

R O M A N I A
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Mr Pavel RYCHETSKÝ

Chair of the Conference of the European Constitutional Courts

The Plenum of the Constitutional Court of Romania, convened on 5 June 2018, has unanimously decided to inform the Council of Europe, the European Commission for Democracy through Law and the Conference of the European Constitutional Courts about the attacks, in the public arena, directed against the Constitutional Court and about the pressure exerted on the latter.

Such attacks have occurred during the last year, they have intensified once the draft laws regarding the justice system have been challenged before the Constitutional Court, within its *a priori* constitutional review, and have peaked with the settlement, by the Constitutional Court, of a legal conflict of a constitutional nature between the Minister of Justice, on the one hand, and the President of Romania, on the other hand, principally, and between the Government of Romania and the President of Romania, secondarily, request lodged by the Prime Minister of the Romanian Government following the refusal of the President of Romania to

comply with the request to dismiss from office the Chief Prosecutor of the National Anticorruption Directorate.

A number of representatives of public authorities, political parties and other public actors have conducted a genuine campaign aimed at denigrating and discrediting both the Constitutional Court and its members, who have been the target of personal attacks. Therefore, this was an attempt to question the legitimacy, authority and effects of the decisions of the Constitutional Court, including by discrediting the constitutional judges. Moreover, the civil society and the public authorities have been publicly incited to disregard the decisions of the Constitutional Court.

Although, under the freedom of expression, the criticism in the media concerning the Constitutional Court's decisions can be understood (except for, of course, the serious violation of decency and professional ethics), in exchange, the Constitutional Court expresses its serious concern about the offensive, slandering and defying qualifiers expressed publicly by politicians, MPs, former ministers of justice, magistrates, some of them in high-ranking positions, or even by members of the Superior Council of Magistracy, concerning the legitimacy, authority and effects of the decisions of the Constitutional Court.

Statements like “we must do everything to prevent the decision of the Constitutional Court from being enforced”, addressed to the Romanian citizens and to the President of Romania, “the President must not comply with the dismissal decision”, “a referendum must be held on the decision of the Constitutional Court” and others alike are express promptings to violate the Constitution and the decisions of the Constitutional Court, which is likely to undermine the role of the

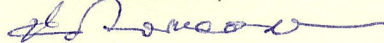
Constitutional Court, as well as the principles underlying the rule of law and constitutional democracy¹.

The actions referred to above, which seem to be combined, create, in addition to the effects already described above, a great deal of pressure on the judges of the Constitutional Court, on their independence, especially when accompanied by direct or veiled threats.

This public campaign, intensely supported and propagated through media, severely affects the authority of the constitutional institution.

In the light of the above, the Constitutional Court of Romania submits to the attention of the Venice Commission the pressure exerted on it by politicians or representatives of the public authorities, pressure seeking to undermine confidence in the constitutional justice act and to discredit the Constitutional Court.

President,



Prof. dr. Valer DORNEANU

¹ The data provided as examples may be checked at the following web addresses:

https://www.stiripesurse.ro/usr-indeamna-la-nerespectarea-deciziei-ccr-nu-exista-nicio-modalitate-de-constrangere-directa-a-pr_1267964.html;

https://www.stiripesurse.ro/ludovic-orban-ii-umile-te-pe-judecatorii-de-la-ccr-atac-violent-al-liderului-liberal-la-independen_1268470.html;

https://www.stiripesurse.ro/basescu-ii-da-lectii-lui-iohannis-ii-cere-sa-declanseze-un-referendum-cum-ar-suna-intrebarea_1268217.html;

<https://revista22.ro/70271617/raluca-prun-preedintele-nu-poate-fi-obligat-s-respecte-o-decizie-neconstituional.html>

<http://www.ziare.com/ludovic-orban/presedinte-pnl/ludovic-orban-credeti-ca-romania-mai-are-vreo-sansa-sa-fie-primita-in-oecd-dupa-decizia-ccr-1516131>;

http://adevarul.ro/news/politica/basescu-ccr-adoptat-decizie-rara-ticalosie-practic-azi-procurorii-marilor-parchete-subordonati-guvernului-politic-1_5b0eadabdf52022f75963ea2/index.html.