



Voiculescu money-laundering trial and property seizures cases declared inadmissible by the European Court

In its decision in the cases of [Voiculescu v. Romania](#) (application no. 493/15) and [Camelia Rodica Voiculescu and Others v. Romania](#) (nos. 502/15, 1559/15, 2836/15 and 2839/15), the European Court of Human Rights has unanimously declared the applications inadmissible. The decisions are final.

The cases concerned the trial of Dan Voiculescu – a prominent businessman and former politician – for money laundering and the seizing of assets held to have been the proceeds of crime from his daughters and companies he owned.

Principal facts

The applicant in the first case, Dan Voiculescu, is a Romanian national who was born in 1946 and lives in Bucharest.

The applicants in the second case are two Romanian nationals, Camelia Rodica Voiculescu and Corina Mirela Voiculescu, and two Romanian companies, Compania de Cercetări Aplicative și Investiții S.A. and Grupul Industrial Voiculescu și Compania S.A. The first two applicants were born in 1974 and 1975 and live in Petrești (Romania) and Bucharest respectively. The applicant companies are based in Bucharest.

Dan Voiculescu is the father of the other two applicants and the owner of the two applicant companies. He is a prominent businessman and former politician. On several occasions, as the leader of a political party, he made statements in the media which were critical of, among others, the President of Romania. Allegedly, in 2014 the President of Romania stated the following regarding Mr Voiculescu's upcoming trial:

“It is not right, and especially the anticipation that everyone is expecting a conviction. It could very well be an acquittal. I don't know. It can be anything. The judge is the only one who has all the elements to decide.”

Following an investigation for corruption, Mr Voiculescu was finally convicted by the Bucharest Court of Appeal of money laundering in 2014. He received a ten-year prison sentence. The judgment was extensively and thoroughly reasoned, based on copious evidence, and included replies to all arguments raised by the parties. During the trial, Mr Voiculescu lodged many unsuccessful applications to have judges removed from the panel for bias.

Following his first-instance conviction in 2013 by the Bucharest County Court, that court ordered the seizure of money given by him to his daughters, and the prosecutor ordered the seizure of property from all the applicants in the second case. The appellate court then expanded the seizures. It reasoned that prevention of damage to or hiding of property made this measure necessary, and that the property was the proceeds of crime.

Complaints, procedure and composition of the Court

The applications were lodged with the European Court of Human Rights between 23 and 31 December 2014.

Relying in particular on Articles 6 § 2 (presumption of innocence) and 18 (limitation on use of restriction of rights) of the Convention in conjunction with Articles 6 § 1 (right to a fair trial) and 1 of Protocol No. 1 (protection of property) to the Convention, Mr Voiculescu complained, in particular, that the State had prosecuted him for a political end.

Relying on Articles 6 § 1 and 7 (no punishment without law) and Article 2 of Protocol No. 7 (right of appeal in criminal matters) to the Convention, the remaining applicants complained that the trial panel which had ordered the seizure of their assets had not been impartial, that the seizure had not had a basis in law, and that the seizure “penalty” had not been reviewed by a higher court.

The decision was given by a Committee of three judges, composed as follows:

Tim Eicke (the United Kingdom), *President*,
Faris Vehabović (Bosnia and Herzegovina),
Pere Pastor Vilanova (Andorra),

and also Ilse Freiwirth, *Deputy Registrar*.

Decision of the Court

Article 6 § 2 (first application)

Regarding the statement by the President of Romania and the allegation that this had damaged the presumption of innocence in Mr Voiculescu’s case, the Court determined that this alleged statement had not implied guilt on the part of the latter. There were therefore no grounds to believe that the impartiality of the trial had been in question.

This complaint was thus rejected as manifestly ill-founded.

Article 18 (first application)

The Court reiterated that the mere fact that a politician was criminally prosecuted, even during an electoral campaign, was not automatically a breach of the right to run for office. Concerning statements by officials, these would only carry weight if the trial court were not independent, for which there was no evidence in this case. Regarding the independence of the trial courts, the Court noted that the proceedings had not been arbitrary, Mr Voiculescu had been afforded reasonable opportunities to put forward his arguments in adversarial proceedings and the decisions adopted had been thoroughly reasoned on the basis of the facts and the applicable law.

Overall, there appeared to be no evidence that the authorities had conducted the trial for ulterior reasons, leading the Court to reject the complaint as manifestly ill-founded.

Other articles (first application)

The other complaints made by Mr Voiculescu did not meet the admissibility requirements of the Court and were thus rejected.

Article 6 § 1 (second application)

The Court noted that the applicants had challenged domestic-court judges on the bench which ordered the seizures for bias and received reasoned responses. There was no appearance of any lack of impartiality on the part of the judges on the bench in their case. The complaint was rejected as manifestly ill-founded.

Article 7 of the Convention and Article 2 of Protocol No. 7 (second application)

Within the meaning of Article 7 § 1 of the Convention, a “penalty” is something imposed following conviction for a “criminal offence”. It was clear that the seizures had not been connected with any

criminal offences on the part of the applicants in the second application. These provisions of the Convention were not therefore applicable, and the complaint was rejected by the Court.

[Article 1 of Protocol No. 1 \(second application\)](#)

The Court was satisfied that the control of the use of property in this case had been in the general interest of the community as it had been held to be the proceeds of crime. The applicants had been able to challenge the orders in court and to make their case.

The complaint was thus manifestly ill-founded and was rejected by the Court in accordance with its well-established case-law (*Telbis and Viziteu v. Romania*, no. 47911/15).

The decision is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.