage against that debtor's share of the immovable property held in joint ownership; instead, they must first request the division of the property. At the creditor's request, the division may be noted in the Land Register.
>
> 2. Until a final decision is taken in the division proceedings, the enforcement of the mortgage against the property shall be automatically suspended ...
>
> 3. Personal creditors may enforce a mortgage against their debtor's determined share of ownership in the property without the need to request division if that share is unequivocally established, clarified and recorded in the form of a fraction in the Land Register. ..."

31. Pursuant to Article 35 of the Code of Civil Procedure, any interested person can lodge a civil action asking the courts to acknowledge a specific right.

32. The Civil Code provides in Article 358 that property owned jointly by spouses may be subject to division between the spouses during their marriage. Such division may be carried out upon the spouses' agreement before a notary or before the courts.

33. Law no. 7/1996 in respect of the land and immovable property register provides that the Land Register may only be updated if an authenticated copy has been provided of a final judgment confirming the legal fact being submitted for registration.

III. PRACTICE OF THE DOMESTIC COURTS

34. The Government submitted the following examples of the case-law of the domestic courts.

35. In its decision no. 894 of 17 December 2015, published in the Romanian Official Gazette on 4 March 2016, the Constitutional Court held that the provisions of the CCP, supplemented by the provisions of the Code of Civil Procedure concerning precautionary measures, should not be interpreted as impeding the seizure of jointly owned property or as imposing a compulsory division of jointly owned assets at the time when the seizure is ordered. The Constitutional Court noted that, pursuant to Article 818 of the Code of Civil Procedure (see paragraph 30 above), it was the enforcement of a seizure order against jointly owned property that could only take place after prior division of that property. In conclusion, the court decided that the seizure of jointly owned property and the inclusion of an annotation in respect of the measure in the Land Register was in accordance with the Constitution, given that the scope and the function of those measures were preventive, not compensatory.

36. In judgments adopted on 29 February and 11 May 2016 in two separate sets of proceedings, the High Court held that there was no provision

in the field of precautionary measures that excluded assets jointly owned by spouses from the application of such measures.

37. The Government also submitted reports prepared by the DNA and the courts of appeal offering an overview of the remedies available in law and in practice in the applicant's situation, accompanied by case-law examples.

38. The reports indicated that, under Article 358 of the Civil Code (see paragraph 32 above), the applicant could have requested the division of the property she owned jointly with her husband before the civil courts or could have initiated proceedings before the civil courts for the acknowledgement of her share of the jointly owned property under the general provisions of Article 35 of the Code of Civil Procedure (see paragraph 31 above). In that regard the reports were accompanied by examples of three domestic court judgments allowing the division of spousal property subject to seizure orders, issued in proceedings that took between eight months and one year and ten months depending on the number and type of assets to be divided and the level of agreement between the parties. In six other judgments the criminal courts confirmed that the judicial division of property or the acknowledgement of the ideal share of the jointly owned property had been the effective avenue to be exhausted before requesting the lifting of the seizure order.

39. The reports further mentioned that, once the applicant had an individualised property right over a specific share of the property, she could have asked the criminal courts to lift the seizure order in respect of her specific share based on either Article 249 of the CCP (see paragraph 23 above), since the conditions for upholding the measure were no longer fulfilled, or Article 255 of the CPP (ibid.) that allowed for the lifting of the seizure order and the return of the assets seized if they were the property of someone else. In respect of those arguments, four examples of judgments were attached to the reports.

40. In addition, the reports stated that Article 409 § 1 (f) of the CCP (see paragraph 26 above) allows any interested third party to lodge an appeal against the first-instance court's judgment if the seizure was upheld in that judgment. Furthermore, any interested person may lodge a complaint on the basis of Article 250^1 of the CCP (see paragraph 24 above) against any decision in respect of the seizure measure taken by the judge during the court proceedings in an interlocutory judgment, such as a decision to maintain the seizure measure ordered by the prosecutor.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

41. In her initial application on 10 October 2017 the applicant complained that the seizure of properties A and B had been unlawful, because domestic law did not specifically provide for the possibility of seizing her share of the property that she owned jointly with her husband. She also complained that the seizure had been disproportionate on account of its duration, which had imposed an excessive burden on her. Moreover, she had been deprived of a reasonable opportunity to put her case to the relevant authorities. On 21 January 2021 the applicant lodged the same complaints in respect of property C.

She relied on Article 1 of Protocol No. 1 to the Convention, which reads as follows:

> "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
>
> The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

A. Admissibility

1. *Compliance with the six-month time-limit*

(a) The parties' submissions

42. The Government pointed out that the six-month time-limit in respect of the applicant's complaint should have started to run on 29 March 2016 – the date on which the judgment of 23 February 2016 had been served on the applicant by the Brașov Court of Appeal (see paragraph 11 above), those proceedings being the only effective remedy in her case. Relying on the Court's reasoning in *Paul and Audrey Edwards v. the United Kingdom* ((dec.), no. 46477/99, 14 June 2002); *Lekić v. Slovenia* ([GC], no. 36480/07, 11 December 2018); and *O'Keeffe v. Ireland* ([GC], no. 35810/09, 28 January 2014), the Government maintained that the six-month period ran from the date of the final decision in the process of exhausting domestic remedies, and that the applicant was required to have made normal use only of domestic remedies likely to be effective and sufficient in her case. The civil proceedings instituted by the applicant (see paragraphs 17-18 above) could not be considered an effective remedy since such proceedings could have been initiated only in respect of the manner of enforcement of the seizure

measure, and only after the conclusion of the main criminal proceedings (see Article 250 § 8 of the CCP cited in paragraph 23 above).

43. The applicant contended that the final decisions delivered in the proceedings before the civil courts (see paragraphs 17-18 above) were the starting-point for the six-month time-limit. Alternatively, as regards property C, for example, the applicant pointed out the existence of a continuing violation, as none of the remedies pursued had resulted in the lifting of the seizure order. In her opinion, therefore, the six-month time-limit for lodging the present application should be calculated from the moment when the annotation concerning the seizure order in respect of that property was removed from the land registry, more specifically on 21 July 2021 (see paragraph 20 above).

(b) The Court's assessment

44. In assessing whether an applicant has complied with Article 35 § 1, it is important to bear in mind that the requirements contained in that Article concerning the exhaustion of domestic remedies and the six-month period are closely interrelated. As a rule, the six-month period (applicable prior to the entry into force of Protocol No. 15 to the Convention on 1 August 2021, which reduced it to four months) runs from the date of the final decision in the process of exhaustion of domestic remedies. However, Article 35 § 1 allows only remedies which are normal and effective to be taken into account, as an applicant cannot extend the strict time-limit imposed under the Convention by seeking to make inappropriate or misconceived applications to bodies or institutions which have no power or competence to offer effective redress for the complaint in issue under the Convention (see *Lopes de Sousa Fernandes v. Portugal* [GC], no. 56080/13, §§ 130-32, 19 December 2017, with further references). The pursuit of remedies which do not satisfy the requirements of Article 35 § 1 will not be considered by the Court for the purposes of establishing the date of the "final decision" or calculating the starting-point for the running of the six-month rule (see *Savickis and Others v. Latvia* [GC], no. 49270/11, § 131, 9 June 2022).

45. Turning to the present case, the Court notes that the applicant's complaint is twofold. Firstly, she argued that the seizure order affecting her property had been unlawful. Secondly, she contended that the prolonged seizure of her property had been disproportionate, as it imposed an excessive burden on her in the absence of an opportunity to present her case to the responsible authorities (see paragraph 41 above).

46. The Court observes that, at the relevant time, Romanian law allowed recourse to the courts in order to challenge a seizure order made by the investigating authority in pending criminal proceedings. More specifically, Article 250 § 1 of the CCP, which entered into force in 2014, provided for the possibility for any interested person to complain against the seizure order before the courts within three days following the adoption or notification of

the measure (see paragraph 23 above). The applicant, who was not a party to the criminal proceedings in which the precautionary measure had been ordered, used that avenue (see paragraph 9 above), and her complaints concerning the lawfulness of the seizure order were thoroughly addressed on their merits by the Brașov Court of Appeal in its judgment of 23 February 2016 (see paragraph 10 above). The proceedings were carried out very speedily and were adversarial, the applicant was present and represented by a lawyer of her choice and she had the opportunity to submit oral and written arguments (see paragraph 11 above). The Court therefore considers that the above-mentioned proceedings constitute an effective domestic remedy as regards complaints concerning the lawfulness of precautionary measures, such as those raised in the present case.

47. As regards the civil proceedings brought by the applicant (see paragraphs 17 and 18 above), the Court firstly notes that, pursuant to Article 250 § 8 of the CCP (see paragraph 23 above), complaints under civil law could only be lodged with respect to the manner of enforcement of the seizure and only after the judgment on the merits of the criminal case had become final. The civil courts could therefore not have examined the lawfulness of the measure in question. The civil courts could not even have examined the manner of enforcement of the measure at the time when they had been notified by the applicant, since the criminal proceedings were still pending. For the same reasons, the proceedings to amend the annotations in the Land Register (see paragraph 19 above) could not have resulted in a review by the civil courts of the lawfulness of a precautionary measure taken in the context of a criminal investigation and maintained by the criminal court (see the relevant provisions of Law no. 7/1996 in respect of the land and immovable property register, summarised in paragraph 33 above). In conclusion, the above-mentioned civil proceedings cannot be considered effective remedies in respect of the complaint concerning the lawfulness of the seizure order.

48. In view of the above, as regards the part of the complaint concerning the lawfulness of the seizure order, the Court considers that the six-month time-limit started to run on 29 March 2016, the date of notification of the final decision delivered in the criminal proceedings initiated on the basis of Article 250 § 1 of the CPP (see paragraph 11 *in fine* above). Bearing in mind that the application was lodged on 10 October 2017, in respect of properties A and B, and on 21 January 2021, in respect of property C (see paragraph 41 above), the Court considers that the complaint concerning the lawfulness of the seizure order was lodged out of time. Therefore, the Government's objection must be upheld, and this part of the application must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

2. Other grounds for inadmissibility

49. However, the Court is unable to reach the same conclusion in respect of the complaint concerning the alleged excessive duration of the seizure, its alleged disproportionate character and the alleged absence of an opportunity for the applicant to put her case to the responsible authorities (see paragraph 41 above). The Court notes that the seizure in question continued after 29 March 2016 and was lifted on 21 July 2021 (see paragraph 57 below). Therefore, the six-month time-limit in respect of this part of the application had started to run on the latter date. Given that the application was lodged on 10 October 2017 in respect of properties A and B and on 21 January 2021 in respect of property C (see paragraph 41 above), the Government's objection as regards the specific complaints mentioned above must be dismissed.

50. The Court further notes that this part of the complaint is neither manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention nor inadmissible on any other grounds listed in Article 35. It must therefore be declared admissible.

B. Merits

1. The parties' arguments

51. Relying on *Cernea v. Romania* ([Committee] no. 7486/12, 18 December 2018), the applicant complained that the excessive duration of the seizure had amounted to a disproportionate limitation on her right to the "peaceful enjoyment of her possessions". She submitted that domestic law did not provide for the possibility of requesting a review of the measure in the course of the criminal proceedings, to which she had not been a party. In her opinion, the proceedings for the division of spousal property were lengthy proceedings that had no prospects of success and the Government's submissions (see paragraphs 37-40 above) did not include enough examples of case-law to show a predictable practice of the domestic courts. Having lasted almost six years, and in the absence of any review of its necessity and proportionality by a court, the seizure of her assets had therefore imposed an excessive burden on her, breaching her rights under Article 1 of Protocol No. 1 to the Convention.

52. The Government submitted that the seizure had not exceeded a reasonable length of time and had not imposed an excessive burden on the applicant, since she had continued to use the seized properties throughout the duration of the measure. They referred, by way of contrast, to *Cernea* (cited above) and *Credit Europe Leasing Ifn S.A. v. Romania* (no. 38072/11, 21 July 2020), where measures concerning the seizure of movable property had lasted more than eight years and the applicants had been deprived of all attributes of their property rights during that time. The Government further alleged that, because the seizure order in the present case had mentioned Article 249 of

the CCP (see paragraph 23 above) in its entirety, it might be considered that the measure had also been ordered with the purpose of subsequent confiscation as provided by paragraph 4 of that Article. Relying on the Court's findings in *Telbis and Viziteu v. Romania* (no. 47911/15, 26 June 2018) and on the reports from the DNA as well as national courts of appeal (see paragraphs 37-40 above), they contended that the applicant had had the opportunity to effectively challenge, in all aspects, the measure interfering with her right of property.

2. *The Court's assessment*

53. The Court notes that the "possessions" in question were immovable assets that were seized on 12 February 2016 and were owned jointly by the applicant and her husband (see paragraph 6 above). The Government did not contest the interference with the applicant's property rights over the assets in question. The allegedly prolonged seizure may therefore be regarded as an interference with the applicant's exercise of her right to the peaceful enjoyment of her possessions.

54. The Court has previously stated that the seizure of assets during criminal proceedings is in principle a measure which amounts to a temporary restriction on their use and does not involve a transfer of ownership. This line of reasoning has led the Court to regard seizure as a measure entailing control of the use of property (see *Călin v. Romania*, no. 54491/14, §§ 69 and 70, 5 April 2022, with further references). Accordingly, the Court considers that the same approach must be followed in the present case. Such a measure must comply with the requirements of Article 1 of Protocol No 1. More specifically, it must be provided for by law, pursue a legitimate aim and strike a fair balance between the general interest and the individual right to property (see *Pendov v. Bulgaria*, no. 44229/11, § 42, 26 March 2020, and *Karahasanoğlu v. Turkey*, nos. 21392/08 and 2 others, § 145, 16 March 2021).

55. As regards the lawfulness of the measure, the Court points out its findings in paragraphs 48 and 49 above, notably that the applicant's complaints about the alleged unlawfulness of the seizure were lodged out of time and are thus inadmissible. As regards the legitimate aim of the measure in question, the Court notes that it was part of a legislative framework intended to combat money laundering (see paragraph 5 above). In this context, the Court accepts that the interference was in the "general interest" of the community because it aimed to enable the State to recover the damage caused by the alleged criminal offences (see *Călin*, cited above, § 73, and paragraphs 6 and 10 above).

56. Having in mind the complaints raised by the applicant (see paragraph 51 above), the Court considers that the question that remains to be answered in the present case is whether the seizure, owing to its duration, was proportionate to the aim pursued. In previous cases where lengthy

precautionary measures gave rise to a violation of Article 1 of Protocol No. 1, the finding of a violation was based on an accumulation of factors. While the length of time during which the restrictions remained in place is a crucial part of the Court's assessment, the scope and nature of restrictions as well as the presence or absence of procedural guarantees are no less relevant (see *Karahasanoğlu*, cited above, § 151). In application of these principles to the present case, the Court will first examine the duration of the measure and then the safeguards available to the applicant.

57. As regards the duration of the measure, the Court notes that the applicant's assets were seized on 12 February 2016 by a decision of the prosecutor (see paragraph 6 above). On 17 December 2020 the High Court decided to uphold the measure only for the recovery of damages amounting to a small part of the total value of the seized assets (more specifically for EUR 17,829.73 out of the total value of the seized assets of EUR 765,870.43 – see paragraphs 8 and 14 above). The annotations in the Land Register were subsequently removed as soon as requested, as provided for by law (see paragraph 33 above). A first request was submitted on 16 July 2021, as regards property C, and the annotation as regards this property was removed on 21 July 2021 (see paragraph 20 above). The fact that the requests for the removal of the annotations as regards properties A and B were only made in December 2021 and in 2022 (see paragraphs 21-22 above) cannot be imputed to the authorities. In view of the above, the Court considers that the measure was lifted on 21 July 2021. The total duration of the measure was therefore approximately five years and five months.

58. Bearing in mind that the measure was adopted in the course of a complex investigation in a case involving serious crimes and numerous suspects, including public officials (see paragraph 5 above), the duration of the measure in itself cannot automatically be considered excessive (see, *mutatis mutandis*, *Căpățînă*, *v. Romania*, no. 911/16, § 56, 28 February 2023, and *Sebeleva and Others v. Russia*, no. 42416/18, § 61, 1 March 2022, in respect of seizures which lasted, respectively, four years and five months and four years and eight months, and compare with *Karahasanoğlu*, cited above, where the temporary injunctions imposed on the applicant's assets lasted for prolonged periods, in some instances for up to eleven years).

59. Subsequently, and in order to assess the proportionality of the measure, the Court must verify the safeguards available for the applicant in the domestic legal system. More specifically, whether, in the circumstances of the present case, a fair balance was struck between the requirements of the general interest and the protection of the applicant's right to the peaceful enjoyment of her possessions, in particular by providing procedures affording her a reasonable opportunity to put her case to the relevant authorities (see *Călin,* cited above, § 74). It must be noted that the tenor of the applicant's submissions in this regard called into question the duration of the measure in the absence of such opportunity for judicial review (see paragraph 51 above).

60. As regards the opportunity for judicial review, the Court firstly notes that the domestic legal framework (Article 250 § 1 of the CCP – see paragraph 23 above) allowed the applicant to contest the seizure order in the three days after it was made. The applicant used that opportunity and the Brașov Court of Appeal examined her allegations, carried out an assessment of the lawfulness and proportionality of the measure at the time of its adoption and decided that the prosecutor's seizure order had been in compliance with the law (see paragraphs 9 and 10 above). The Court considers that the domestic court gave relevant and sufficient reasons for its decision. Accordingly, the necessity and proportionality of the measure was subject to an adequate judicial review immediately after its adoption.

61. As regards the opportunity for the applicant to present her case to the relevant authorities throughout the duration of the measure, the Court notes that it has previously examined the Romanian legal framework regarding seizure of assets from third parties in the context of criminal proceedings, but only in relation to the seizure of proceeds of crime. In *Credit Europe Leasing Ifn S.A.* (cited above) the Court examined the seizure of proceeds of crime for the purpose of subsequent confiscation under the legal framework provided for by the former CCP. The Court found a violation of Article 1 of Protocol No. 1 to the Convention because the applicant company had been obliged to bear an excessive burden owing to the excessive duration of the measure (more than eight years and eight months) coupled with the lack of opportunity to effectively challenge it (ibid., §§ 86 and 87). In *Telbis and Viziteu* (cited above, § 81), after the adoption of a new CCP that included specific provisions allowing any interested third parties to participate in criminal proceedings concerning the seizure of their assets for the purpose of future confiscation as proceeds of crime (Article 366 § 3 of the CPP – see paragraph 23 above), the Court found no violation of Article 1 of Protocol No. 1, as the applicants were afforded a reasonable opportunity to put their case through adversarial proceedings.

62. More recently, as regards the duration of the seizure measure in a case where the applicant was accused in the criminal proceedings, the Court has held that a seizure lasting a little over four years and five months had been justified, taking into account the complexity of the criminal proceedings and the fact that the applicant had had access to courts which had reviewed the lawfulness and necessity of the measure throughout its duration (see *Căpăţînă*, cited above, §§ 54 and 56).

63. Against this background, the Court is called upon to examine in the instant case the domestic legal framework provided for by the new CCP in respect of the seizure of assets for the purpose of covering the damage caused by the offences under investigation, and not the seizure of proceeds of crime for the purpose of subsequent confiscation, as in the above-mentioned cases (see paragraphs 61 and 62 above). In that connection, the Court considers that the Government's argument that, by referring to Article 249 of the CCP in its

entirety, the prosecutor intended to also take the measure for the purpose of subsequent confiscation (see paragraph 52 above) is not supported by the facts of the case. The seizure order clearly mentioned that the purpose of the measure was to cover the damage caused by the offences under investigation and did not contain any mention that the assets seized might have been regarded as proceeds of crime – a prerequisite for the imposition of a seizure order with the purpose of subsequent confiscation (see paragraphs 6 and 29 above). Furthermore, the domestic courts, when examining the applicant's complaint against the seizure order, considered that the measure had been ordered with the purpose of covering the damage caused by the offences under investigation on the basis of Article 249 § 5 of the CCP (see paragraph 10 above).

64. The Court further notes that Article 249 § 5 of the CCP provides that seizure with the purpose of covering damage may be ordered only in respect of assets belonging to the suspect, the defendant or the party liable under civil law. The mortgage registered as a result of such a measure shall be enforced pursuant to the civil procedure rules within the limits of the damage to be covered (see paragraph 30 above). By contrast, seizure for the purpose of confiscation, which concerns the proceeds of crime in their entirety, may be ordered in respect of assets belonging to anyone (see paragraph 23 above). Nevertheless, the relevant practice of the domestic courts has established that Article 249 § 5 of the CCP cannot be interpreted as preventing the seizure of assets owned jointly by spouses (see paragraphs 10 and 35-36 above). It can therefore be concluded that this type of measure may also affect persons other than the suspect, the defendant or the party liable under civil law, more specifically the co-owners of the assets concerned by the seizure. However, the Court notes that there is no specific legal provision concerning the participation in the criminal proceedings of those whose assets are subject to this type of measure and who are not already parties to the proceedings. Such a specific provision exists solely with respect to those whose assets are seized for the purpose of subsequent confiscation (Article 366 § 3 of the CCP – see paragraph 23 above).

65. Turning to the present case, the Court notes that the Government submitted that the existing legal framework and practice of the domestic courts offered the applicant access to several avenues that could have afforded her reasonable opportunities to put her case to the responsible authorities, based on reports and case-law examples from the DNA and the domestic courts of appeal (see paragraphs 52 *in fine* and 37-40 above).

66. On the basis of the above-mentioned reports and domestic case-law, the Court observes that the applicant had the possibility to lodge an application before the civil courts in order to individualise her share of the assets owned jointly with her husband (see paragraph 38 above) and subsequently to ask the criminal court to lift the seizure measure in so far as it concerned her share of the seized property (see paragraph 39 above). The

applicant contested the effectiveness of those avenues, arguing that the proceedings for division of property were excessively lengthy and that not enough domestic case-law examples had been submitted (see paragraph 51 above). However, from the examples of case-law submitted it can be seen that proceedings for the division of property have taken between eight months and one year and ten months. Moreover, the Court considers that the examples of case-law submitted (a total of thirteen judgments – see paragraphs 38 and 39 above), coupled with the opinion of the courts of appeal and the DNA, are sufficient to show that following the suggested avenue would not be completely devoid of any chances of success.

67. Lastly, the Government also submitted that the domestic legal framework provides for additional avenues open in general to third parties who wish to challenge seizure measures. More specifically, Article 409 § 1 (f) of the CCP offers the possibility for any interested person to lodge an appeal against the first-instance court's decision concerning a seizure measure (see paragraphs 26 and 40 above), Starting on 23 May 2016, when Article 250^1 was introduced in the CCP, there is also the possibility to complain against any decision taken by a judge during a trial in respect of a seizure measure (see paragraphs 24 and 40 above). However, the Court observes that in the present case the first avenue did not apply in the applicant's situation as the first-instance court had decided to lift the seizure measure (see paragraph 12 above) and she had no reason to lodge an appeal against that judgment. As regards the second avenue, no documents have been submitted that would allow the Court to verify whether any decisions were taken as regards the seizure measure during the proceedings before the courts that the applicant could have contested (such as, for example, any decisions taken on any requests made by R.R.M. regarding the seizure measure).

68. As regards the impact of the seizure measure on the applicant, the Court notes that it had already established that the duration of the measure had not been excessive given the complexity of the criminal proceedings (see paragraph 58 above). Moreover, throughout the duration of the measure, the applicant remained in possession of the seized assets and had not been deprived of the possibility of using them (contrast *Călin,* cited above, § 83). Therefore, the Court is satisfied that the domestic authorities have taken the less intrusive measures as regards the applicant's property while the main criminal proceedings have not been unnecessarily protracted (contrast *Andrzej Ruciński v. Poland*, no. 22716/12, § 88, 5 October 2023).

69. The Court also observes that, even though the legal framework applicable in the present case did not specifically provide for someone in the applicant's position to acquire a status as a party to the criminal proceedings, it does not appear from the case file that R.R.M. (who was lawyer himself and was represented by lawyers of his own choice – see paragraphs 5 and 16 above) had called the applicant as a witness in the criminal proceeding, or

that the applicant (who was also a lawyer – see paragraph 2 above) had made any attempts to be heard in those proceedings (compare *Zaghini v. San Marino*, no. 3405/21, § 67, 11 May 2023).

70. Lastly, as regards the safeguards offered by the domestic legal framework, the Court notes that, should the property seized eventually be used to cover the damage caused to the State (which had not happened in the present case), Article 818 of the Code of Civil Procedure (see paragraph 29 above) specifically prohibited the enforcement of a measure concerning jointly owned assets prior to their division, so the applicant's share would have not been affected (see paragraph 10 above).

71. Taking into account the above-mentioned considerations and the temporary nature of seizure of the applicant's assets, the fact that the assets remained in the possession of the applicant, the availability of judicial review and the additional safeguards provided by the domestic legal framework and in the light of the complexity of the criminal proceedings, the Court concludes that the applicant was not obliged to bear an excessive burden, and that the domestic authorities have preserved a "fair balance" between the protection of the applicant's right to property and the requirements of the general interest.

72. There has accordingly been no violation of Article 1 of Protocol No. 1 to the Convention.

II. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

73. The applicant also complained under Article 6 § 1 of the Convention of the existence of divergent case-law as regards some of the issues relevant to the proceedings she had initiated before the civil courts (see paragraphs 17 and 18 above).

74. The Court considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, this complaint either does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or does not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

75. It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 1 of Protocol No. 1 to the Convention concerning the alleged excessive duration of the seizure measure, its alleged disproportionate character and the lack of opportunity for the applicant to effectively challenge it admissible and the remainder of the application inadmissible;

2. *Holds* that there has been no violation of Article 1 of Protocol No. 1 to the Convention.

Done in English, and notified in writing on 16 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı Registrar	Lado Chanturia President