



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

FIFTH SECTION

CASE OF MATEI AND OTHERS v. THE REPUBLIC OF MOLDOVA

(Application no. 49015/16)

JUDGMENT

STRASBOURG

16 July 2026

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

In the case of Matei and Others v. the Republic of Moldova,

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

María Elósegui, *President*,

Diana Sârcu,

Sébastien Biancheri, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 49015/16) against the Republic of Moldova lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 10 August 2016 by three Moldovan nationals (“the applicants”), whose relevant details are listed in the appended table, who were represented by Mr I. Arhiliuc, a lawyer practising in Chişinău;

the decision to give notice of the application to the Moldovan Government (“the Government”), represented by their Agent at the relevant time, Mr D. Obadă;

the parties’ observations;

Having deliberated in private on 25 June 2026,

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

SUBJECT MATTER OF THE CASE

1. The case mainly concerns the reversal of a judgment of a first-instance court by which the applicants had been acquitted and their conviction on appeal without hearing anew the victim and the main witnesses.

2. The applicants, who were minors at the time of the alleged act, were charged with sexual assault of a minor under the age of 14.

3. After hearing the victim, the applicants, the expert and numerous witnesses and after examining all the available evidence, the first-instance court acquitted the applicants.

4. The prosecutor appealed against that judgment, expressly pointing out multiple inconsistencies in the testimony of the victim and of several witnesses.

5. The Chişinău Court of Appeal reversed the above-mentioned judgment and found the applicants guilty as charged. In so doing, it did not hear anew the victim or the witnesses mentioned by the prosecutor in his appeal, but merely read out their statements from the case file. Contrary to the view expressed by the first-instance court, the Court of Appeal considered that those statements confirmed the applicants’ guilt.

6. The applicants lodged an appeal on points of law, arguing, *inter alia*, that the Court of Appeal had failed to conduct a fully-fledged hearing by hearing anew all the main witnesses, as required by the Code of Criminal Procedure, before reversing the applicants’ acquittal. The Supreme Court of

Justice dismissed the applicants' appeal on points of law and upheld the appellate court's judgment.

7. The applicants complained, under Article 6 § 1 of the Convention in particular, that the criminal proceedings against them had been unfair because the Court of Appeal had convicted them without hearing anew the victim and the main witnesses.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

8. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

9. The general principles concerning the fairness of criminal proceedings on appeal after an applicant's acquittal at first instance have been summarised in *Dan v. Moldova* (no. 8999/07, § 30, 5 July 2011), *Covalenco v. the Republic of Moldova* (no. 72164/14, §§ 19-24, 16 June 2020) and *Dan v. the Republic of Moldova (no. 2)* (no. 57575/14, §§ 47-56, 10 November 2020). In particular, where an appellate court is called upon to examine a case as to the facts and the law and to make a full assessment of the question of an applicant's guilt or innocence, it cannot, as a matter of fair trial, properly determine those issues without a direct assessment of the evidence (see *Dan*, cited above).

10. Having examined the materials in the case file, the Court considers that the issues to be determined by the Court of Appeal when convicting and sentencing the applicants – and, in doing so, overturning the decision of the first-instance court by which they had been acquitted – could not, as a matter of fair trial, have been properly examined without a direct assessment of the evidence given by the witnesses and the victim and any other relevant material in the case file. In particular, the question of whether the applicants had committed the sexual assault of a minor under the age of 14 in the circumstances of the case depended essentially on the credibility of the witnesses and the victim, which could not be fully assessed by a mere reading of their statements given before the first-instance court as recorded in the file (compare *Dan*, cited above, § 33).

11. The Court also notes in this context that the manner in which the Chişinău Court of Appeal conducted the proceedings appears to be at odds with the provisions of the Code of Criminal Procedure and with the guidelines set out in Plenary Supreme Court of Justice's explanatory judgment no. 22 of 12 December 2005, under which, after an acquittal judgment pronounced by a first-instance court, an appeal court cannot order a conviction for the first time without hearing the accused and without the direct administration of the

evidence (see, for the text of the provision and of the guidelines, *Dan (no. 2)*, cited above, §§ 34-35).

12. In view of these considerations, the Court finds that there has been a violation of Article 6 § 1 of the Convention.

II. OTHER COMPLAINTS

13. The applicants also complained under Article 6 §§ 2 and 3 (d) of the Convention that although the prosecutor, in his appeal, had expressly pointed out multiple inconsistencies in the testimony of the victim and several witnesses which he considered decisive for the conviction of the applicants, the appellate court, without providing any reasoning, had refused to re-hear the victim. It had also reversed the burden of proof by not hearing again the decisive witnesses.

14. The applicants also submitted a complaint under Article 14 of the Convention, arguing that in similar cases the Supreme Court of Justice had adopted opposite judgments.

15. Having regard to the facts of the case, the submissions of the parties and its findings above, the Court considers that it has dealt with the main legal questions raised by the case and that there is no need to examine the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

16. The applicants claimed 5,000 euros (EUR) each in respect of non-pecuniary damage and jointly 120,000 Moldovan lei (equivalent to EUR 6,000 on the date of submission of the observations) in respect of costs and expenses incurred before the domestic courts and the Court.

17. The Government contested the amounts claimed by the applicants, alleging that they were either unjustified or excessive.

18. The Court awards each applicant EUR 3,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

19. Having regard to the documents in its possession, the Court considers it reasonable to award to the applicants jointly EUR 2,500 covering costs and expenses in the domestic proceedings and before the Court, plus any tax that may be chargeable to the applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 1 admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

3. *Holds* that there is no need to examine the admissibility and merits of the applicants' remaining complaints;
4. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 3,500 (three thousand five hundred euros) to each applicant, plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 2,500 (two thousand five hundred euros) jointly, plus any tax that may be chargeable to the applicants, in respect of costs and expenses;
 - (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' claim for just satisfaction.

Done in English, and notified in writing on 16 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

María Elósegui
President

APPENDIX

List of applicants:

Application no. 49015/16

No.	Applicant's Name	Year of birth	Nationality	Place of residence
1.	Alexandru MATEI	1996	Moldovan	Logănești
2.	Constantin HUȘTEI	1996	Moldovan	Hîncești
3.	Petru NOFIT	1996	Moldovan	Hîncești