



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

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THIRD SECTION

Application no. 4640/26
Panagiotis MOUTAFIS
against Greece
lodged on 3 February 2026
communicated on 13 July 2026

SUBJECT MATTER OF THE CASE

The application concerns the applicant's conviction *in absentia* following the alleged defective service of the criminal proceedings.

The applicant submitted that, during the investigation, he had informed the investigating judge of his residential address, but that a different address had subsequently been recorded in the case file and used for service. In support of his submissions, he relied on several official certificates indicating that no building existed at the address in question. He maintained that, as a result, he had been unaware of the criminal proceedings, had not attended the first-instance trial and had been unable to lodge a timely appeal against his conviction.

Following his arrest in 2022, the applicant appealed against his conviction, arguing that the indictment, the summonses to appear for trial and the first-instance judgment had not been validly served on him. By judgment no. 1081/2022, the Athens Five-Member Court of Appeal dismissed the appeal as out of time, holding that service had been lawfully effected at the address recorded in the case file. By judgment no. 1118/2025, the Court of Cassation dismissed the applicant's appeal on points of law.

The applicant complained under Article 6 §§ 1 and 3 of the Convention that he had been convicted in absentia without having been duly notified of the criminal proceedings against him. He further complained that the domestic courts had failed adequately to address his arguments concerning

the alleged defects in the service of the judicial documents and the dismissal of his appeal as out of time.

QUESTION TO THE PARTIES

Did the criminal proceedings against the applicant, considered as a whole, comply with the requirements of Article 6 of the Convention (see *Sejdovic v. Italy* [GC], no. 56581/00, §§ 81-85, ECHR 2006-II; *Maresti v. Croatia*, no. 55759/07, §§ 33-43, 25 June 2009; and *Davran v. Turkey*, no. 18342/03, §§ 37-47, 3 November 2009)?