



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

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FIFTH SECTION

Application no. 12116/19
Vasile NEGRU
against the Republic of Moldova
lodged on 20 February 2019
communicated on 6 July 2026

SUBJECT MATTER OF THE CASE

The application concerns criminal proceedings against the applicant on charges of possession of drugs.

On 3 November 2017, in accordance with a simplified guilt recognition procedure (*judecata pe baza probelor administrate în faza de urmărire penală*), and on the basis of the evidence admitted during the criminal investigation, the first-instance court, convicted the applicant of possession of drugs and sentenced him to four years' imprisonment, with a probation period of three years.

The prosecutor, who unsuccessfully appealed against that decision, subsequently appealed on points of law, arguing that the punishment was too lenient.

On 17 July 2018, after examining the case in the absence of the parties, the Supreme Court of Justice granted the prosecutor's appeal on points of law, quashed the decision of the appellate court and part of the first-instance court's judgment, and ruled out the suspension of the sentence imposed on the applicant.

The applicant complains, relying on Articles 6 and 13 of the Convention, that he and/or his lawyer were not informed of the prosecutor's appeal on points of law, and therefore could not submit written observations, in breach of the right to a fair trial and of the right to have adequate time and facilities for the preparation of his defence.

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SUBJECT MATTER OF THE CASE AND QUESTIONS

QUESTIONS TO THE PARTIES

Did the applicant have a fair hearing in the determination of the criminal charges against him, in accordance with Article 6 § 1 of the Convention (see *Gäfgen v. Germany* [GC], no. 22978/05, § 169, ECHR 2010)? In particular, was the principle of equality of arms respected as regards the conditions afforded to the defence to submit its written observations to the Supreme Court of Justice (see *Zahirović v. Croatia*, no. 58590/11, §§ 58-64, 25 April 2013, and *Nevzlin v. Russia*, no. 26679/08, § 152, 18 January 2022)?