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Meeting: 1569th meeting (September 2026) (DH)

Item reference: Action Report (15/07/2026)

Communication from Romania concerning the case of Manolache v. Romania (Application No. 7908/17) (Cutean group)

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Réunion : 1569^e réunion (septembre 2026) (DH)

Référence du point : Bilan d'action (15/07/2026)

Communication de la Roumanie concernant l'affaire Manolache c. Roumanie (Requête n° 7908/17) (Groupe Cutean) **[anglais uniquement]**

L/ 3699/15.07.2026

10531 R/AG/30

Revised Action Report

Manolache v. Romania

(Application no. 7908/17 judgment of 3 June 2025, final on 3 September 2025)

I. Introductory summary of the case

This case concerns a violation of the applicants' right to a fair trial in the criminal proceedings brought against him, due to his conviction by judges who had not conducted a direct examination of the witnesses and defendants (violation of Article 6 § 1 of the Convention).

The Court considered in particular that the Court of Appeal had reinterpreted the witness statements, which constituted decisive evidence, without both judges of the panel hearing the witnesses directly, which was contrary to the requirements of the right to a fair trial.

The Court found that the specific nature of the case, which concerns, on the one hand, an appeal procedure following the acquittal of the applicant at first instance, which implies an obligation on the part of the court of appeal to take measures *ex officio* to hear the relevant witnesses directly and, on the other hand, a panel of two judges whose decision could only be delivered unanimously.

II. Individual measures

Just satisfaction was paid on 21st of November 2025. Thus, the applicant received the amount of 1.750 EUR, plus any tax that may be chargeable, in respect of non-pecuniary damage and costs and expenses, in due course and the proof of payment has already been submitted.

Following the Court's judgment in the *Manolache* case, on the 29th of September 2025, the applicant lodged a request for revision before the Pitești Court of Appeals, in accordance with Article 465 of the Code of Criminal Procedure. After reviewing the procedural and substantive requirements provided by law, in the decision of 11th of February 2026, issued by the Pitești Court of Appeals, in light of the judgment rendered by the ECHR, **it was ordered that the conviction dated 2nd of November 2016, pronounced by the Pitești Court of Appeals, be set aside, that the case be re-examined, and that the evidence referred to in the aforementioned judgment of the ECHR be reconsidered.**

The Court of Appeals emphasized that lodging an application for revision based on the existence of a final judgment rendered by the ECHR is admissible only to the extent that, in light of the nature of the right whose violation was found by the European court, it is only possible to put an end to the serious consequences of the violation of the Convention by reopening the domestic case that formed the basis of the application, namely the right to a fair trial in terms of re-examining the evidence in accordance with the principle of direct hearing.

After reexamining all the evidence, the appellate court found that the only direct evidence of guilt regarding the charges that the defendant allegedly committed the crime of influence peddling between January-February 2015 was the statements of the whistleblower witnesses themselves, while the indirect evidence consisted of the statements of the whistleblower witness's parents and the whistleblower witness's friend.

Furthermore, the Court of Appeals noted that the circumstances surrounding the events under investigation had not been fully clarified, and the presumption of innocence benefiting the defendant had not been overturned.

Under these circumstances, on the 3rd of July 2026, **the Pitești Court of Appeal found the acquittal of the defendant regarding the offense of influence peddling to be lawful and well-founded, as there was no evidence of guilt beyond a reasonable doubt to show that the defendant had committed this offense.** On the same date, the Pitești Court of Appeals dismissed as ill-founded the appeal declared by the Prosecutor's Office attached to the Argeș Tribunal¹.

As an additional individual measure, the translation of the Court's judgment was published in the Official Gazette of Romania on the 8th of July 2026 at the applicant's request².

III. General measures

Given that the reasons for the Court's finding of a violation of Article 6 paragraph 1 of the Convention in this case with regard to applicants' right to a fair trial in the criminal proceedings is similar to those in the *Cutean v. Romania* group of cases (53150/12), the Government refers to the information provided therein concerning the general measures taken by the authorities.

IV. Conclusions

In the light of the foregoing, as the individual measures have been resolved in this case and the general measures still required to avert similar violations are followed by the Committee in the framework of the group of cases of *Cutean v. Romania* (53150/12), **the Government kindly asks the Committee of Ministers to close its supervision of the execution of this judgment with regard to the individual and general measures in the case of *Manolache v. Romania*.**

¹ https://portal.just.ro/46/SitePages/Dosar.aspx?id_dosar=4600000000053386&id_inst=46#cai%20atac

² <https://monitoruloficial.ro/Monitorul-Oficial--PI--561--2026.html> - pages 12-16.