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

FOURTH SECTION

DECISION

Application no. 36070/22
Ilie BÎZU and Mihaela BÎZU
against Romania

The European Court of Human Rights (Fourth Section), sitting on 23 September 2025 as a Committee composed of:

Faris Vehabović*, President*,
Lorraine Schembri Orland,
Sebastian Răduleţu*, judges*,

and Valentin Nicolescu, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 36070/22) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 18 June 2022 by two Romanian nationals, Mr Ilie Bîzu and Ms Mihaela Bîzu ("the applicants"), who were born in 1969 and 1970 respectively and live in Oglinzi;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the alleged unfairness of a court judgment and unlawfulness of a punishment imposed on the applicants, in violation of Articles 6 and 7 of the Convention.

2. The applicants are spouses. In June 2019 the National Anti-Corruption Directorate (*Direcţia Naţională Anticorupţie* – "the DNA") indicted them for having unlawfully obtained funds from the European Union budget by intentionally submitting false, inaccurate or incomplete documents. The Rural Investment Financing Agency (*Agenţia pentru Finanţarea Investiţiilor Rurale* – "the AFIR") joined the criminal proceedings as a civil party.

3. On 8 March 2021 the Neamţ County Court acquitted the applicants of that offence on the grounds that the evidence in the case file did not prove their guilt beyond a reasonable doubt. It also dismissed the AFIR's civil claim on the grounds that it had not suffered any damage in the absence of an offence.

4. The DNA appealed against the acquittal to the Bacău Court of Appeal without expressly addressing the question of the AFIR's civil claim. The AFIR did not appeal against the County Court's judgment. The examination of the DNA's appeal was assigned to a panel of judges, which included C.N.I.

5. The applicants asked for the case to be transferred to a different court of appeal. They argued that C.N.I. lacked impartiality because of the reason described in paragraph 12 below. Moreover, they alleged that C.N.I. had asked to recuse himself from the case because of the above-mentioned reason but his request had been dismissed by a panel of judges attached to the Court of Appeal.

6. It appears that the applicants' above-mentioned transfer request was dismissed by the domestic courts. The applicants have not submitted a copy of either the decision dismissing their transfer request or the decision dismissing C.N.I.'s recusal request to the Court.

7. On 1 March 2022 the Court of Appeal, sitting as a panel of judges which included C.N.I., allowed the DNA's appeal, quashed the County Court's judgment, convicted the applicants and imposed suspended prison sentences on them. Moreover, it allowed the AFIR's civil claim against the applicants. The court gave reasons for its decision.

8. The applicants lodged two extraordinary appeals against the Court of Appeal's judgment of 1 March 2022. An appeal to review (*revizuire*) on the grounds that it had not been open to the Court of Appeal to examine the AFIR's civil claim because of the reasons described in paragraph 12 below, and an appeal for annulment (*contestaţie în anulare*) on the grounds that they had been convicted even though the statutory limitation period for the prosecution of the alleged offence had expired.

9. The extraordinary appeals were examined by two different panels of judges of the Court of Appeal, neither of which included C.N.I.

10. By a final judgment of 19 September 2022, the Court of Appeal dismissed the applicants' appeal to review. It held that in accordance with the relevant criminal procedure rules, the court had been obligated to examine the AFIR's civil claim since it had quashed the County Court's judgment and conducted a new trial on the merits. That obligation applied irrespective of whether the criminal trial had ended in a conviction or a discontinuation owing to the prosecution becoming statute-barred. In any event, even if the AFIR had not joined the proceedings as a civil party, the court would have had to have confiscated the proceeds of the unlawful acts. If that were not the case, the defendants would have kept the proceeds in question, which would have been absurd.

11. By a final judgment of 28 March 2023, the Court of Appeal allowed the applicants' appeal for annulment, quashing the judgment of 1 March 2022 in so far as the criminal limb of the proceedings was concerned and discontinuing the criminal proceedings against them. It held that in view of a binding decision of the Constitutional Court of 26 May 2022 concerning the

calculation of the limitation period for criminal offences, the applicants' prosecution had become statute-barred in 2019.

12. The applicants complained under Article 6 of the Convention of a violation of their right to a fair trial because the Court of Appeal's judgment of 1 March 2022 had been delivered by a judge who they alleged lacked impartiality because he was married to a prosecutor who had been involved in the case during the court proceedings at first instance. Moreover, the Court of Appeal had examined the AFIR's civil claim even though the AFIR had not appealed against the County Court's judgment and the DNA's appeal had concerned only the criminal limb of the proceedings.

13. The applicants complained of a further violation of Article 6, arguing that on 1 March 2022 the Court of Appeal had wrongly assessed the evidence against them and had convicted them on the basis of the same evidence which had led the County Court to acquit them. Furthermore, they complained under Article 7 of the Convention of a violation of their right not to be punished without law because the unlawful acts for which they had been convicted on 1 March 2022 had not been provided for by the criminal law.

THE COURT'S ASSESSMENT

Alleged violations of Articles 6 and 7 of the Convention

14. The Court considers it unnecessary to determine whether the applicants can still claim to be victims of the alleged violations of their rights described in paragraphs 12 and 13 above following the Court of Appeal's judgment of 28 March 2023 (see paragraph 11 above). Even assuming that they can still claim to be victims, the applicants' complaints are inadmissible for the following reasons.

15. The Court is of the view that the main issues in the present case concern the applicants' complaints described in paragraph 12 above.

16. It reiterates the general principles concerning the right to a fair trial and to an impartial tribunal (see *Micallef v. Malta* [GC], no. 17056/06, §§ 93-99, ECHR 2009; *Alexandru Marian Iancu v. Romania*, no. 60858/15, §§ 57-62, 4 February 2020; and *Alexandru-Radu Luca v. Romania*, no. 20837/18, § 56, 14 June 2022).

17. On 1 March 2022 the Court of Appeal sitting as a panel of judges which included C.N.I., overturned the applicants' acquittal by the County Court and convicted them. Moreover, it allowed the AFIR's civil claim against the applicants. The Court of Appeal gave reasons for its decision.

18. The above-mentioned judgment was quashed in part and the criminal proceedings against the applicants were discontinued by a final judgment of 28 March 2023 which enforced a binding decision of the Constitutional Court concerning the calculation of the limitation period for criminal liability, which had not existed at the time of the applicants' conviction. Nevertheless,

the part of the judgment of 1 March 2022 covering the civil limb of the proceedings was upheld by the final judgment of 19 September 2022 (see paragraphs 10-11 above).

19. There is no evidence in the case file that Judge C.N.I. acted with any personal bias against the applicants. Their concerns regarding C.N.I.'s impartiality originated in the fact that the judge in question was the spouse of one of the prosecutors who had been involved in the case during the proceedings at first instance. The Court accepts that this situation could have raised doubts in the applicants' minds about C.N.I.'s impartiality. It remains to be seen whether those doubts were objectively justified and the answer to that question depends on the circumstances of the case (see *Korzeniak v. Poland*, no. 56134/08, § 52, 10 January 2017).

20. The applicants have alleged that Judge C.N.I. had attempted to recuse himself from the case on account of his relationship with the prosecutor in question. Moreover, the applicants had asked for the case to be transferred to a different court of appeal for that same reason. Nevertheless, the national courts which examined those requests dismissed them.

21. The applicants have not submitted copies of the above-mentioned court decisions to the Court. Furthermore, they did not argue that the courts in question had sat in panels of judges which included C.N.I. or had failed to examine the issue in question or to provide reasons for their decisions.

22. As to the fact that on 1 March 2022 the Court of Appeal had allegedly examined the civil claim against the applicants *ultra petita*, the Court notes that a panel of the Court of Appeal, which did not include C.N.I., conducted a proper examination of that complaint by the applicants on 19 September 2022 and dismissed it, finding that any court, and implicitly any judge, had been lawfully obligated to examine the civil claim in question in the given circumstances of the applicants' case irrespective of whether the criminal trial had ended in a conviction or a discontinuation owing to the limitation period for criminal liability taking effect.

23. The Court reiterates that it is primarily for the national authorities, notably the courts, to resolve problems of interpretation of domestic legislation. Save in the event of evident arbitrariness, it is not the Court's role to question the interpretation of the domestic law by the national courts (see *Nejdet Şahin and Perihan Şahin v. Turkey* [GC], no. 13279/05, §§ 49-50, 20 October 2011). The applicants have not put forth any evidence that could suggest that the interpretation given by the domestic courts to the relevant legal provisions concerning the impartiality of judges, transfer of cases or examination of civil claims joined to criminal proceedings had amounted to an arbitrary or unreasonable application of those rules in the particular circumstances of their case. The Court sees no reason therefore to suspect or to believe that the reasons on which the domestic courts based their decisions to dismiss the allegations of bias and unlawful examination of a civil claim were not sufficient to dispel any concerns about a lack of impartiality on the

part of Judge C.N.I. or about the civil claim against the applicants having been examined *ultra petita*.

24. In view of the foregoing, the Court finds that the applicants' misgivings concerning the fairness of their trial because of the reasons described in paragraph 12 above cannot be regarded as justified. It follows that this part of the application is manifestly ill-founded, within the meaning of Article 35 § 3 and must be rejected, pursuant to Article 35 § 4 of the Convention.

25. The Court has examined the applicants' remaining complaints (see paragraph 13 above) as they were presented. However, having regard to all the material in its possession, and in so far as they fall within its jurisdiction, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

It follows that this part of the application is manifestly ill-founded, within the meaning of Article 35 § 3 and must be rejected, pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 16 October 2025.

Valentin Nicolescu Acting Deputy Registrar	Faris Vehabović President