
Press release

Transparency International Romania protests against the manner in which the debate concerning the revocation of Mr. Prosecutor Doru Țuluș from its function of Chief of the National Anticorruption Directorate's Second Section took place.

Transparency International Romania considers that **the debate over a magistrate's revocation** without previously making an analysis or discussing with the concerned magistrate.

Consequent in its critiques, Transparency International Romania, considers the appointment and revocation procedures for the General Prosecutor's Office attached to the Supreme Court direction as being a discretionary instrument in the executive power's hands, Government and President, to intervene in the judicial power.

We draw attention that this gesture can become a harmful practice in the manner in which the Superior Council of Magistracy exerts its attributions as guarantor of the judicial power's independence. It is devoid of relevance and objectivity to debate the activity of a magistrate without previously requesting an analysis. This is an institutional gesture that reveals the fact the anticorruption efforts are becoming outclassed in the priorities of the authorities after the Country Report published by the European Commission in September 2006. As far as the anticorruption public policies are concerned, the created precedent discourages any activity of fighting against corruption by creating the mechanisms within which the investigated ones can exert their authority by controlling the investigators.

An analysis of NAD's activity would have also contributed with proposals of improving the instruments, and of increasing the celerity in investigating the high corruption files, and would have been opportune in identifying the causes for which Romania doesn't report final results in the high corruption cases, but only investigations. Only in these circumstances we consider as acceptable a decision regarding a magistrate's career on objective bases and by concretely identifying the individual accountabilities. In the absence of such an analysis, any magistrate holding a directive function/office within the General Prosecutor's Office could be sanctioned because of the legislative or procedural inconveniences, which imposes the arbitrary in evaluating and sanctioning this institution's direction.

Transparency International solicits to the Interim President of Romania, Mr. Nicolae Văcăroiu, not to issue the revocation from the function decree, with the justification that given these shortcomings, the Ministry's of Justice and SCM' notice (positive or negative) are not underlain. We draw attention that the revocation proposal without an evaluating report identifying the magistrate's guilt **would represent a legal abuse** given that the application of the art 54 alin 4

from the Law no 303/2004 cannot be made in any conditions, but only by following an activity evaluation and a law established deficiency finding.

Taking into account that this proposal's debate was postponed, we request to SCM to give its notice, even a consultative one, no matter if positive or negative, on the basis of an analysis that must be provided by the revocation procedure's initiator. Transparency International Romania also requests to the Ministry of Justice to make public, in the transparency's spirit, the arguments residing at the basis of the revocation proposal for Mr. Prosecutor Doru Țuluș.