
Press release

Transparency International Romania expresses its indignation regarding the manner in which the Deputies Chamber's Legal Commission understands to apply the constitutional dispositions concerning the pressing charges notice for the former ministers holding a deputy function, and to respect the separation of powers principle.

According to the information render to the press at the end of the Legal Commission meeting from 18th June 2008, this decided to recommend to the Chamber of Deputies plenum not to advise the press of charges against the former prime minister and present deputy, because of a procedure vice within the Chamber's intimation and of the "inexistence of the elements to confirm the bribe receiving or that there are any corruption elements".

Transparency International Romania draws attention that motivating this decision contravenes the declared goal of the parliamentary immunity and it is unconstitutional. The role of advising the press of criminal charges by the Chambers of the Parliament is to offer protection to the Parliament members against possible abusive enquirers. These cannot decide over the accountability exoneration of any other committed acts, reported to the existence or nonexistence of some concrete proofs justifying the continuity of the criminal investigations.

More than that, all the necessary proofs for resolving the cause are administrated during the criminal investigation phase, and not in the precursory acts in which the Parliament notice is required for the press of criminal charges. Thus, the only mandate the parliamentarians have is in deciding whether the object of investigation is abusive or not.

Transparency International Romania underlines the fact that only the independent and non-political judicial instance has the ability to pronounce over the consistency or relevance of the proofs, as well as over a citizen's innocence or guiltiness, Member of Parliament or not. The Member of Parliament, elected for political reasons, has no such jurisdictional attributions and thus he cannot substitute a judicial instance.

Any contrary approach constitutes a trespassing of the separation of powers principle and it transforms the Chambers of Parliament in an extraordinary jurisdiction that is a supplementary barrier against justice making.

The decision of the Judicial, Discipline, and Immunities Commission is a fortiori worrisome as its members are called to analyze the legislative drafts and the problems of parliamentary discipline, incompatibilities, and immunities, from the perspective of some legal specialists, which presumes knowledge of the effectual legal dispositions and of their mandate's limitations.

In this context, Transparency International Romania requests to the Chamber of Deputies members to analyze very carefully the reasons that can stand for one of the two decisions – to advise or not the press of criminal charges – in the constitutional limitations of their mandate, and to approach with a maximum of responsibility the next week's vote from the plenum.