



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

FOURTH SECTION

CASE OF GÎNDILĂ AND OTHERS v. ROMANIA

*(Applications nos. 23621/22 and 19 others –
see appended list)*

JUDGMENT

STRASBOURG

22 October 2026

This judgment is final but it may be subject to editorial revision.

In the case of Gîndilă and Others v. Romania,

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

Anne Louise Bormann, *President*,

András Jakab,

Corinna Wissels, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 1 October 2026,

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

PROCEDURE

1. The case originated in applications against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The applicants were represented by several lawyers practising in Romanian Bar Association, as specified in the appended table.

3. The Romanian Government (“the Government”) were given notice of the applications.

THE FACTS

4. The list of applicants and the relevant details of the applications are set out in the appended table.

5. The facts, as submitted by the parties, are similar to those in *Association “21 December 1989” and Others v. Romania* (nos. 33810/07 and 18817/08, §§ 12-41, 24 May 2011), *Lupu and Others v. Romania* ([Committee], nos. 3107/19 and 16 others, §§ 3-7, 17 January 2023) and *Militaru v. Romania* ([Committee], nos. 7005/21 and 4 others, §§ 3-10, 13 January 2026).

6. The applicants complained under the procedural limb of Article 2 of the Convention. They also raised other complaints under Article 6 of the Convention. In application no. 25069/22 the applicant also complained under Article 3 of the Convention.

THE LAW

I. JOINDER OF THE APPLICATIONS

7. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

8. The applicants complained of the ineffectiveness of the criminal investigations into the identification and punishment of those responsible for their injuries by gunshot or the death of their relatives during the events of December 1989.

9. In respect of applications nos. 23715/22, 23764/22, 30083/22, 27722/23 and 2099/24, the Government raised preliminary objections concerning the applicants' lack of victim status because two of the applicants (in applications nos. 23764/22 and 2099/24) had stated in 2018 that they did not wish to join the criminal proceedings as civil parties, whereas the remaining three applicants (in applications nos. 23715/22, 30083/22 and 27722/23) had allegedly not held any procedural status in the domestic proceedings.

10. The applicants in applications nos. 23715/22 and 30083/22 provided evidence of having lodged requests to join the criminal proceedings as civil parties. The applicant in application no. 27722/23 confirmed that by an interlocutory order of 21 May 2021 the Preliminary Chamber of the High Court of Cassation and Justice listed her as one of the participants to the domestic proceedings, in her capacity as "a successor of the victim Lupu Eugen", who was her father.

11. Regarding applications nos. 23764/22 and 2099/24, the Court reiterates that it has considered, in similar circumstances, that the applicant's waiver did not affect his victim status under the procedural limb of Articles 2 or 3 of the Convention (see *Cantemir v. Romania*, no. 9915/19, § 28, 16 September 2025). Furthermore, the Court has already accepted the standing of the victims' next of kin, even where they had not been involved in the domestic proceedings, holding that the absence of a separate criminal complaint on their part did not strip them of their victim status (see *Cantemir*, cited above, §§ 28-29; *Alecu and Others v. Romania*, nos. 56838/08 and 80 others, § 31, 27 January 2015; and *Ecaterina Mirea and Others v. Romania*, nos. 43626/13 and 69 others, §§ 24-30, 12 April 2016).

12. Therefore, the Court dismisses the Government's objections as to the applicants' lack of victim status and finds that the applicants in applications nos. 23715/22, 23764/22, 30083/22, 27722/23 and 2099/24 may claim to be a victim within the meaning of Article 34 of the Convention.

13. The Government further argued that applications nos. 27561/23, 27722/23 and 31608/23 had been lodged belatedly, as the applicants should have introduced them no later than four months after 17 January 2023, the date on which the judgment *Lupu and Others v. Romania* ([Committee], nos. 3107/19 and 16 others, §§ 3-7, 17 January 2023) was delivered by the Court, because the latter judgment concerned relatives of these applicants.

14. The Court notes that the decisive factor in assessing whether an application has been lodged out of time is the date of the final determination of the domestic proceedings (see *Mocanu and Others v. Romania* [GC], nos. 10865/09 and 2 others, §§ 259-60, ECHR 2014 (extracts), and *Lekić v. Slovenia* [GC], no. 36480/07, § 65, 11 December 2018). Having regard to the fact that in the present cases the domestic proceedings are still pending – a circumstance which itself lies at the very heart of the complaints before the Court – the Court considers that the applications were not lodged out of time (see *Pârvu v. Romania*, no. 13326/18, §§ 64-67, 30 August 2022 and, for comparative purposes, *Pârvu and Others v. Romania*, [Committee], no. 3524/22, 26 August 2025). Accordingly, the Court dismisses this preliminary objection regarding applications nos. 27561/23, 27722/23 and 31608/23.

15. The Court notes that the applications are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. They must therefore be declared admissible.

16. In the leading case of *Association “21 December 1989” and Others v. Romania* (nos. 33810/07 and 18817/08, §§ 12-41, 24 May 2011), the Court already found a violation in respect of issues similar to those in the present cases.

17. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of the present complaints. Having regard to its case-law on the subject, the Court considers that the criminal investigation in the present cases has not met the required standards, in particular since it has not been conducted with the reasonable expedition required by the Convention.

18. There has accordingly been a violation of Article 2 of the Convention under its procedural limb.

III. ALLEGED VIOLATION OF ARTICLES 6 AND 3 OF THE CONVENTION

19. Under Article 6 § 1 of the Convention, the applicants complained of the length of the above-mentioned criminal proceedings. In one case (application no. 25069/22), the applicant also complained under Article 3 that the injury by gunshot had had lasting effects causing him a permanent physical disability.

20. Having regard to its findings under Article 2 of the Convention (paragraph 18 above), the Court considers that there is no need to examine separately the admissibility and merits of the complaints under Articles 6 and 3 of the Convention (see, among other, *Association “21 December 1989” and Others*, cited above, § 181).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

21. Regard being had to the documents in its possession and to its case-law (see, in particular, *Association "21 December 1989" and Others*, cited above, and for illustrative purposes, *Militaru v. Romania* ([Committee], nos. 7005/21 and 4 others, §§ 3-10, 13 January 2026), the Court considers it reasonable to award the sums indicated in the appended table for non-pecuniary damage and for costs and expenses and dismisses the remainder of the applicants' claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the complaints under Article 2 of the Convention admissible and *holds* that it is not necessary to examine the remainder of the complaints;
3. *Holds* that these applications disclose a breach of Article 2 of the Convention under its procedural limb;
4. *Holds*
 - (a) that the respondent State is to pay each of the applicants, within three months, the amounts indicated in the appended table in respect of non-pecuniary damage, plus any tax that may be chargeable, and in respect of costs and expenses, plus any tax that may be chargeable to the applicants, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period, plus three percentage points;
5. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 22 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Anne Louise Bormann
President

APPENDIX

List of applications raising complaints under Article 2 of the Convention
(ineffective investigation into the events of December 1989)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Particular circumstances of the case	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per applicant (in euros) ²
1.	23621/22 05/05/2022	Gabriel GÎNDILĂ 1971	Cerciu-Ciobanu Iulia Maria Cristian	The applicant's brother, Gîndilă Dan Gheorghe, was shot on 22/12/1989 in Sibiu in front of the county police headquarters, and he died on 02/02/1990 due to the injuries suffered.	26,000	500
2.	23715/22 05/05/2022	Elena-Lacrima RUSCH 1984	Briciu Vasile Sibiu	The applicant's father (Cioran Victor) was killed by gunshot on 23/12/1989 in Sibiu, in the immediate vicinity of the local military unit.	26,000	500
3.	23749/22 05/05/2022	Alexandru-Victor CIORAN 1986	Briciu Vasile Sibiu	The applicant's father (Cioran Victor) was killed by gunshot on 23/12/1989 in Sibiu, in the immediate vicinity of the local military unit.	26,000	500
4.	23764/22 05/05/2022	Ligia GÎNDILĂ 1942	Cerciu-Ciobanu Iulia Maria Cristian	The applicant's son, Gîndilă Dan Gheorghe, was shot on 22/12/1989 in Sibiu in front of the county police headquarters, and he died on 02/02/1990 due to the injuries suffered.	26,000	500
5.	23953/22 05/05/2022	Felicia DĂNILĂ 1960	Briciu Vasile Sibiu	The applicant's brother, Căpriță Nicolae Dorin, was killed by gunshot on 23/12/1989 in Brasov, near the county hospital.	26,000	500
6.	24002/22 06/05/2022	Mircea STÎNEA 1967	Briciu Vasile Sibiu	The applicant was injured by gunshot on 23/12/1989 in Giurgiu, near the local military unit.	26,000	500

¹ Plus any tax that may be chargeable to the applicants.² Plus any tax that may be chargeable to the applicants.

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7.	24015/22 05/05/2022	Elena RADU 1964	Briciu Vasile Sibiu	The applicant's husband (Cioran Victor) was killed by gunshot on 23/12/1989 in Sibiu, in the immediate vicinity of the local military unit.	26,000	500
8.	25069/22 11/05/2022	Ion CHIRA 1966	Solea Magdalena-Maria Bucharest	The applicant was injured by gunshot on 24/12/1989 in Bucharest, near the headquarters of the national television.	26,000	500
9.	30083/22 10/06/2022	Daniel CIULICĂ 1970	Matei Ionuț Bucharest	The applicant's father, Ciulică Niculae Marian, was killed by gunshot on 23/12/1989 in Otopeni.	26,000	500
10.	34748/22 11/07/2022	Adrian-Ovidiu NEACȘU 1967	Matei Ionuț Bucharest	The applicant was injured by gunshot on 23/12/1989 in Bucharest, near the headquarters of the national television.	26,000	500
11.	27544/23 30/06/2023	Alexandra-Roxana GALAȚANU 1987	Pașalică Sorin-George Brașov	The applicant's father, Savin Gheorghe, was killed by gunshot on 23/12/1989 in Brașov while on his way to the local road transport factory, his place of work (near plant 2).	26,000	500
12.	27561/23 30/06/2023	Mihaela SAVIN 1985	Pașalică Sorin-George Brașov	The applicant's father, Savin Gheorghe, was killed by gunshot on 23/12/1989 in Brașov while on his way to the local road transport factory, his place of work (near plant 2).	26,000	500
13.	27722/23 05/07/2023	Andreea LUPU 1986	Pașalică Sorin-George Brașov	The applicant's father, Lupu Eugen, was killed by gunshot on 24/12/1989 in Brașov, near the County Council.	26,000	500
14.	31608/23 28/07/2023	Alexandru SAVIN 1987	Pașalică Sorin-George Brașov	The applicant's father, Savin Gheorghe, was killed by gunshot on 23/12/1989 in Brașov while on his way to the local road transport factory, his place of work (near plant 2).	26,000	500
15.	2050/24 05/01/2024	Lenuța ECEA 1969	Pașalică Sorin-George Brșsov	The applicant's brother, Crețu Viorel, was killed by gunshot on 24/12/1989 in Constanța, in the area of the "Portul" stadium.	26,000	500

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16.	2073/24 05/01/2024	Marta-Claudia POP 1977	Pașalică Sorin-George Brașov	The applicant's father, Pop Lucian-Vinicius, was killed by gunshot on 25/12/1989 in Bucharest at his home residence.	26,000	500
17.	2076/24 05/01/2024	Elena-Carmen GUȚĂ 1971	Pașalică Sorin-George Brașov	The applicant was wounded by gunshot on 23/12/1989, while she was at her cousin's home in Târgoviște.	26,000	500
18.	2099/24 05/01/2024	Ionel BUGAN 1969	Pașalică Sorin-George Brașov	The applicant was wounded by gunfire on 23/12/1989 in Bucharest in front of the headquarters of the Ministry of National Defence.	26,000	500
19.	2110/24 05/01/2024	Mariana ANTEMIR 1963	Pașalică Sorin-George Brașov	The applicant's husband, Antemir Vasile, was killed by gunshot on 23/12/1989 in Buzău, while on duty as part of the local military unit's defence forces.	26,000	500
20.	2121/24 05/01/2024	Elena-Valentina ROȘCA 1969	Pașalică Sorin-George Brașov	The applicant's husband, Lazar Ioan, was killed by gunshot on 23/12/1989 in Bucharest, in front of the headquarters of the Ministry of National Defence.	26,000	500