



IAP

International Association of Prosecutors

The Romanian Government
Att. Ms Viorica Dăncilă – Prime Minister
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The Hague, 10 January 2019

Subject: Rights of Prosecutors

Dear Madam Prime Minister,

I am writing to you on behalf of the International Association of Prosecutors (IAP), of which the Romanian Prosecution Service is a valued organisational member.

The IAP is the first and only world organisation of prosecutors, with organisational and individual members around the globe. Apart from promoting high standards of prosecution and the effective combat of crime, including corruption, the IAP is closely involved in ensuring that the professional and other rights of prosecutors and their organisations are fully respected and upheld by governments and other state bodies.

As you will be aware, the European Commission for Democracy through Law ("The Venice Commission") has recently expressed its concerns over the Romanian Government's legal reforms, and has called for the avoidance of measures that could weaken the combat of corruption.

In particular, the Venice Commission has recommended that the government should reconsider its system for the appointment and dismissal of senior prosecutors, with a view to ensuring what it calls "a neutral and objective appointment/dismissal process". It has also recommended that proposed restrictions on the freedom of expression of prosecutors (and judges) should be removed, and that other prosecutorial rights be safeguarded.

We further understand that a recent attempt by the Minister of Justice, Mr Tudorel Toader, to remove the Prosecutor General, Professor Augustin Lazar, has now been rejected by President Klaus Iohannis, and this is certainly most welcome.



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However, the IAP is concerned that Professor Lazar, who is highly regarded by world prosecutors, should have had his position challenged in this way, when, as President Iohannis has himself acknowledged, he is doing such good work, particularly in the area of anti-corruption.

The IAP feels it must also express its general concerns over the impact of recent developments in your country on the established rights of prosecutors, and their security of tenure.

We respectfully invite you, therefore, to ensure that any changes to the legal system do not in any way affect the ability of prosecutors to discharge their professional duties, that their positions are secure, and that they will face no consequences for simply doing their jobs.

Prosecutors, after all, are an integral part of the rule of law itself, and it is vital for governments to fully protect their interests.

The IAP is happy to answer any question you might have about the IAP and its work.

In conclusion, may I take this opportunity to extend our highest expressions of regard.

Yours sincerely,

Han Moraal

Secretary-General of the IAP