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

FOURTH SECTION

DECISION

Application no. 81708/17
Iulian-Gabriel-Nicu MUNTEANU
against Romania

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

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

and Valentin Nicolescu, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 81708/17) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 24 November 2017 by a Romanian national, Mr Iulian-Gabriel-Nicu Munteanu ("the applicant"), who was born in 1988 and lives in Călărași, and was represented by Mr I. Păun, a lawyer practising in Bucharest;

the decision to give notice of (i) the complaint under Article 6 of the Convention concerning an alleged violation of the applicant's right to a fair trial owing to the examination of the criminal case against him in a summary trial and (ii) the complaint under Article 2 of Protocol No. 7 to the Convention concerning an alleged violation of the applicant's right of appeal in criminal matters to the Romanian Government ("the Government"), represented by their Agent, Ms O.F. Ezer, of the Ministry of Foreign Affairs, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the examination by the domestic courts of criminal proceedings against the applicant in a summary trial in alleged violation of

Article 6 of the Convention and of Article 2 of Protocol No. 7 to the Convention.

2. In November 2014 the Călărași Directorate for Combating Organised Crime and Terrorism indicted the applicant for the offence of trafficking of minors and sent the case to trial in the Călărași County Court.

3. On 23 April 2015 the applicant asked the County Court through his chosen lawyer for a summary trial in exchange for a reduced sentence. The court heard the applicant to determine whether he pleaded guilty to the offence. According to a written record of the applicant's plea signed by him and his lawyer, his statement was contradictory at first, but ended with an admission of guilt.

4. On 21 May 2015 the applicant's chosen lawyer urged the County Court to impose a reduced prison sentence on the applicant which was sufficiently low to be stayed on the ground that the victim had shared some of the responsibility for the offence. The applicant stated that he regretted his actions and that he agreed with his lawyer's assertions in respect of the victim.

5. On 4 June 2015 the County Court granted the applicant's request for a summary trial, convicted him of trafficking of minors on the basis of the evidence collected by the investigating authorities and sentenced him to a reduced prison sentence of six years.

6. In an appeal to the Bucharest Court of Appeal, the applicant asked for the case to be re-examined under an ordinary procedure. He argued that the summary procedure had been inapplicable to his case because his plea of 23 April 2015 (see paragraph 3 above) could not be considered an admission of guilt, given that the alleged statement of guilt had been uttered by the judge. The applicant also argued that the High Court of Cassation and Justice had found, in a final judgment of 2013 delivered in another case where the summary procedure had been applied unlawfully, that re-examining a case under an ordinary procedure could not violate the prohibition of putting an appellant in a worse position for lodging an appeal.

7. On 4 April 2016, after the appellate court had heard the audio-recording of the applicant's plea of 23 April 2015 in the presence of the parties, the prosecution and the victim's lawyer agreed with the applicant's view that the case could not be examined in a summary trial on account of the hesitant nature of the applicant's plea. Nonetheless, on 18 April 2016 the prosecution asserted that re-examining the case in an ordinary trial would violate the prohibition of putting an appellant in a worse position for lodging an appeal.

8. By a final judgment of 14 July 2016 (served on 26 May 2017), the Court of Appeal upheld the applicant's conviction on the basis of the evidence described in paragraph 5 above and reduced his sentence to four years' imprisonment. It held that the applicant had himself, through his chosen lawyer, asked for a summary trial. Even though on 23 April 2015 he had hesitated at first to plead guilty, he had clarified his position with the help of the judge and had eventually admitted to having committed the offence. Thus,

it could not be said that the applicant had waived his right to an ordinary trial unwillingly or that the decision to grant his request for a summary trial had been unlawful, especially since on 21 May 2015 the applicant, assisted by his chosen lawyer, had stated that he regretted his actions. The court also found that none of the laws in force allowed the applicant to retract his waiver during the trial and endorsed the prosecution's assertions of 18 April 2016 (see paragraph 7 above). Moreover, the Court of Cassation's judgment described in paragraph 6 above was not binding *erga omnes* and had been contradicted by other final judgments delivered by other courts.

9. The applicant complained, under Article 6 of the Convention and under Article 2 of Protocol No. 7 to the Convention, of a violation of his right of defence and right of appeal in criminal matters respectively. He alleged that the trial courts had misinterpreted his plea of 23 April 2015, had examined his case under a summary procedure and had convicted him on the basis of the evidence collected by the investigating authorities without hearing directly any witnesses or the victim of the offence. Moreover, the Court of Appeal had refused, relying on tenuous arguments, to give effect to the practice of the Court of Cassation in similar circumstances and to have the case re-examined under an ordinary procedure.

THE COURT'S ASSESSMENT

A. Alleged violation of Article 6 of the Convention

10. The Court has set out the general principles concerning the right to a fair trial and the right to defence in criminal matters within the context of abridged forms of judicial adjudication in *Natsvlishvili and Togonidze v. Georgia* (no. 9043/05, §§ 90-91, ECHR 2014 (extracts)) and *Di Martino and Molinari v. Italy* (nos. 15931/15 and 16459/15, §§ 33-35, 25 March 2021).

11. In the instant case the Court notes that it was the applicant himself who asked the County Court for a summary trial through his chosen lawyer and that entering a guilty plea was an essential condition for his request to be granted. The court was not bound by domestic law to grant the applicant's request and had the power to reject it on the basis of its own assessment of whether the applicant complied with the relevant conditions required for such a trial.

12. The County Court heard the applicant. Albeit hesitantly at first, it appears that the applicant eventually decided to plead guilty (see paragraph 3 above). There is no evidence in the case file that the applicant or his chosen lawyer asked the County Court at any stage of the first-instance proceedings to examine directly the evidence collected by the investigating authorities, to hear witnesses or the victim of the offence, or to ignore the applicant's guilty plea and his waiver of his right to an ordinary trial. In fact, on 21 May 2015

both the applicant and his lawyer made statements before the court which appear to confirm their choice of a summary trial in exchange for a reduced, and possibly stayed, sentence (see paragraph 4 above).

13. On 4 June 2015 the County Court found that the applicant's case met the conditions required for a summary trial. There is no doubt that by that time the applicant already knew or ought to have known with the help of his chosen lawyer that the procedure in question entailed not only a plea of guilt, but also an agreement to base his defence on the evidence adduced at the investigation stage of the proceedings and thus an unequivocal waiver of his right to obtain the summons and hearing of witnesses or the victim during the trial. Moreover, the applicant must have been or ought to have been aware of the fact that the Court of Appeal had the power to examine the case on the basis of the same evidence.

14. In his appeal, the applicant contested the County Court's assessment of his plea and its decision to apply the summary procedure by relying on the information described in paragraphs 6 and 7 above and asked the appellate court to give effect to the practice of the Court of Cassation.

15. The Court of Appeal duly examined the applicant's allegations, including by hearing the audio-recording of his plea of 23 April 2015, and denied his request for an ordinary trial. It found that (i) the applicant had overcome his initial hesitation in acknowledging his guilt with the help of the judge and (ii) it was not bound to follow the practice of the Court of Cassation relied on by the applicant because it was not well-established (see paragraph 8 *in fine* above).

16. In view of its findings in paragraphs 11-13 above, the Court cannot accept the applicant's assertion that the reasons provided by the appellate court for dismissing his request for an ordinary trial were tenuous.

17. Even assuming that the actual admission of guilt was in fact uttered by the judge, the applicant never denied that both he and his chosen lawyer signed, without any objections, the written record of his plea, which assigned the full admission of guilt contested by the applicant to himself. Moreover, none of the available evidence suggests that the applicant or his lawyer, during the first-instance proceedings, acted in a manner that could (i) clearly suggest that they refused to adhere to the spirit and meaning of the written statement in question or (ii) call into question the fact that the applicant had waived his procedural rights intelligently and of his own free will. It cannot be said, therefore, that the manner in which the national courts assessed the evidence related to the applicant's waiver of his procedural rights and their findings in this connection were arbitrary or manifestly unreasonable.

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

B. Alleged violation of Article 2 of Protocol no. 7 to the Convention

19. The Court has set out the relevant principles concerning the right of appeal in criminal matters within the context of abridged forms of judicial adjudication in *Natsvlishvili and Togonidze* (cited above, § 96).

20. The Court has established that by relinquishing his right to an ordinary trial the applicant also waived his right to an ordinary appellate review and that this particular legal consequence of his request for the summary trial must have been or should have been explained to him by his lawyer (see paragraph 13 above). Applying by analogy its previous findings as to the compatibility of the applicant's guilty plea with the fairness principle enshrined in Article 6 of the Convention (see paragraphs 11-17 above), the Court likewise considers that the waiver of the right to an ordinary appellate review did not represent an arbitrary restriction falling foul of the analogous requirement of reasonableness contained in Article 2 of Protocol No. 7 (see *Natsvlishvili and Togonidze*, cited above, § 96).

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

For these reasons, the Court, unanimously,

Declares the application inadmissible.

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

Valentin Nicolescu
Acting Deputy Registrar

Faris Vehabović
President