EUROPEAN COURT OF HUMAN RIGHTS
SECTION FOUR

Case AMARANDEI AND OTHERS AGAINST ROMANIA

(Application No 1443/10)

RULING

Strasbourg

April 26, 2016

Definitive

26/07/2016

Amarandei and others v. Romania,

The European Court of Human Rights (Fourth Chamber), sitting in a Chamber composed of

András Sajó, *President*,
Vincent A. De Gaetano,
Boštjan M. Zupančič,
Paulo Pinto de Albuquerque,
Krzysztof Wojtyczek, ad hoc *Judge*,
Mr Egidijus Kūris,
Gabriele Kucsko-Stadlmayer, *Judges*,
and Marialena Tsirli, *Registrar*,

after deliberating in closed session on March 29, 2016,

gives this judgment, adopted on the same date:

PROCEDURE

1. The case originated in an application (No 1443/10) against Romania lodged by 26 Romanian nationals ('the applicants') on 23 December 2009, under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ('the Convention').

2. The plaintiffs, whose names are mentioned in the annex, were represented by M.-C. Mîțu, lawyer in Bucharest. The Romanian Government ("the Government") was represented by the Government Agent, Ms. C. Brumar, of the Ministry of Foreign Affairs.

3. The applicants claim, in particular, that they have been subjected to ill-treatment, unlawful deprivation of liberty and violations of their right to respect for their home and their private life.

4. On September 17, 2013, the request was communicated to the Government.

5. Following the withdrawal of Ms Antoanella Motoc, the judge elected to represent Romania (Rule 28 of the Rules of Court), the President of the Chamber appointed Ms Krzysztof Wojtyczek as ad hoc judge (Article 26 § 4 of the Convention and Rule 29 § 1 of the Rules of Court).

DE FACTO

I. CIRCUMSTANCES OF THE CASE

6. The plaintiffs are members or sympathizers of the "Movement for Spiritual Integration in the Absolute" (MISA), a Romanian non-profit association.

A. Background of the case

7. MISA was founded in 1990 by G.B. and other yoga practitioners. Some of its members live in communities called ashrams. Every year, many MISA members and sympathizers attend public meetings.

8. Due to suspicions that G.B. and other members of MISA promote ideas hostile to Romania's integration into the European Union and the North Atlantic Treaty Organization ("NATO") and disseminate false information regarding the alleged membership of certain politicians in Freemasonry, MISA's activity was subject to close monitoring by the Romanian Intelligence Service (SRI).

9. In 2000, the Public Prosecutor's Office of the Bucharest Court of Appeal ordered, by resolution, not to initiate criminal proceedings, considering that the statements in dispute related to freedom of expression.

10. Following several signals from the SRI about public gatherings at which obscene acts were allegedly committed and illegal substances were consumed, the prosecutor's office reopened the investigation.

11. By the resolution of April 7, 2003, the prosecutor's office once again ordered the non-prosecution for most of the acts of which MISA was accused and against some of its members.

12. On the basis of the documents in the file and in particular the results of the laboratory examinations, the prosecution concluded that there was no basis for the charge of trafficking in and consumption of illegal substances. As regards the MISA demonstrations, the prosecution heard several witnesses and examined the available video recordings. It found that the demonstrations had been lawfully organized and that the theme of the demonstrations and the objects used in the demonstrations were in line with yoga practice. The public prosecutor's office reiterated that the ideas promoted by some members of MISA could not be assimilated to racist propaganda or propaganda in favour of a totalitarian state.

13. However, the prosecution pointed out that the association was fraudulently using software and that some of its income was not declared. It was suspected that some members were making pornographic images and disseminating them on the internet and, in addition, inciting other members to engage in prostitution abroad. The Public Prosecutor's Office decided to continue the investigation into these facts.

14. On February 12, 2004, Prosecutor D.B. of the Bucharest Court of Appeal Prosecutor's Office ordered the reopening of the investigation into propaganda in favour of the totalitarian state and acts of sexual perversion. The prosecutor found that MISA members could not avail themselves of the right to freedom of expression to promote opinions hostile to the State's foreign policy choices. They also considered that the MISA demonstrations were "deeply obscene" and that the investigation had been superficial.

15. On March 16, 2004, the Public Prosecutor's Office of the Bucharest Court of Appeal requested a search warrant from the Bucharest Tribunal for 16 buildings inhabited by MISA members, with the aim of confiscating the computer data storage media. The public prosecutor's office said there were indications that, under the leadership of G.B., members of the association were fraudulently using computer programs to produce and distribute pornographic images on the internet. The prosecution added that MISA members were allegedly sent abroad to prostitute themselves. The money thus obtained was allegedly transferred to Romania and subjected to money laundering operations for the benefit of MISA and its leaders.

16. On the same day, the court authorized the search of the aforementioned buildings and the seizure of computer data storage media containing information on international data exchanges and their users. The court noted that the authorization was issued on the basis of Article 55 of Law No 161/2003 (Title III - Prevention and combating of cybercrime). According to that article, if there are indications that a crime has been committed through computer systems and there is a danger that computer data may be destroyed, the court may order the public prosecutor to seize the computer data media in question.

17. On March 17, 2004, the Public Prosecutor's Office requested the Ministry of the Interior to provide special agents to carry out the search. It indicated that it was an operation to "combat drug trafficking and prostitution".

B. Police operation of March 18, 2004

18. On March 18, 2004, at 9 a.m., the authorities launched a large-scale raid, with the intervention of about 130 officers, members of an elite unit of the Gendarmerie, specialized in the fight against terrorism, under the coordination of prosecutors from the Prosecutor's Office of the Court of Appeal. Several witnesses, recruited from among students at the Law Faculty of the University of Bucharest, accompanied the teams of gendarmes and prosecutors.

19. The complainants, with the exception of Mr. Monete, Mr. Tănase and Ms. Pelin, lived in seven of the buildings searched, either permanently or temporarily.

20. The complainants Pelin and Tănase were questioned on the street, near one of the buildings searched, where they went to take photographs during the operation. They were subjected to a body search, then taken and detained inside the building during the search. Their cameras were confiscated and, at the end of the search, they were brought to the prosecutor's office together with the other occupants of the building.

21. The applicant Monete was also questioned in the street near one of the buildings searched. He had arrived at the scene by car, accompanied by a friend who was carrying a video camera. The car and the complainant were searched and the complainant was taken directly to the prosecutor's office.

1. Claimants' version

22. The applicants were present in the seven properties searched, with the exception of the applicants Butum and Motocel, who were not present. They describe the same scenario of the simultaneous intervention of the police in these properties.

23. The operation allegedly started with smashing doors and windows. While most of the complainants were still asleep, the heavily armed and hooded officers suddenly appeared in their rooms. At gunpoint, they were violently forced to lie face down on the floor. Some of the complainants, who had got straight out of bed, were scantily clothed or partially naked. The officers shouted and threatened to kill them at the slightest movement: "Nobody move!" "Get down! "On your stomach! "I'll shoot! "Don't move or I'll shoot!" "I'll blow your brains out!".

24. The complainants were kept in this position until the arrival of the prosecutors, who refused to show them the search warrant and to tell them the reasons for the operation. They

were then taken to different rooms in the buildings where, under armed supervision, they were forbidden to speak or communicate with outsiders. Their cell phones and numerous personal items were confiscated.

25. They described being insulted, having obscene comments addressed to them and being humiliated. During the first hours of the operation, they were deprived of food and water as well as access to toilets. They were then allowed to go to the toilet only accompanied by law enforcement officers, with the toilet door open, despite the presence of many people nearby.

26. Some officers reportedly expressed their astonishment at being in front of peaceful young people, whereas, according to their allegations, they had been told during the briefing prior to the operation that they risked facing strong opposition and had therefore prepared for a combat operation.

27. The operation was videotaped and excerpts from these recordings were made public in the print and broadcast media, which widely disseminated the material.

28. In the afternoon and early evening, the complainants were taken under armed escort to the prosecutor's office, where they were questioned about their activities within the MISA association. There, they were deprived of food and water, insulted and threatened in order to give statements, partly dictated by the prosecutors, about their private life and accusing the MISA leader of illegal acts.

29. They were not informed of the reasons for the deprivation of their liberty and were denied access to a lawyer.

30. The complainants were not released until late in the evening, after about 10 hours in detention. No charges were brought against them.

2. Government version

31. The Government alleges that, before entering the buildings concerned, the police repeatedly asked the occupants to allow them to enter. According to the Government, force was used only when they were confronted with a refusal.

32. The Government denied that any physical or verbal violence had been used against the applicants during the search, their transportation to the prosecutor's office and their questioning.

33. The searches were carried out in the presence of witnesses, and the prohibition to communicate with each other or with the outside world was necessary to ensure the efficiency of the operation.

34. It adds that Ms Mițu, the applicants' lawyer, was authorized to attend the search of one of the properties and that she signed the minutes of the search.

35. The Government submits that the police had information to fear physical resistance from MISA members. It adds that the presence in certain buildings of dangerous objects, for example, equipment for the transmission and interception of communications, pepper spray, a pistol and a pair of handcuffs, justified the precautionary measures taken by the police to secure the site of the operation.

3. The minutes drawn up at the end of the searches and the statements given by the complainants to the prosecutor's office

36. A search report was drawn up for each search, indicating the identity of the occupants of the buildings. Numerous items were taken from each property. For some items an inventory was drawn up, while other items were brought together in sealed cardboard boxes. Several thousand objects were seized, including computer, audio and video equipment, audio cassettes, video cassettes and DVDs, mobile phones, books, photographs, diaries, administrative documents, identity papers, letters, money, jewellery, decorative objects and ornamental stones, clothes, various containers containing solid or liquid substances.

37. Witnesses, chosen by the prosecutor's office, were present during the searches and signed the minutes. As regards the seven properties occupied by the applicants, the following were mentioned:

- the property located at 123 S. Turturică Street was occupied, among others, by the plaintiffs Amarandei, Avădănii, Doldor and Enăchescu, who were also subject to a search. Advocate Mțu attended the search and signed the minutes;

- the building located at 5 Peleaga Street was occupied, among others, by the plaintiffs Cojocaru, Frînculeasă, Lupescu, Mîndru, Opreapopa, Petre and Tanasă. It was stated that the search had been carried out in the presence and with the consent of the property manager. The search ended at 6.30 p.m. and the administrator signed the minutes;

- the building located at 64, Veseliei Street was occupied, among others, by the plaintiffs Lucachi, Obreja, Stoenescu, Stanciu and Țuțu. It was stated that the officers had scaled the fence and the walls in order to enter the courtyard. The search ended at 20.45. The minutes were signed by witnesses and a member of the association;

- the building located at 49 Veseliei Street was occupied, among others, by the applicant Lazăr. She was also subject to a search. It was stated that she was allowed to contact several lawyers, but the latter could not be contacted. The search ended at 20.00. The applicant signed the minutes;

- the building located at 21 Telița Street was occupied, among others, by the plaintiffs Pănescu and Sima. In the absence of a response from the occupants of the building, the servicemen forced the front door. The search ended at 19.50. The applicant Sima and the witnesses signed the minutes;

- the building located at 18 Peleaga Street was occupied, among others, by the complainant Radu, who refused to sign the minutes. The search ended the next day at 4.30 a.m.;

- the building located at 50 Plevnei Street was occupied, among others, by the complainant Szanto. In the absence of a response from the occupants of the building, the servicemen forced open the front door. From 9.45 p.m. a lawyer was present during the search, which ended at 1.45 a.m. the following day. The lawyer, the complainant and the witnesses signed the minutes. The former contested the legality of the search, while the complainant mentioned the destruction of the front door.

38. In another house searched, the persons living at the address handed over a pistol and a pair of handcuffs to the gendarmes. They stated that it was a weapon which did not require a license to carry a firearm.

39. The minutes drawn up after the search of the plaintiff Monete, questioned on the street, stated that the search was carried out under Article 219 of the Criminal Procedure Code and that the gendarmes had confiscated an envelope containing a powder which, according to the plaintiff, contained medicinal plants.

40. According to the information provided by the Government, 73 members of MISA, including the plaintiffs, with the exception of the plaintiffs Motocel and Butum, were taken to the Public Prosecutor's Office of the Bucharest Court of Appeal for statements.

41. They were interviewed by police officers and prosecutors. It is not clear from the transcript of their statements whether the investigators asked them any questions and, if so, what kind of questions. All these statements referred to the circumstances in which the complainants had started practicing yoga, their participation in events organized by MISA and their relationship with G.B. Some complainants stated that they lived permanently in the buildings searched, while others stated that they lived there temporarily. They all denied group sexual practices or sexual offenses.

C. The applicants' criminal complaints

42. In a number of criminal complaints, lodged between March 19 and May 19, 2004, the plaintiffs complained about the ill-treatment to which they had been subjected on March 18,

2004, the abusive conduct of the prosecutors and gendarmes officers and the unlawful deprivation of their liberty. They objected to the removal of their personal belongings, claiming that the police had failed to mention in the minutes that these items (books, personal photographs, personal notebooks and diaries, various official documents, money, mobile phones, cameras, jewelry, clothes, etc.) had nothing to do with the criminal investigation.

43. They described a very violent intervention by the security forces, which took place in an atmosphere of terror and humiliation, and claimed that the police operation was discriminatory and aimed to destroy the yoga movement represented by MISA.

44. Moreover, the plaintiffs Lucachi, Mîndru, Obreja, Pănescu, Petre and Sima stated that the representatives of the police treated them as "prostitutes" and that they accused them of prostitution.

45. Complainant Stanciu alleged that he was violently hit in his left arm and that the officers immobilized him and held him down, pinning the rifle to his back and threatening to kill him.

46. Plaintiff Țuțu claims that the officers kicked him several times while he was lying on the ground and threatened to kill him.

47. Complainant Radu stated that she was subjected to acts of violence by the officers, who knocked her to the ground, then hit her with various pieces of furniture and finally immobilized her on a chair, with her arms behind her back. She became ill and vomited several times, without receiving any care from the investigators. On the contrary, she was threatened and accused of feigning sickness. The violence to which she was subjected allegedly caused bruising, but she was unable to obtain a forensic medical certificate as all her identity papers had been confiscated.

48. Plaintiff Obreja described a set-up by a prosecutor, who brought a syringe, placed it on a piece of furniture and then videotaped it as "evidence" of the plaintiffs' drug use.

49. Complainants Butum and Motocel, who were not present at the operation, denounced the humiliating acts committed and the confiscation of their personal property.

50. Mr. Pelin, Mr. Tănase and Mr. Monete denounced the questioning in the street, the search, the deprivation of their liberty and the seizure of several personal belongings. Complainant Monete added that he had been the subject of threats at the prosecutor's office.

51. By the resolution of May 16, 2005, the Prosecutor's Office of the High Court of Cassation and Justice ordered the initiation of criminal proceedings.

52. In the reasoning, it was emphasized that the authorities were in possession of indications of serious offences allegedly committed by the association in question and its members. As they had little information about the way of life in the ashrams and the activities taking place there, the public prosecutor's office considered that, in order to gather evidence, it was necessary to organize a police operation involving simultaneous searches of those buildings.

53. The public prosecutor's office stated that, due to the large number of items seized, it had not been possible to draw up an exact inventory, but that they had been sealed for the purposes of the investigation and that several items had already been returned to their owners. The public prosecutor's office took the view that some of the items seized were relevant to the ongoing investigation and that the complainants had the possibility to request their return and, if necessary, to challenge the public prosecutor's refusal to comply with their requests before a court.

54. As regards the attitude of the prosecutors, the prosecution considered that they had not committed any abuse in the planning and coordination of the operation. It found that the fear and anxiety felt by the complainants did not reach the threshold of seriousness necessary to be considered "ill-treatment". The prosecution recalled that the searches had been carried out in the presence of witnesses, that some occupants of the buildings had signed the minutes and that Ms. Mițu had attended one of the searches.

55. As regards the interrogations at the prosecutor's office, the prosecutors considered that there was neither pressure nor threats, as the complainants consented to give statements in which they denied participation in illegal activities.

56. The prosecution considered that the complainants' consent to the recording of the operation was not necessary as it was justified by the purposes of the investigation, in particular the impossibility of recording all the details of the operation in writing. As regards the provision to the press of the images filmed during the operation, the public prosecutor took the view that the public had the right to be informed about matters of general interest.

57. The Public Prosecutor's Office rejected the allegations of discrimination allegedly made by the complainants as a result of their membership of MISA. It took the view that the sole purpose of the police operation was to gather evidence of illegal activities allegedly carried out by certain members of the association.

58. Finally, with regard to the acts of violence allegedly committed by members of the gendarmes, it was held that the gendarmes prosecutor's office was responsible for investigating them.

59. The applicants challenged the decision not to initiate criminal proceedings before the Prosecutor General of the High Court of Cassation and Justice. They complained about the superficial nature of the investigation and stated that the prosecutor's office had not heard any complainant or witness. They considered that the release to the press of footage filmed during the operation infringed their right to their image and their right to respect for their home and private life. They alleged that during the searches and interrogations, the prosecutors systematically denied them access to a lawyer. As regards the presence of Ms. Mițu, a lawyer, at one of the searches, they stated that she had not been present from the outset and that she had been refused access to some of the rooms searched. Finally, they denounced the seizure of personal belongings.

60. On July 14, 2005, the Public Prosecutor's Office of the High Court of Cassation and Justice rejected the complaint on the grounds that the facts denounced did not exist or were not criminal in nature.

61. The plaintiffs repeated their complaint before the Bucharest Court of Appeal, which referred the case to the High Court of Cassation and Justice.

62. At the hearings of 8 May, 16 October, 24 November 2006 and 29 January 2007, the applicants requested the hearing of witnesses and of the persons accused in their complaints, as well as the production on the file of several documents relating to the organization and preparation of the operation of 18 March 2004.

63. Describing the police operation as "abusive and disproportionate", they felt that they had been discriminated against because of their beliefs. They criticized the preparation of the operation and, in particular, the deployment of excessive armed force, even though the authorities, who had been closely monitoring MISA's activities for several years, were aware that they were behaving peacefully.

64. In that connection, they alleged that prosecutor D.B. had deliberately misappropriated the purpose of the search warrant, which was to seize computer equipment, by requesting that special forces agents be placed at the disposal of the prosecution service to carry out an operation to combat "prostitution and drug trafficking" and had told them that they could expect a violent reaction from the occupants of the buildings. In this context, they denounced the illegal removal of numerous personal belongings and said that the public prosecutor's office was still refusing to return them to the owners. They also reiterated their arguments that their right to their image, home and privacy had been violated.

65. As regards the signing by some of the occupants of the buildings of the search warrants, the applicants alleged that they were forced to do so, the operation being carried out in an atmosphere of terror and at gunpoint.

66. They stated that the gendarmes had acted under the direct coordination and supervision of the prosecutors and, consequently, they considered that the latter could not be held responsible for the acts of violence committed.

67. Citing the provisions of the Criminal Code on arbitrary deprivation of liberty, they accused the prosecutors of arbitrarily detaining them for more than 10 hours in the buildings searched and at the prosecutor's office, on the pretext of being questioned about MISA's activities. They complained that there was no legal basis for this deprivation of liberty, as the public prosecutor's office did not issue an arrest warrant or order their detention.

68. At the hearing on February 26, 2007, the applicants raised a plea of unconstitutionality of Article 278^1 of the Code of Criminal Procedure, which prevented them from obtaining the attendance of witnesses to substantiate their complaint. They claimed that their rights of defence had been infringed, stating that the public prosecutor had refused to hear witnesses and that many documents were classified and therefore inaccessible.

69. In its decision of June 7, 2007, the Constitutional Court rejected the exception on the grounds that the limitation of the possibility of taking new evidence before a court was justified, given that the courts did not review all aspects of the case, but only the legality of the decision of the public prosecutor's office, based on the documents in the public prosecutor's file.

70. By a letter of September 18, 2007, the Ministry of the Interior informed the applicants' lawyer that the documents relating to the intervention of the special forces agents, including the mission order and the action plan, were classified and therefore inaccessible to the applicants.

71. By judgment of February 18, 2008, the High Court of Cassation and Justice rejected the appeal. It was held that the applicants had not been subjected to acts of violence, neither physical nor mental, and that the fear and distress caused by the police operation could not be regarded as acts of "torture" within the meaning of the criminal law. With regard to the other complaints, the High Court held that, in order to decide not to initiate criminal proceedings, the public prosecutor's office had carried out a full and convincing examination of the complainants' allegations.

72. The applicants appealed. They reiterated their heads of claim and criticized the shortcomings and superficiality of the investigation and requested that it be reopened.

73. In addition, they pointed out that, during a television broadcast, the former Prime Minister, A.N., had stated the following with regard to the police operation of 18 March 2004: 'I was not aware of this operation, I only found out about it later and I consider that a big mistake was made [...] it is an absolutely stupid action, as it was conceived [...] and it should not have taken place. ". They consider that these allegations demonstrate the involvement of politicians and, in particular, the former Prime Minister in the attempt to destroy and denigrate MISA.

74. In a final judgment of July 6, 2009, the 9-judge panel of the ICCJ rejected the appeal on the grounds that the facts alleged did not exist.

75. The High Court held that, according to the criminal law, in reviewing the legality of orders not to initiate criminal proceedings, the courts may not censor the acts carried out by the prosecutor's office in the course of the investigation. According to the High Court, given that the public prosecutor's office had given reasons for its order, the mere refusal to take the evidence requested by the applicants could not lead to a finding that the order was unlawful.

76. As regards the examination of the complaint at first instance, the High Court emphasized that the procedural guarantees had been respected and that the applicants had had the opportunity to submit on the file the documents they considered relevant to the defence of their case.

D. Other relevant facts

1. Other proceedings concerning the police operation of March 18, 2004

77. By order of February 19, 2008, the Military Prosecutor's Office of the Bucharest Military Tribunal, notified by the Prosecutor's Office of the Court of Appeal (see supra, p. 58), ordered the complaint to be dismissed, considering that the military had acted in accordance with the legal provisions.

78 . On September 28, 2009, the High Court of Cassation and Justice definitively dismissed MISA's complaint against the order of closure as untimely (see *Movement for Spiritual Integration into the Absolute v. Romania* (dec.), no. 18916/10, paras. 33-38, September 2, 2014).

79. In June and July 2007, some members of MISA, including the plaintiffs Avădănii, Pelin, Petre, Stanciu, Stoenescu and Tănase, lodged a new complaint about the abuses they allegedly suffered during the police operation.

80. By final judgment of February 15, 2011, the High Court dismissed the complaint on the ground that the facts complained of did not exist (see *Avădănii and Others v. Romania* (dec.), no. 50432/11, para. 28, February 17, 2015, p. 28).

81. Starting in June 2005, prosecutor D.M. indicted several MISA members on charges of human trafficking and conspiracy to commit crimes. They were indicted and acquitted by judgment of February 11, 2015 of the Cluj Court.

82. The prosecuted persons lodged a complaint against the prosecutor for abuse of office. By final judgment of February 15, 2011, the High Court dismissed the complaint on the ground that the alleged facts did not exist (see *Rosu and Others v. Romania* (dec.), no. 37609/12, paragraph 20, September 15, 2015, p. 20).

2. Claimants' complaints about the removal of personal belongings

83. Between March and November 2004 the public prosecutor's office returned several personal administrative documents to certain applicants.

84. The plaintiffs Mîndru, Frînculeasă, Motocel and Cojocaru asked the public prosecutor's office to return all the personal items seized. They challenged the prosecutor's refusal to grant their request before the Bucharest District Court, arguing that the seizure was arbitrary and that it concerned objects that were not related to the investigation.

85. By decisions handed down between August 4-18, 2004, the complaints were dismissed on the grounds that the investigation was ongoing and, under domestic law, the court had no jurisdiction to order the return of these objects.

3. Criminal proceedings against G.B., MISA leader

86. On March 26, 2004, the Public Prosecutor's Office of the Bucharest Court of Appeal ordered the initiation of criminal proceedings against G.B. on charges of sexual acts with minors and sexual perversion.

87. On March 29, 2004, he was detained. His appeal against the preventive measure was admitted by the Bucharest Court of Appeal, which ordered his release.

88. G.B. went abroad and applied for political asylum in Sweden on March 24, 2005, which was granted. The Swedish authorities considered that there was a risk that he would be persecuted in Romania for his beliefs.

89. The Romanian authorities made two extradition requests, which were rejected by the Swedish Supreme Court. Since 2006, G.B. had been granted a residence permit in Sweden. On February 26, 2016, he was arrested in Paris by the French authorities and remanded in custody pending the examination of an extradition request by the Romanian authorities.

90. In its final judgment of June 14, 2013, the ICCJ sentenced G.B. to 6 years in prison for sexual acts with minors and found that the other offenses were time-barred.

91. In 2007, the public prosecutor's office indicted G.B. and 20 other members of the association on several charges, including, in particular, human trafficking, based on evidence and documents seized during the search. In its judgment of February 11, 2015, the Cluj Court acquitted all the defendants on the grounds that the facts charged did not exist. The appeal lodged by the prosecution against this judgment is pending before the Cluj Court of Appeal.

4. Report of the Judicial Inspection of the Superior Council of Magistracy

92. On February 13, 2006, after the Swedish authorities rejected G.B.'s extradition request, the Minister of Justice asked the High Council of Magistracy for a report on the prosecution of G.B. and the circumstances of the police operation.

93. The report of the Judicial Inspectorate of the Superior Council of Magistracy concluded that the prosecution was in compliance with domestic rules and the requirements of the Convention and that the risk of discrimination in Romania was not real. In addition, it was considered that persons in the leadership of the Ministry of the Interior were behind the dissemination in the press of the images filmed during the police operation.

II. RELEVANT NATIONAL LAW

94. The provisions of domestic law are summarized in *Bretean and Others v. Romania* (dec.), no. 22765/09, paras 36-41, 10 September 2013, *Movement for Spiritual Integration into the Absolute v. Romania* (dec.), no. 18916/10, paras 33-38, 2 September 2014, and *Avădănii and Others v. Romania* (dec.), no. 50432/11, para 28, 17 February 2015.

95. The provisions of Articles 100-108 of the Code of Criminal Procedure in force at the time of the facts of the case and regulating the search procedure are summarized in *Varga v. Romania* (No 73957/01, paras 21-25, 1 April 2008).

96. Under these provisions, a search of a person's home could be carried out on the basis of a warrant issued by a judge, at the request of the prosecutor, in the course of criminal proceedings. The search shall be carried out by the public prosecutor, accompanied, where necessary, by operational workers.

97. Before the start of the search, the judicial officer who is to conduct the search is obliged to identify himself and present the search warrant. The search and seizure of documents and objects shall be carried out in the presence of the person concerned or his representative. The search shall also require the presence of witnesses. A search report shall be drawn up, together with an inventory of the objects seized.

98. Article 105 of the Criminal Procedure Code sets out the obligations of the judicial body carrying out the search: it has the right to enter by force the premises concerned only if the person in a position to open them refuses access; it is obliged to limit itself to the seizure of objects related to the offense committed; finally, aspects related to the personal life of the person being searched may not be made public.

IN LAW

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

99. The applicants complained of ill-treatment to which they were subjected during the police operation on March 18, 2004. They also complain about the lack of an effective investigation into these allegations. They consider that there has been a violation of Article 3 of the Convention, worded as follows:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

A. On admissibility

1. The parties' arguments

100. Under Article 35 § 2 of the Convention, the Government pleaded the inadmissibility of the application lodged by the applicants Avădănii, Pelin, Petre, Stoenescu, Stanciu and Tănase on the ground that it was essentially the same as an application previously examined by the Court.

101. The Government submitted that, in respect of similar facts, these applicants had previously lodged another application before the Court, registered under no. 50432/11, in which similar heads of claim to those contained in the present application were raised. That application was declared inadmissible (*Avădănii and Others* (dec.), cited above).

102. The Government also pleaded inadmissibility *ratione materiae* of the heads of claim put forward by the applicants Butum and Motocel under Article 3 of the Convention. It considered that the applicants could not claim that there had been a violation of Article 3 of the Convention, since they had not been present in the buildings searched.

103. The applicants did not submit any observations on these issues.

2. Reasoning of the Court

a) Objection of inadmissibility in relation to the applicants Avădănii, Pelin, Petre, Stoenescu, Stanciu and Tănase

104. The Government contended that the applicants' application was inadmissible because a similar application had previously been the subject of a decision of inadmissibility by the Court.

105. Article 35 § 2 of the Convention reads as follows, in its relevant parts:

"(2) The Court shall not entertain any individual application brought under Article 34 if:

[...]

b) it is essentially the same as an application previously examined by the Court [...] and if it does not contain new facts. [...] "

106. The Court recalls that, when examining whether two cases are essentially the same, it takes into account the identity of the parties to the two proceedings, the legal provisions on which they are based, the nature of the heads of claim put forward by the parties and the nature of the relief sought by them (see, *mutatis mutandis*, *Smirnova and Smirnova v Russia* (dec.), nos. 46133/99 and 48183/99, October 3, 2002, *Folgerø and Others v. Norway* (dec.), no. 15472/02, February 14, 2006, and *Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland (no. 2)* (CTM), no. 32772/02, para. 63, ECHR 2009).

107. In the present case, the Court observes that the applicants lodged two criminal complaints, the first in 2004 and the second in 2007, alleging the same facts, which occurred on March 18, 2004. Those complaints were the subject of separate proceedings.

108. The first complaint was rejected by the final decision of of the High Court on July 6, 2009. The dismissal of that complaint was the subject of the present application.

109. The second application was rejected by the final decision of the High Court on January 15, 2011. The dismissal of that complaint was the subject of application No 50432/11. In accordance with Article 35 §§ 1 and 4 of the Convention, the Court declared this application inadmissible as out of time, considering that the applicants should have complained of the ineffectiveness of the domestic criminal investigation opened following the first criminal complaint (*Avădănii and Others* (dec.), paragraph 39, cited above).

110. The Court notes that the present application concerns precisely the dismissal of their first criminal complaint and that it was lodged within six months of its final dismissal, on July 6, 2009, by the High Court.

111. Given that the two criminal complaints were the subject of separate proceedings before the domestic courts, the Court considers that it has jurisdiction to examine the first application, since the proceedings opened following the first complaint were not examined in Case 50432/11.

112. It therefore rejects the Government's objection based on Article 35 § 2 of the Convention.

b) As to whether the applicants Butum, Motocel and Monete complied with the conditions of admissibility

113. The Government submitted that the applicants Butum and Motocel could not complain of a violation of Article 3 of the Convention because they had not been affected by the measures taken in the course of the police operation.

114. The applicants submit that, although they were not present, they experienced a deep sense of anxiety because of the search on March 18, 2004.

115. The Court recalls that some acts which do not physically affect the applicants, such as the destruction of their homes, even if committed without the intention to punish them, may be considered ill-treatment (*Selçuk and Asker v. Turkey*, April 24, 1998, paragraphs 78-79, *Reports of Judgments and Decisions 1998, and* -also *Bilgin v. Turkey*, no. 23819/94, §§ 23819/94, pp. 103, November 16, 2000 and *Dulaş v. Turkey*, no. 25801/94, p. 55, January 30, 2001]. Moreover, the Court has held that a person's feeling of deep distress, coupled with a proven contempt shown against him by the authorities, reached the threshold of seriousness necessary to fall within the scope of Article 3 (*Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, no. 13178/03, p. 70, ECHR 2006XI-).

116. In the present case, With regards to the scale, intensity and media coverage of the police operation, the Court can accept that the applicants may have had a feeling of uneasiness caused by the intervention of the police in the buildings occupied by other members of the association.

117. However, With regards to the circumstances of the present case, in particular the lack of evidence of any physical and psychological effects on the applicants resulting from the acts complained of, the Court considers that the distress caused by the search is not sufficient in itself to reach the level of gravity required by Art. 3 of the Convention (see also compare *Melinte v. Romania*, no. 43247/02, paragraphs 33-36, November 9, 2006, *and Association "21 Decembrie 1989" and Others v. Romania*, nos. 33810/07 and 18817/08, paragraphs 158, May 24, 2011).

118. Furthermore, the Court notes that the applicant Monete was not present during the search. He was questioned in the street and taken directly to the public prosecutor's office to be interviewed.

119. Accordingly, like the applicants Butum and Motocel, and in the absence of any evidence of any mental distress caused by his detention and hearing at the prosecutor's office, the Court considers that the distress caused by those measures cannot be regarded as ill-treatment within the meaning of Article 3 of the Convention.

120. In the light of the foregoing considerations, the applicants Butum, Motocel and Monete's head of claim under Article 3 of the Convention should be declared inadmissible as manifestly ill-founded under Article 35 §§ 3 and 4 of the Convention.

c) Conclusion

121. The Court finds that the heads of claim put forward under Article 3 of the Convention by all the applicants, with the exception of the applicants Butum, Motocel and Monete, are

not manifestly ill-founded within the meaning of Article 35 § 3 § 3 (a) of the Convention and that they do not raise any other ground of inadmissibility. They must accordingly be declared admissible.

B. Substance

1. The parties' arguments

122. The applicants allege that the ill-treatment to which they were allegedly subjected during the police operation of March 18, 2004 was premeditated. In this respect, they accuse the prosecutors of having hijacked the purpose of the search, which was to seize computer equipment, by organizing a large-scale police operation aimed at destroying the MISA association and inducing its followers to give up the practice of yoga.

123. They denounce the extremely brutal conditions under which the search was carried out. They also claim that the heavily armed and masked officers entered the buildings, destroying doors and windows without warning. They then searched all the rooms, taking numerous items, many of which were of a personal nature and unrelated to the investigation. Thus, the gendarmes and prosecutors coordinating the operation acted without presenting the search warrant and without providing any explanation for their actions.

124. They described the state of intense psychological shock they suffered, being forced to lie on the ground, in some cases almost naked, having weapons pointed at them and being threatened with death by the gendarmes. Some complainants were allegedly even beaten, although they did not put up any resistance.

125. These acts of violence were allegedly compounded by numerous insults, in particular of a sexual nature, with some applicants being referred to several times as "prostitutes".

126. They considered that the police operation had been conceived and carried out with the aim of humiliating them and concluded that the seriousness of the ill-treatment to which they had been subjected fell within the scope of Article 3 of the Convention.

127. The complainants also complain about the absence of an effective investigation into the ill-treatment. They denounce the refusal of the public prosecutor's office and the domestic courts to admit their requests for evidence and accuse them of passivity in establishing the facts and seeking out those responsible.

128. They claim that all their efforts were in vain. In this respect, they consider that even the highest judicial authority in the country, the Superior Council of Magistracy, has shown tolerance towards these acts. Finally, they argue that the investigation by the military prosecutor's office cannot be considered effective either, as this body is not independent from the executive.

129. The Government emphasizes the context in which the decision to organize the search was taken. It states that the domestic authorities had indications that offences were likely to have been committed in the buildings searched. It recalls that the public prosecutor's office had opened an investigation into the actions of G.B., the leader of the association, who was suspected of running a network for the production and dissemination of pornographic images, money laundering and prostitution.

130. The Government contended that the simultaneous intervention of the police was necessary in order to gather information about the possible commission of the offenses. It disputed the applicants' allegations of systematic destruction of the doors and windows of the buildings and stated that force had been used only when the occupants of the buildings had refused to allow the law-enforcement officers access. In all these cases, the law enforcement officers had legitimized themselves and informed the complainants of the object of the search.

131. The Government deny any acts of physical or verbal violence to which the applicants were subjected. Ensuring the security of the premises where the search was being carried out and the supervision of the applicants were necessary to prevent a violent reaction on their part, particularly as dangerous objects had been discovered in the buildings in question. It

adds that, during the search, the applicants were taken to a room where they were only prohibited from using their cell phones.

132. The Government submitted that the absence of forensic medical certificates attesting to the existence of psychological injuries or disorders would prove that the law-enforcement officers had behaved in a non-violent manner. Furthermore, it points out that the applicants did not mention any act of violence in their statements given at the prosecutor's office on the evening of the search.

133. As to the investigation into the applicants' allegations, the Government considered that it had been adequate and thorough. It endorsed the conclusions of the High Court Public Prosecutor's Office and considered that the evidence on the investigation file made it possible to conclude that the search had been carried out in accordance with the domestic rules applicable in the matter, without the need to interview law-enforcement officers or other witnesses.

134. The Government also point out that the military prosecutor's investigation into the same allegations was terminated with dismissal of the criminal proceedings. Lastly, it states that the applicants' allegations had been the subject of an inspection by the Judicial Inspection of the High Council of the Judiciary, which had reached the same conclusions.

2. Reasoning of the Court

a) General principles

135. The Court recalls that, in order to fall within the scope of Article 3, treatment must attain a minimum level of severity. The assessment of that minimum degree is relative; it depends on all the facts of the case, in particular the duration of the treatment, its physical or psychological effects and, sometimes, the sex, age and state of health of the victim. The question whether the purpose of the treatment was to humiliate or demean the victim is another element to be taken into account, but the absence of such a purpose cannot, however, definitively preclude a finding of a violation of Article 3 (*Svinarenko and Slyadnev v. Russia* (MC), nos. 32541/08 and 43441/08, para 114, ECHR 2014 (extracts)).

136. Treatment may be considered "degrading" within the meaning of Article 3 if it humiliates or degrades a person, if it shows a lack of respect for his or her dignity, or even diminishes his or her dignity, or if it causes him or her feelings of fear, anxiety or inferiority, such as to destroy his or her moral and physical resistance. The public nature of the treatment may be a relevant or aggravating circumstance in assessing whether it is "degrading" within the meaning of Article 3 (*ibid*, para 115).

137. For treatment to be "degrading", the suffering or humiliation it causes must, in any event, go beyond that which is inevitably entailed by some form of legitimate treatment (*ibid*, p. 116).

138. In the light of the facts of the case, the Court considers that it is particularly important to emphasize that, when a person is deprived of his liberty or, more generally, confronted by law enforcement officials, the use of physical force against him, when his conduct does not strictly necessitate it, is prejudicial to human dignity and constitutes a violation of the right guaranteed by Article 3 of the Convention, irrespective of the effect it has had on the person concerned (*Bouyid v. Belgium* (MC), no 23380/09, paragraphs 88 and 101, ECHR 2015).

139. In addition, discrimination on the ground of religious belief may in itself constitute a violation of the applicants' human dignity amounting to "degrading treatment" within the meaning of Article 3 of the Convention (see *Begheluri v. Georgia*, no. 28490/02, paragraphs 100-101, 7 October 2014, and *Karaahmed v. Bulgaria*, no. 30587/13, paragraph 73, 24 February 2015, and the cases cited).

140. The Court recalls that where a person makes a well-founded allegation that he or she has been subjected by the police or other similar State services to treatment contrary to Article 3 of the Convention, that provision, read in conjunction with the general obligation imposed

on the State by Article 1, requires that an effective official investigation be carried out. It is necessary that such an investigation should be capable of leading to the identification and, where appropriate, the punishment of the persons responsible (see, inter alia, the recapitulation of the general principles in *Cestaro v. Italy*, no. 6884/11, § 204 et seq, April 7, 2015). Otherwise, despite its fundamental importance, the general legal prohibition of torture and inhuman or degrading treatment or punishment would be ineffective in practice and it would be possible that, in certain cases, State agents, enjoying quasi-impunity, would in practice violate the rights of those under their control (see, among many others, *Assenov and Others v. Bulgaria*, October 28, 1998, p. 102, *Reports of Judgments and Decisions* 1998VIII-).

141. In view of the subsidiary nature of its task, the Court must avoid assuming the role of a court of merits, which is competent to assess the facts. However, when facts falling within the scope of Articles 2 and 3 of the Convention are alleged to have been committed, it must carry out a "particularly strict control", even if some domestic proceedings and investigations have already been carried out. In other words, the Court carries out a thorough examination of the findings of the national courts. To that end, it may take into account the quality of the domestic proceedings and any shortcomings which may vitiate the decision-making process (*Bouyid*, cited above, p. 85).

b) Application of these principles in the present case

142. The parties agree that the operation conducted by the police on March 18, 2004, began at 9 a.m. in the morning. The intervention teams consisted of several dozen armed gendarme personnel, accompanied by prosecutors and witnesses.

143. As regards the description of the behaviour of law enforcement officials, the Court is confronted with divergent versions.

144. According to the Government, the servicemen had asked for permission to enter the buildings targeted by the search, with the use of force only being necessary in case of refusal. Subsequently, the prosecutors identified themselves and mentioned the object of the search. The only constraint allegedly imposed on the complainants was the obligation to wait for the search to be completed and not to use cell phones.

145. As far as the applicants are concerned, they describe an operation which began in an atmosphere of terror, characterized by the systematic smashing of doors and windows, being pinned to the ground at gunpoint, being hit, insulted and forbidden to use the toilets, to feed and to dress themselves. The ill-treatment allegedly continued at the prosecutor's office, where prosecutors threatened them in order to obtain false statements.

146. The evidence before the Court does not enable it to determine whether or not the applicants refused to allow the agents access to the buildings searched. In any event, the parties agree that the doors and windows of several buildings were forced.

147. Recalling that Article 3 of the Convention does not prohibit the use of force by police officers, provided that such use of force is proportionate and absolutely necessary (see, among many other cases, *Rehbock v. Slovenia*, no. 29462/95, para. 76, ECHR 2000XII-, and *Altay v. Turkey*, no. 22279/93, § 54, judgment of 22 May 2001), the Court considers that, in the circumstances of the case, the use of physical force by the special agents to enter certain buildings could have been justified (see paragraph 37 above).

148. In the absence of forensic medical certificates, the Court is not in a position to conclude that the applicants were physically injured. Nor has it been established beyond reasonable doubt that the representatives of the law-enforcement officers insulted the applicants, deprived them of food and denied them access to the toilets and that they were threatened in order to make false statements.

149. It is therefore necessary next to examine the facts following the gendarme's entry into the buildings, namely the methods used to detain the applicants and to search the buildings.

150. The Government disputed the applicants' allegations that they had been pinned to the ground at gunpoint.

151. The Court is unable to determine the exact circumstances in which each applicant was detained, as the search reports do not specify the methods used.

152. However, the Court notes that the applicants' version of events is corroborated by the images which were broadcast on national television news channels showing young women, dressed in skimpy clothing, lying on the ground with their hands behind their heads, and special agents wearing balaclavas pointing guns at them.

153. In the light of this evidence, the Court finds that coercive measures were used on the occupants of the buildings searched and that they involved the use of physical and mental force due to the threat of firearms. The Court must therefore determine whether that use of force was proportionate and absolutely necessary in the present case.

154. The documents in the investigation file show that the authorities suspected that MISA had a network that produced and distributed pornographic images on the internet and occasionally incited some of its members to engage in prostitution.

155. Without underestimating the seriousness of these offenses, if proven, the Court observes that it is clearly not a group of persons suspected of committing violent crimes (see, *mutatis mutandis*, *Gutsanovi v. Bulgaria*, no. 34529/10, § 128, ECHR 2013 (extracts)). It further emphasizes that none of the applicants was suspected of having been part of this network and that the purpose of the police operation was not to arrest the alleged members of the network, but only to seize computer equipment that might be located in these buildings.

156. As regards the applicants' personalities, the Court observes that they are young people, mostly women, integrated into society and engaged in various trades. As to their way of life, they freely choose to live in the community, either permanently or temporarily, in buildings belonging to MISA or to members of it. There was nothing in the file to suggest that they had a history of violence or that their behaviour could have posed a danger to the officers called to search the buildings in question.

157. The documents before the Court show that the activity of MISA and its members had been closely monitored by the authorities for several years. Therefore, it was not a random operation which could have given rise to unexpected situations to which the police may have had to react unprepared.

158. On the contrary, the authorities planned the police operation in advance and had sufficient time to assess the possible risks and to take all necessary measures to carry out the search without excessive force.

159. However, despite the time taken to prepare the operation, it is not apparent from the evidence in the file that the authorities took into account the absence of previous criminal records and the non-violent nature of the applicants' conduct.

160. In addition, the Court notes other shortcomings in the preparation of the operation. Thus, although the search warrant issued by the Court of Appeal limited the scope of the search to the seizure of computer equipment, it appears that this fact was not brought to the attention of the officers of the special battalion of the Gendarmerie. The latter were informed about an operation to combat drug trafficking and prostitution and therefore deployed a force specific to this type of operation, which presented a high risk.

161. The Court considers that the presence of a firearm, a pair of handcuffs and pepper spray in one of the buildings searched cannot in itself be sufficient to justify the use of force against the applicants, none of whom lived in the building.

162. As to the psychological effect of the police intervention on the applicants, the Court recalls that police operations involving house searches and the arrest of suspects inevitably cause negative emotions to the persons targeted by such measures (see *Gutsanovi*, cited above, paragraph 134).

163. In the present case, the applicants submit that the humiliation and distress they felt was sufficiently intense to constitute treatment contrary to Article 3 of the Convention.

164. The Court considers that the manner in which the gendarme stormed the buildings targeted by the search and treated the applicants was excessive. It caused the applicants feelings of fear, anxiety and helplessness, such as to humiliate them in their own eyes and in the eyes of their loved ones.

165. The Court considers that the intensity of these feelings, amplified by the intense media coverage of the operation, exceeded the level of seriousness required for the application of Article 3 and that, for that reason, the applicants were subjected to degrading treatment.

166. There has therefore been a material breach of Article 3 of the Convention.

167. The applicants also allege the absence of an effective investigation into the allegations of ill-treatment.

168. The Government took the view that the evidence submitted in the investigation file justified not initiating criminal proceedings. In addition, it considers that the findings of the High Court Prosecutor's Office corroborated those of the military prosecutor's office in relation to the same allegations, as well as the report of the Judicial Inspectorate of the High Council of the Judiciary.

169. The Court notes that the plaintiffs' complaints resulted in the decision by the High Court Prosecutor's Office on May 16, 2005, not to initiate criminal proceedings, which was based solely on the evidence in the investigation file concerning MISA and certain of its members.

170. The Court deplores, in particular, the lack of any attempt to administer evidence and hear witnesses to verify the course of events, the exact circumstances in which the applicants were detained and the possible discriminatory connotation of the alleged ill-treatment.

171. The Court finds that the investigation opened by the Military Prosecutor's Office and the report of the Judicial Inspectorate cannot compensate for the summary nature of the investigation conducted by the Prosecutor's Office of the High Court of Cassation and Justice.

172. In this regard, the Court recalls that the independence of the military prosecutors in charge of investigating allegations of ill-treatment of State agents is questionable, owing to their membership of the military structure and hierarchical subordination Repeatedly, the Court found a violation of Article. 3 of the Convention due to the lack of independence of the military prosecutor's office [see *Barbu Anghelescu împotriva României*, nr. 46430/99, pct. 67, October 5, 2004; *Dumitru Popescu împotriva României (nr. 1)*, nr. 49234/99, pct. 75, April 26, 2007; *Melinte v. Romania*, no. 43247/02, para. 27, November 9, 2006; *Soare and Others v. Romania*, no. 24329/02, para. 169, February 22, 2011; *Austrianu v. Romania*, no. 16117/02, para. 70, February 12, 2013, and, more recently, *Birgean v. Romania*, no. 3626/10, para. 72, January 14, 2014].

173. Therefore, the Court cannot consider the investigation carried out by the military prosecutor's office at the time of the facts to be effective.

174. As regards the Judicial Inspection report, the Court notes that it does not deal with the circumstances and methods of the applicants' detention, but only with the situation of G.B. and the transmission to the press of the images filmed during the police operation.

175. In the light of the above, the Court is not convinced that the investigation into the applicants' credible allegations that they had been subjected to ill-treatment by the police was sufficiently thorough and effective to meet the requirements of Article 3 cited above.

176. Accordingly, the Court finds a procedural violation of Article 3 of the Convention.

II. ON THE ALLEGED VIOLATION OF ART. 5 OF THE CONVENTION

177. The applicants consider that, on 18 March 2004, as a result of the public prosecutor's orders, they were arbitrarily deprived of their liberty during the search, transportation to the public prosecutor's office and interrogation. They invoked Article 5 § 1 of the Convention, the relevant provisions of which read as follows:

"(1) Everyone has the right to liberty and security of person. No one shall be deprived of his liberty except in the following cases and in accordance with the law: [...]

b) if he or she has been arrested or legally detained for disobedience of a court judgment or in order to guarantee the execution of an obligation provided by law;

c) if he or she has been arrested or detained in order to be brought before a competent judicial authority, where there are reasonable grounds for suspecting that he or she has committed an offense or where there are serious grounds for believing that it is necessary to prevent him or her from committing an offense or absconding after having committed an offense; [...] "

A. On admissibility

1. The parties' arguments

178. The Government considered that the applicants Butum and Motocel's application under Article 5 of the Convention was inadmissible on the ground that they had not been subjected to any deprivation of liberty.

179. As far as the other applicants are concerned, the Government pleaded non-exhaustion of domestic remedies. It points out that the complaint against the military prosecutor's order of February 19, 2008, not to initiate criminal proceedings was dismissed as out of time.

180. The complainants did not submit any observations on these issues.

2. Reasoning of the Court

181. The Court observes that the applicants Butum and Motocel were not present either in the buildings searched or at the prosecutor's office. Since they were not deprived of their liberty at any time during the police operation on 18 March 2004, the Government's objection must be upheld and the applicants' head of claim rejected on the ground of incompatibility *ratione materiae* with the provisions of the Convention, on the basis of Article 35 § 3 (a) and (4) of the Convention.

182. With regard to the plea of non-exhaustion of remedies raised in respect of the other applicants, the Court observes, in addition to the lack of independence and impartiality of the military prosecutor's office (paragraph 172 above), that the Government's complaint of untimeliness was brought by the MISA association against the military prosecutor's order not to initiate criminal proceedings (paragraph 78 above). The Court therefore considers that the applicants cannot be held responsible for the fact that the association challenged that order out of time.

183. In any event, the Court notes that, according to the applicants, their deprivation of liberty was a consequence of the arbitrary measures taken against them by the prosecutors of the Appeal Court's public prosecutor's office. The complaint concerning those measures resulted in an order by the public prosecutor's office of the High Court of Cassation and Justice on March 18, 2004, ordering the initiation of criminal proceedings. In view of the fact that the applicants challenged that order not to initiate criminal proceedings within the time-limits laid down by law, the Court considers it necessary to dismiss the Government's objection based on non-exhaustion of domestic remedies.

184. The Court finds that this head of claim is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and that it does not raise any other ground of inadmissibility. It must accordingly be declared admissible.

B. Substance

1. The parties' arguments

185. The applicants consider that their deprivation of liberty has no legal basis.

186. The Government stated that, for the purposes of the searches, 73 persons, including the applicants, had been taken to the prosecutor's office to be questioned in the criminal investigation against G.B. and other MISA leaders.

187. They maintain that the persons questioned were not deprived of their liberty, only their freedom of movement was temporarily restricted for the purposes of the investigation. In this context, they concede that the applicants were under the control of the authorities from the morning of March 18, 2004, until the night. The duration of the hearings, although reduced to the minimum necessary, was explained by the large number of persons from whom the prosecution had to obtain statements.

188. The Government submitted that the applicants were not defendants, but that they had to undergo an identity check and make statements as to their presence in places where unlawful activities were suspected.

189. In any event, and assuming that there had been a deprivation of liberty, the Government considered that the measure in question was justified in the light of Article 5 § 1 (b) of the Convention. It submits that it was an administrative measure within the meaning of Article 31 para. (1) lit. b) of Act no. 218/2002, under which police officers were obliged to bring persons to the police station who endangered public order, in particular the safety of persons and property, and persons suspected of committing unlawful acts, whose identity could not be established in accordance with the law.

190. The applicants reply that the duration of the measure cannot have a decisive effect as to whether the deprivation of liberty exists. They also challenge the applicability of Law 218/2002 in the present case. They claim that their identity had already been established at the place where the search was carried out, that they were not a threat to public order and that there were no grounds for suspecting them of having committed unlawful acts.

2. Reasoning of the Court

a) General principles

191. The Court recalls that, in order to determine whether a person is 'deprived of his liberty' within the meaning of Article 5, it is necessary to start from the person's concrete situation and to take account of a number of criteria, such as the type, duration, effects and manner of execution of the measure in question. Undoubtedly, in order to determine whether there has been a violation of the rights protected by the Convention, it is often necessary to identify the reality beyond appearances and the vocabulary used (see, among other judgments, *Creangă v. Romania* (MC), no. 29226/03, p. 91, 23 February 2012, paragraph 91).

192. The State's categorization or lack of categorization of a factual situation cannot have a decisive influence on the Court's conclusion on the existence of deprivation of liberty. Nor can the duration of the deprivation of liberty be decisive, as Article 5 § 1 applies even in the case of a short-term deprivation of liberty (*idem*, paragraphs 92, 93).

193. The Court also recalls that, as regards the "lawfulness" of a deprivation of liberty, including respect for "lawful avenues", the Convention refers mainly to national law and enshrines the obligation to respect substantive as well as procedural rules. However, compliance with national law is not sufficient: Article 5 § 1 further requires any deprivation of liberty to be consistent with the aim of protecting the individual against arbitrariness. There is a fundamental principle that no arbitrary detention can be compatible with Article 5 § 1, and the notion of "arbitrary" contained in Article 5 § 1 goes beyond non-compliance with national law, so that a deprivation of liberty may be lawful under domestic law while being arbitrary and thus contrary to the Convention (*idem*, para. 85).

b) Application of these principles in the present case

194. The Court notes that the parties do not dispute that on March 18, 2004, the applicants were under the control of the authorities. Following the search, which took place in the presence of the gendarme, the applicants were transported, again under armed guard, to the public prosecutor's office, where they gave statements or waited to give statements for several hours. During this period, which, according to the Government, lasted from 9 a.m. until midnight, they were not allowed to leave either the place of the search or the premises of the public prosecutor's office.

195. With regards to the chronological sequence of events and taking into account the forcible nature of the applicants' forcible confinement, the Court concludes that they were deprived of their liberty (see, *mutatis mutandis, Creangă* (MC), paragraph 99; *Ghiurău v. Romania*, no. 55421/10, paragraph 80, 20 November 2012 and, unlike the situation in *Soare and Others v. Romania*, no. 24329/02, paragraph 237, 22 February 2011).

196. It is therefore necessary to resolve the question whether the applicants were deprived of their liberty "in accordance with lawful channels" within the meaning of Article 5 § 1 of the Convention.

197. The Government submitted that the deprivation of liberty was an administrative measure based on the provisions of Article 31 para. (1) (b) of Law 218/2002 and justified in the light of Article 5 § 1 (b) of the Convention.

198. The Court notes that, under Article 31 para. (1)(b) of Law 218/2002, in order for the police to be allowed to take a person to the premises for the purpose of verifying his identity, two cumulative conditions must be fulfilled: the person checked must be unable to prove his identity under the conditions provided by law and there must be suspicion of the commission of a criminal offense.

199. The Court finds that, in the present case, none of those conditions has been satisfied. The Court observes that it is apparent from the minutes drawn up at the end of the searches that the identity of the applicants had been established, on the basis of their identity documents, as soon as the representatives of the police arrived at the buildings to be searched. Moreover, in the statements given by the complainants to the public prosecutor's office, their identity was again clarified, without the investigators making any mention of any impossibility or difficulty in establishing it.

200. As regards the second condition laid down by the law, the Court observes that the applicants had not been the subject of any investigation prior to the search. Nor was there any indication in their statements which might suggest that those statements were taken in the context of a preliminary investigation directed against them.

201. It is apparent from the circumstances of the case that the applicants were detained at the prosecutor's office for the sole purpose of being heard in the criminal case against G.B. and other members of MISA. However, they were at no time informed either of the reasons for their presence at the police station or of their status as witnesses.

202. Given that there were specific provisions in the Code of Criminal Procedure for securing the attendance of witnesses, including, as a last resort, attendance by compulsion, the Court considers that Article 31 para. (1)(b) of Law 218/2002 cannot constitute a legal basis for depriving the applicants of their liberty.

203. Those elements are sufficient for the Court to find a breach of Article 5 § 1 of the Convention.

III. ON THE ALLEGED VIOLATIONS OF ARTICLE 8 OF THE CONVENTION

204. Relying on Article 8 of the Convention, the applicants complained about the search of their home, the body searches, the seizure of personal belongings and the broadcast in the press of images filmed during the police operation.

205. The relevant provisions of Article 8 of the Convention are worded as follows:

"(1) Everyone has the right to respect for his private life and [...] his home [...].

2. Interference by a public authority in the exercise of this right shall not be permitted except in so far as such interference is provided for by law and is necessary in a democratic society in the interests of national security, public safety, the economic well-being of the country, for the prevention of disorder or crime, for the protection of public order, for the protection of health or morals or for the protection of the rights and freedoms of others. "

A. On admissibility

206. The Court finds that these heads of claim are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It also finds that they do not raise any other ground of inadmissibility. They must therefore be declared admissible.

B. Substance

1. The parties' arguments

207. The applicants consider that they have been victims of arbitrary and disproportionate interference with the exercise of their right to respect for their private life and home.

208. They claim that the public prosecutor's office misappropriated the purpose of the search warrant issued by the court. They point out that the warrant was aimed at seizing computer data storage media, whereas the public prosecutor's office took advantage of the warrant to organize a vast police operation aimed at destroying MISA and intimidating its members.

209. They claim that the search of their home, the detentions that took place in the street and the seizure of numerous personal belongings that had nothing to do with the investigation constituted serious interferences with their privacy, against which they had no safeguards or defenses.

210. Finally, they complain about the recording and release to the press of footage filmed during the police operation.

211. The Government dispute these arguments. It submits that the search was in accordance with domestic law, which provides sufficient protection against arbitrariness, in particular by making the search subject to the prior authorization of a judge.

212. With regard to the manner of the search, the Government submits that the simultaneous and forceful intervention of the investigators was necessary in order to catch the perpetrators of the offenses of dissemination of pornographic images on the Internet and trafficking in human beings in flagrante delicto and to prevent the destruction of evidence. They point out that the search took place in the presence of the complainants or their representatives.

213. The Government submits that all the items seized were related to the ongoing investigation and that they were mentioned in the minutes or placed in sealed cardboard boxes. According to the Government, the objects not related to the investigation were returned to the applicants.

214. The Government did not comment on the applicants' allegations that their privacy had been violated as a result of the broadcasting of the police footage of the operation.

2. Reasoning of the Court

215. The Court recalls that, in accordance with its established case-law, searches and seizures carried out at the applicants' home constitute interference with the exercise of the

right to respect for "private life" and home (*Gutsanovi v. Bulgaria*, no. 34529/10, § 217, ECHR 2013 (extracts) and *Slavov and Others v. Bulgaria*, no. 58500/10, § 141, 10 November 2015).

216. The Court also recalls that the search of the applicants, their clothing or personal belongings constitutes an interference with the exercise of the right to respect for private life. The public nature of the search may, in certain cases, aggravate the interference in question because of the sense of humiliation and discomfort it causes (*Gillan and Quinton v. the United Kingdom*, No 4158/05, paragraphs 63 and 64, ECHR 2010 (extracts)).

217. Such interference violates Article 8, unless it is provided by law, pursues one or more of the legitimate aims set out in paragraph 2 of this Article and is "necessary in a democratic society" for its fulfilment.

218. The Court recalls that the concept of necessity implies an interference based on an overriding social need and, above all, proportionate to the legitimate aim pursued. In particular as regards home visits and the seizure of objects, domestic law and practice must provide adequate and sufficient safeguards against abuse and arbitrariness (see, inter alia, *Robathin v. Austria*, no. 30457/06, paragraph 44, 3 July 2012, and *Vinci Construction and GTM Génie Civil et Services v. France*, nos. 63629/10 and 60567/10, paragraph 66, 2 April 2015).

219. In this respect, the Court observes that among these safeguards is the existence of "effective control" of measures in breach of Article 8 of the Convention (*Lambert v. France*, August 24, 1998, p. 34, *Reports of Judgments and Decisions* 1998V-).

220. Lastly, the Court recalls that leaks of confidential judicial information to the press constitute an unjustified interference with the privacy of the persons concerned (see, for example, *Căşuneanu v. Romania*, no. 22018/10, paragraph 71, 16 April 2013). Similarly, the Court has already found a violation of Article 8 of the Convention when the authorities made available to the press a photograph of the applicant taken from her criminal case file (*Sciacca v. Italy*, no. 50774/99, paragraphs 29 and 30, ECHR 2005I-).

221. In the present case, the Court considers that there has been interference with the exercise by applicants nos. 1-12, 14-16, 18-24 and 26 (see list of applicants in the annex) of their right to respect for their "private life" and home, by reason of the search of their homes and the seizure of personal belongings.

222. With regards to the factual circumstances, the Court considers that even the applicants who had temporarily joined the community of yoga practitioners installed in the buildings searched (see paragraph 20 above) had a sufficiently close connection with those places to consider that the search and the seizure of their personal belongings constituted an interference with their right to respect for their "private life" and their right to respect for their home.

223. The Court observes that the search in question had a legal basis in domestic law, namely Articles 100-108 of the Code of Criminal Procedure and Article 55 of Law No 161/2003. The search pursued the legitimate aim of safeguarding public order and preventing the commission of crimes.

224. The Court finds that these legal provisions provide safeguards to prevent the authorities from taking arbitrary measures. Among those safeguards, the most important concern the search warrant and the subsequent judicial review of the legality and necessity of that measure. Moreover, it is necessary that these controls be effective in the specific circumstances of the case (*Smirnov v. Russia*, no. 71362/01, para. 45, June 7, 2007, and *Slavov and Others*, cited above, para. 146) and that these safeguards be applied in a concrete and effective, not theoretical and illusory, manner (*Vinci Construction and GTM Génie Civil et Services*, cited above, para. 75).

225. The Court notes that, on 16 March 2004, the court authorized the search of the premises with a view to seizing the data storage media containing information relating to international data exchanges and their users.

226. However, it must be noted that the investigators did not limit the searches carried out to the court warrant. It is apparent from the inventory drawn up at the end of the searches that a large proportion of the items seized could not be regarded as any form of computer data and had no apparent connection with the subject-matter of the investigation. The Court observes, for example, that the investigators seized, inter alia, books, photographs, administrative documents and identity papers, letters, money, jewellery, decorative objects and articles of clothing. In addition, some of the complainants' personal belongings were transported in boxes whose contents were not inventoried.

227. With regards to *the ex post* review of the police operation, the Court notes that the national courts did not reply to the end of the applicants' claim alleging that the public prosecutor's office had abused them by knowingly misappropriating the subject-matter of the search warrant. In addition, the Court observes that, contrary to the public prosecutor's assertions, the applicants' attempts to challenge before the domestic courts the seizure of their personal effects and to obtain their return proved futile (see paragraphs 53 and 85 above).

228. The Court therefore concludes that, owing to their massive and undifferentiated nature and the absence of effective *ex post facto* control, the search and seizure of the applicants' personal effects infringed the aforementioned applicants' rights guaranteed by Article 8 of the Convention (compare *Robathin*, cited above, paragraph 52; *Vinci Construction and GTM Génie Civil et Services*, cited above, paragraph 78; and *Ernst and Others v. Belgium*, no. 33400/96, paragraph 116, 15 July 2003, p. 116).

229. As regards the applicants Pelin, Monete and Tănase, the Court finds that they were questioned in the street, in the vicinity of the buildings searched, and forced to submit to a search at the end of which personal belongings were taken from them. Accordingly, the Court considers that the applicants also suffered interference with the exercise of their right to respect for private life.

230. The Court notes that the Government did not specify the legal provisions under which these measures were taken. The minutes of the search of Mr Monete stated that the police had acted in accordance with Article 219 of the Code of Criminal Procedure. This article provides that the investigating prosecutor may order the criminal investigation bodies to carry out acts of criminal investigation.

231. The Court infers that the measure was ordered by one of the prosecutors in charge of the police operation on March 18, 2004.

232. However, the Court considers that the mere mention of Article 219 of the Code of Criminal Procedure does not make it possible to answer the question whether the jurisdiction exercised by the prosecutor in the present case had a basis in domestic law, what the scope of such jurisdiction was and, in particular, what safeguards were provided by domestic law against arbitrariness (see, *mutatis mutandis, Gillan and Quinton v. the United Kingdom*, cited above, paragraphs 76 et seq.).

233. In those circumstances, the Court considers that the search to which the applicants Pelin, Monete and Tănase were subjected was not "prescribed by law" within the meaning of Article 8 § 2 of the Convention.

234. The Court observes that, for the purposes of the investigation, the search of each property was videotaped by the gendarme personnel who took part in the operation. These recordings were subsequently made available to the press and received extensive media coverage. The main national news channels and newspapers carried reports and articles which included videos and photographs provided by the authorities, in particular, according to the report of the Judicial Inspection of the Superior Council of Magistracy, by the Ministry of the Interior (see paragraphs 56 and 93).

235. An analysis of the excerpts from the articles in the print and broadcast media shows that the images provided by the authorities depicted the tenants of the buildings, in particular young women, lying on the floor in humiliating positions. However, it must be held that the authorities which made those images available to the press did not take the minimum

precautions necessary to protect the privacy of the persons concerned: their bodies and faces were not masked and the images at issue were filmed in private areas.

236. The Court is not persuaded by the argument put forward by the prosecution service for dismissing the applicants' complaint (see paragraph 56 above), namely that the dissemination of those images was in the public interest. It considers that other methods less invasive to the privacy of the applicants, who, as "ordinary persons", could legitimately expect greater protection of their privacy, would have made it possible to inform the public of the investigation in progress.

237. The Court therefore considers that the national authorities which provided the press with the recordings of the police operation unreasonably infringed the applicants' right to protection of their private life.

Conclusion

238. The Court considers that the shortcomings noted above in relation to the search, the seizure of property, the searches to which the applicants were subjected and the distribution of the images of the police operation are sufficient to establish a violation of Article 8 in respect of all the applicants.

IV. WITH REGARD TO THE OTHER ALLEGED INFRINGEMENTS

239. Relying on Article 9 of the Convention, in conjunction with Article 14, the applicants complained of discrimination based on their membership of MISA, and that their right to manifest their beliefs had been violated. In that connection, they allege a widespread campaign of vilification and persecution, widely publicized by the media, orchestrated by senior officials and politicians, including, in particular, the Prime Minister.

240. The Government argues that the police operation was in no way motivated by the beliefs promoted by MISA and its members, its sole purpose being to prevent crimes from being committed in places where MISA was active, by using its infrastructure. They claim that the surveillance of the association by the SRI was aimed exclusively at its potentially illegal activities. Finally, the association continues to operate and carry out its activities without any interference from the State.

241. The Court recalls that the notion of discrimination normally also includes cases in which one individual or group is treated less favourably than another, without adequate justification, even if the Convention does not provide for more favourable treatment (see, inter alia, *Zarb Adami v. Malta*, no. 17209/02, p. 73, ECHR 2006VIII-).

242. The Court adopts conclusions which, in its view, are supported by an independent assessment of all the evidence, including the inferences it may draw from the facts and observations of the defendants. In accordance with its settled case-law, proof may be furnished by a series of sufficiently strong, clear and corroborating indications or irrebuttable presumptions (*Natchova and Others v. Bulgaria* (CTM), nos. 43577/98 and 43579/98, p. 147, ECHR 2005VII-).

243. In the present case, the Court finds that the SRI had been monitoring MISA's activities since its foundation in 1990. Although the reasons for that surveillance were linked, in part, to the expression of opinions considered contrary to the State's foreign policy choices, it is clear from the evidence in the file that the police operation of March 18, 2004, was carried out following indications of the commission of criminal offences in some of MISA's buildings.

244. Accordingly, the Court finds that, in the present case, there are no strong, clear and concordant elements which make it possible to conclude that the initiation of criminal proceedings against G.B. and other members of MISA and the authorization to search these

properties were aimed at a discriminatory purpose, which infringed the applicants' freedom to manifest their beliefs.

245. In addition, the Court points out that the allegations concerning the conduct of law-enforcement officials during the police operation of 18 March 2004 have been examined in the light of Article 3 of the Convention.

246. With regard to the statements in which negative judgments were allegedly made concerning MISA's activities, the Court notes that the statements complained of by the applicants had not been made by the judicial authorities, which were controlling the conduct of the investigation, but by various politicians. However, the Court considers that those statements must be placed in the context of the case, which caused a great stir in public opinion. The Court considers that the statements at issue, as set out in the press articles supplied by the applicants, cannot demonstrate the existence of a campaign of vilification and persecution orchestrated by certain politicians against MISA and its members.

247. Finally, with regard to the echo that the case has had in the press, the Court considers that, in a democratic society, it is inevitable that journalists will comment, sometimes severely, on sensitive cases.

248. In the light of all the material before it and in so far as it has jurisdiction to adjudicate on the claims, the Court finds no apparent violation of the rights and freedoms guaranteed by Articles 9 and 14 of the Convention. The Court therefore concludes that this end claim is manifestly unfounded and must be dismissed under Article 35 §§ 3 §§ 3 (a) and 4 of the Convention.

V. ON THE APPLICATION OF ART. 41 OF THE CONVENTION

249. In accordance with Article 41 of the Convention,

> "If the Court declares that there has been a violation of the Convention or its Protocols, and if the domestic law of the High Contracting Party allows only an incomplete remedying of the consequences of the violation, the Court shall, if appropriate, award just reparation to the injured party. "

A. Prejudice

250. The applicants claim EUR 18,000 each by way of compensation for the non-material damage they allegedly suffered as a result of ill-treatment, deprivation of liberty and violation of their right to respect for their private life and home during the police operation of March 18, 2004.

251. The Government submitted that the applicants' claim was unfounded. Furthermore, it considers that the amount claimed is excessive.

252. The Court considers that applicants nos. 1 and 2, 4-11 and 14-26 have suffered non-material damage as a result of the violations found of Article 3, Article 5 § 1 and Article 8 of the Convention and that the sum of EUR 12,000 should be awarded to each of them. As regards applicants nos. 3 and 12, the Court considers that they have suffered non-material damage as a result of the breach of Article 8 of the Convention and that they should each be awarded EUR 4,000. Lastly, as regards applicant no. 13, the Court considers that he has suffered non-material damage as a result of the breach of Article 5 § 1 and Article 8 of the Convention and that he should be awarded EUR 6,000.

B. Costs

253. The applicants are not claiming reimbursement of costs incurred before the national courts or before the Court.

C. Default interest

254. The Court considers that the rate of default interest should be based on the interest rate of the marginal lending facility of the European Central Bank plus three percentage points.

For these reasons,
THE COURT:

1. *Declares*, unanimously, the application admissible in respect of the end claim under Article 3 of the Convention put forward by applicants Nos 1 and 2, -411 and 1426-;

2. *Declares*, unanimously, the application admissible as regards the end claim under Article 5 § 1 of the Convention lodged by applicants Nos 1 and 2, -411 and 1326-;

3. *Declares*, unanimously, the application admissible in respect of the end claims under Article 8 of the Convention;

4. *Declares*, by majority, the application inadmissible as regards the other end claims;

5. *Finds*, unanimously, that there has been a violation of Article 3 of the Convention both substantively and procedurally in respect of applicants nos. 1 and 2, 4-11 and 14-26;

6. *It* unanimously *found* a violation of Article 5 § 1 of the Convention in respect of applicants nos. 1 and 2, 4-11 and 13-26;

7. *Finds* unanimously that there has been a violation of Article 8 of the Convention in respect of all the applicants;

8. *Decides*, unanimously:
   a) that the respondent State shall pay to the applicants, within three months of the judgment becoming final, in accordance with Article 44 § 2 of the Convention, the following sums, to be converted into the currency of the respondent State at the rate of exchange applicable on the date of payment:
      (i) EUR 12 000 (twelve thousand euros) to each of Claimants Nos 1 and 2, 411 and 1426, plus any amount that may be due by the Claimants by way of tax on that amount, by way of compensation for non-material damage;
      (ii) EUR 6 000 (six thousand euros) to Claimant No 13, plus any amount which may be due by the Claimant by way of tax on that sum, by way of compensation for non-material damage,
      (iii) EUR 4 500 (four thousand five hundred euros) to each of Claimants Nos 3 and 12, plus any amount which may be payable by the Claimants by way of tax on that amount, by way of compensation for non-material damage;
   (b) that, from the expiry of that period until payment, such amounts shall bear interest at a rate equal to the marginal lending facility rate applied by the European Central Bank, applicable during that period, plus three percentage points;

9. *Dismisses*, unanimously, the application for equitable relief on the other heads of claim.

Drafted in French, then served in writing on April 26, 2016, pursuant to Rule 77 § 2 and Rule 77 § 3 of the Rules of Court.

Marialena TsirliAndrás	Sajó
Registrar	President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, a summary of Judge Sajó's separate opinion is annexed to this judgment.

SEPARATE OPINION OF JUDGE SAJÓ

The MISA (Movement for Spiritual Integration into the Absolute) association has been the subject of close monitoring by the public prosecutor's office, as well as several investigations carried out by the latter. The police operation, which the Court considers to be contrary to Article 3 of the Convention, gave rise to strong feelings of fear (paragraph 163 of the judgment). In so far as the applicants are members of a movement which they regard as religious, the consequences for the freedom to manifest religious beliefs are not negligible and, in the event of a *fumus persecutionis*, there can be no free manifestation of religion.

Annex - List of complainants

1. Liliana AMARANDEI, born on 30/12/1963, lives in Iași
2. Mirela AVĂDĂNĂNII, born 13/09/1972, lives in Bucharest
3. Ioana Mihaela BUTUM, born 22/10/1979, lives in Brasov
4. Nicoleta Roxana COJOCARU, born 18/09/1978, lives in Iași
5. Oana Roxana DOLDOR, born 14/02/1979, lives in Vidra
6. Violeta ENĂCHESCU (HOSCEVAIA), born on 11/04/1978, lives in Bucharest
7. Elena-Simona FRÎNCULELEASĂ, born on 11/12/1974, lives in Bucharest
8. Mariana Cipriana LAZĂR, born 11/08/1969, lives in Bucharest
9. Amalia LUCACHI, born 17/02/1969, lives in Iași
10. Iulia LUPESCU, born on 15/07/1970, lives in Moara Mică
11. Rose-Marie MÎNDRU, born 6/09/1978, lives in Drobeta Turnu Severin
12. Liliana MOTOCEL, born 6/08/1973, lives in Bucharest
13. Virgil-Marius MONETE, born on 21/09/1968, lives in Bucharest
14. Valeria-Laura OBREJA, born 19/12/1973, lives in Iași
15. Simona OPREAPOPOPA, born 20/10/1976, lives in Avrig
16. Ana-Maria PĂNESCU, born on 24/03/1979, lives in Oteșani
17. Beatrice Camelia PELIN, born 4/01/1981, lives in Piatra Neamț
18. Rodica PETRE, born 25/03/1974, lives in Bucharest
19. Iuliana RADU, born 12/08/1968, lives in Bucharest
20. Elena SIMA, born on 3/09/1979, lives in Focșani
21. Daniel STANCIU, born 26/02/1972, lives in Piatra Neamț
22. Catrinel STOENESCU, born 17/01/1981, lives in Bucharest
23. Ștefan-Raul SZANTO, born on 4/03/1970, lives in Bistrița
24. Tatieana TANASĂ, born 25/08/1949, lives in Iași
25. Constantin TĂNASE, born on 28/10/1967, lives in Bucharest
26. Florin-Mihăiță ȚUȚU, born on 13/03/1974, lives in Bucharest

Translation from the original decision in French by Beatrice Bene