

Romania: Surprise as fired DNA Chief Prosecutor immediately gets new anti-corruption role

EU TODAY (24.07.2018) – <https://bit.ly/2AhTRdM> – Laura Kovesi lost her position as Chief Prosecutor at Romania's National Anti-corruption Department (DNA) this month, after claims of incompetence and misconduct. To the surprise of many Romania-watchers, she was straight away granted a new post in the same field.

Prosecutor General Augustin Lazar appointed her almost immediately as Prosecutor at the Guidance and Control Service within the Prosecutor's Office attached to the High Court of Cassation and Justice. This new role will involve responsibility for the implementation of the National Anti-corruption Strategy for the period 2016–2020 at the level of the Public Ministry.

It is surprising that she has gained a role in this field, given the nature of the claims that led to her dismissal. She lost her DNA position via a presidential decree, after a ruling by Romania's Constitutional Court (CCR). President Klaus Iohannis said that his decision to dismiss Kovesi from the position of DNA chief prosecutor should be understood as "a step towards respecting the Constitution and the rule of law".

In a February report, Justice Minister Tudorel Toader had accused Laura Kovesi of being authoritarian, and claimed that prosecutors managed by her had faked evidence and an inordinate number of defendants had been acquitted. She was accused of repeatedly abusing her authority. The Kovesi saga

has rumbled on for months, with one allegation of abuse following another. These allegations have called the DNA's very methods and motives into question.

The first alarming case hit the headlines in the summer of 2017, when an audio recording emerged in which Ms. Kovesi could be heard commanding her employees to pursue investigations against the Prime Minister and his cabinet colleagues. She was heard using the phrase "put pressure" with reference to the government in retaliation for their efforts to limit her authority. Laura Kovesi has claimed these recordings were fake, but she has failed to produce credible evidence to prove that and the recordings are widely accepted to be authentic.

The scandals kept coming, as more recordings surfaced. This next episode in the saga revealed attempts by two senior DNA prosecutors in 2015 to force a witness to fabricate evidence in the case against Sebastian Ghita, a media owner and former MP who fled Romania the following year. According to the witness, prosecutors threatened to target his family unless he co-operated and claimed that they were acting with the approval of their superiors, including Laura. Kovesi.

The scandal did not end there. More evidence was produced as part of a parliamentary inquiry into the activities of the intelligence services launched in 2017. This inquiry revealed the existence of 65 secret protocols linking the Romanian Intelligence Service (SRI) with the DNA and a wide range of other law enforcement, judicial and administrative agencies. The constitutional impropriety of such protocols sent shockwaves through Romania and beyond.

There are some analysts and international commentators who were not that shocked by these allegations. There has long been an understanding that the DNA, along with Romania's intelligence service, the SRI, have over-stretched their powers and committed human rights abuses. What these scandals

have done is provide hard evidence of exactly what those abuses are. There is now hard evidence in the public domain that the DNA, under Ms Kovesi, has pursued politically-motivated prosecutions; they have faked evidence and extracted witness testimony through intimidation and blackmail. Moreover, they have acted without regard for constitutional limits or democratic scrutiny, the separation of powers or the rule of law. For impartial observers, this evidence just confirms what was already understood. What is completely surprising is that the person who was in charge throughout such systematic abuse of office has landed another influential role in the same field. Even long term Romania observers are a little taken aback that the system could move so quickly to defend and re-employ Ms. Kovesi.