

ROMANIA: Romania's Supreme Court asks Parliament to send justice laws back to Justice Ministry

By Irina Marica

Romania Insider (26.10.2017) – <http://bit.ly/2gMG3LW> – Cristina Tarcea, the president of Romania's High Court of Cassation and Justice (ICCJ) criticized the way the Justice Ministry has handled the project to amend the justice laws.

The ICCJ president has demanded the presidents of the two chambers of the Romanian Parliament and the special parliamentary committee in charge with analyzing the justice laws to send the project back to the Justice Ministry, so as to allow it to “complete the legal procedure it has assumed as initiator.” She added that it's necessary to clarify the legal framework on which these changes would be discussed “because the adoption of some normative acts implies rigor, transparency and predictability”.

According to Cristina Tarcea, the independence and efficiency of the judiciary were exigencies that Romania had to meet. Thus, “it should be stressed that, at the moment of Romania's accession to the European Union, the Cooperation and Verification Mechanism (MCV) was established to remedy the deficiencies reforming the judiciary and to fight corruption,” she wrote in a letter, reports local Digi24. She also said that, in the last report of the Commission to the European Parliament and the Council, it is emphasized that a “combination of legislative and institutional measures” is needed to meet the benchmarks of the mechanism.

“This requires, first of all, transparency, cooperation and

inter-institutional dialogue. Also, the mechanism of adopting laws, regardless of their subject of regulation, requires compliance with the legal provisions under which this mechanism operates.”

The ICCJ president also said that the whole course of the proposals to amend the three laws adopted in 2004 “shows that there was no transparency, cooperation and inter-institutional dialogue and that the legal provisions regulating the mechanism for the drafting and adoption of normative acts was not respected.”

Tarcea also reiterated the fact that the Ministry of Justice has assumed the legislative initiative, and was to propose the amendments to the three laws to the Government. However, instead of completing the procedure it has assumed, the Ministry took note that it should submit its proposals to the joint special committee. It’s not clear in what capacity and based on what procedures the minister submitted his proposals to the special committee.

Thus, the Supreme Court president added that, before any discussion on the content of the proposed amendments, it’s necessary to “clarify the legal framework on which they will be discussed, because the adoption of normative acts – especially when it comes to the laws of justice – requires rigor, transparency and predictability.” In consequence, she asked the Parliament to send the project back to the Ministry of Justice.

Justice minister Tudorel Toader presented the project to amend the justice laws to the special parliamentary committee on Wednesday, October 25, after the ruling coalition decided to no longer promote it as a government bill but as a parliamentary initiative. The project has been widely criticized by magistrates’ associations.

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