



5 April 2019

Committee on Legal Affairs and Human Rights

Statement by the Committee on Legal Affairs and Human Rights¹

The Committee on Legal Affairs and Human Rights is alarmed by the fact that the former head of the Romanian Anti-corruption Directorate (DNA) and prosecutor Ms Laura Codruta Kovesi has been charged criminally by the newly established special Section for the Investigation of Criminal Offences in the Judiciary (SIIJ). On 28 March 2019, the SIIJ accused her of taking a bribe, abuse of office and giving false testimony. Ms Kovesi had been placed under judicial control and forbidden to leave the country or speak to the media about the case, but the High Court of Cassation and Justice revoked those measures on 3 April.

The Committee recalls that Ms Kovesi's efforts in fighting corruption were highly praised, in particular by civil society, the European Union and the Council of Europe. In its Resolution 2188 (2017) on "New threats to the rule of law in Council of Europe member States: selected examples", the Assembly called on the Romanian authorities to support politically and financially the remarkable work of the DNA. The Committee also recalls that over the past few years the DNA had been subject of political attacks and that, in June 2018, Ms Kovesi was dismissed from her position following a long political and legal dispute between the ruling majority, the Constitutional Court and President Klaus Iohannis. She has challenged her dismissal before the European Court of Human Rights.

The Committee also notes that the creation of the SIIJ, a special structure within the Prosecutor's Office attached to the High Court of Cassation and Justice, had been strongly criticised by the Group of States against Corruption (GRECO) and the European Commission for Democracy through Law (Venice Commission) as well as the European Commission in its recent report prepared under the Cooperation and Verification Mechanism. In particular, the Venice Commission was not convinced about the need to create such a body and found that its creation would serve as an instrument to intimidate and put pressure on judges and prosecutors.

The Committee is concerned about the fact that the SIIJ has taken Ms Kovesi as its first target and has not provided any details on the allegations against her. The investigation started during negotiations on the future leadership of the European Public Prosecutor's Office, a position for which she is one of three candidates. The charges against Ms Kovesi may well be politically motivated and aimed at discrediting her as a candidate for this position.

The Committee reiterates its high appreciation of Ms Kovesi's work in combatting corruption. Therefore, it calls on the competent Romanian authorities to examine her case speedily and in line with the Council of Europe's standards on fair trial and to drop any charge which might be politically motivated. The Committee also invites the Romanian authorities to reconsider the creation of the SIIJ, in light of the Council of Europe and EU bodies' criticisms. It welcomes the decision of the High Court of Cassation and Justice to remove the judicial control against Ms Kovesi.

¹ Statement adopted by the Committee on Legal Affairs and Human Rights on 8 April 2019 in Strasbourg.