
Press release

Transparency International Romania draws the attention and expresses its concern over the manner in which the Permanent Office of the Chamber of Deputies, by its decision from 5 May, understands to apply the constitutional dispositions regarding the advising of the press of criminal charges against two former ministers holding a deputy function.

The solely role of the parliamentary immunity in the democratic states consists in protecting the members of Parliament against the possible abusive investigations only for political opinions, that could become blackmail instruments and could preclude the attributions resulted from the parliamentary mandate, but it is not a warrant for accountability in other facts.

Transparency International Romania considers that the recent established procedure for advising the press of criminal charges of the two Chamber's of Deputies members contravenes the declared goal of the parliamentary immunity and the law by establishing a discriminatory system in the two deputies' favor. The members of the Chamber intent to express their point of view, not over the existence of some potential abusive investigation, but over the existence of concrete clues meant for justifying the criminal investigation continuity. In this situation, we draw the attention that only the independent and non-political legal court has the competence to pronounce over the innocence or the guiltiness of the individuals, even if they are members of the Parliament, and by no means has this competence belonged to the Parliament members, elected as the representatives of some political party.

More than that, we appreciate that the access to the Parliament members' files, especially to the confidential documents, with the exception of the two concerned members, represents a limitation of the right an equal treatment and of the right of defense and transfers to the Chamber of Deputies the attributions of a true extraordinary jurisdiction, which is unconstitutional.

Transparency International Romania underlines the fact that the existence of this special procedure does not justify itself, and slows down the criminal investigation process because of its long procedures, this procedure jeopardizing the equality of citizens under the law by constituting a supplementary barrier in the Prosecutors' activity.

In this context, Transparency International Romania requires to the members of the Legal Commission and to the other members of the Chamber of Deputies:

- To not consult the confidential documents of the files, whereas, by its nature, the criminal pursuit/investigation phase is not a public one;
- To exert its attributions concerning the advising of the press of criminal charges against the deputies in the limits imposed by the law and within the spirit in which the parliamentary immunity was constituted, leaving to the legal court the decision of innocence or guiltiness;
- To revise the constituted procedure so as not to add to the law, not to contravene the Constitution and not to dismiss the citizens' equality under the law principle.

Transparency International Romania also requires to the Chamber's of Deputies direction the forbidding of any access to the files and their sealed preservation, until the procedure re-debate by the Permanent Office.