

# The Initiative for a Clean Justice

July 28, 2008

## EARLY WARNING REPORT – INITIATIVE FOR A CLEAN JUSTICE

### THE CIVIL SOCIETY WARNS THAT PREPARATIONS ARE MADE FOR THE REMOVAL OF DANIEL MORAR FROM OFFICE, DESPITE THE C.E. REPORT

- Several NGOs constituting the Initiative for a Clean Justice (ICJ) are urging the Minister of Justice to resist political pressure and to reappoint Daniel Morar as DNA chief prosecutor

The Initiative for a Clean Justice (ICJ), the Center for Independent Journalism, the Group for University Reform, the Professional Association for Research and Education and the Euro-regional Center for Democracy condemn the declarations of several PNL and PSD political leaders who are preparing to remove Chief Prosecutor Daniel Morar from the office of head of the National Anticorruption Department (DNA), although DNA and the General Prosecution Office are the sole institutions whose work has been commended by the European Commission's latest country report. ICJ urges the Minister of Justice not to give in to the political pressure that he is being subjected to and to formally ask for the renewal of Daniel Morar's term of office as DNA Chief Prosecutor. Otherwise, Romania is running the risk of European funding being discontinued or of the safeguard clause on justice being enacted; Romania is in no position to afford these penalties being applied. Along these lines, we would like to repeat Commissioner Leonard Orban's statement:

*"What happened in the case of Bulgaria... is a clear signal that the Commission will not hesitate in any way to take the direst possible measures should similar things occur in the other Member States, Romania included".*

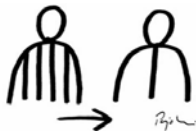
The European Commission was constant in its positive assessment of DNA's work since the new management team, headed by Daniel Morar, came to office, emphasizing the **professional and non-partisan nature of the investigations** carried out by the prosecutors into high-level corruption cases; likewise, independent assessments stressed the importance of the **people** appointed in top management positions for the reform of the judiciary and for the fight against high-level corruption. On the other hand, successive reports from 2005 till now have shown that **political attempts to remove undesirable prosecutors**, attempts to **undermine the legal framework for criminal investigations**, the **blocking of high-level corruption files in Parliament** and **threats to close down the DNA or to merge it with DIICOT** (Organized Crime and Terrorism Investigation Department) constitute major infringements on the commitments undertaken by Romania before the European Union.

Although the main political parties (PNL, PD-L, PSD, UDMR) have described the European Commission report that praises the work of DNA as being objective, realistic and fair, we are now witnessing vehement attacks by the **leaders of some political parties (PNL, PSD) against the management of this structure**. For instance, Crin Antonescu, PNL vice-president, said that "a



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renewal of Daniel Morar's term of office would shed a bad light on the Prime Minister and on the whole Government". In turn, the Social Democrat Party put forth three distinct strategies meant to force Daniel Morar out of office:

- 1. Lodging a Parliament motion against the Government or against the Minister of Justice** (as suggested by Victor Ponta, PSD vice-president). This mechanism is highly unlikely to work during parliamentary recess and it constitutes just another attempt at increasing the political pressure being mounted against Mr. Morar's appointment.
- 2. Convening an extraordinary session in late August in order to change the manner of appointment of the head anticorruption prosecutor**, shifting responsibility from the minister (the first proponent under the current system) to CSM, the Supreme Council of Magistracy (which, anyway, has the right of issuing an advisory opinion on the proposal, even under the current system). The European Commission has already condemned in advance any attempt at changing the manner of appointment of the head prosecutor, on the justified grounds that this is just an attempt at destabilizing the DNA. This mechanism has been suggested by no other than the president of PSD, Mr. Mircea Geoană.
- 3. Putting forth a bill for the closing down of DNA** if the Minister of Justice proposes that Mr. Morar's term of office as head of DNA should be renewed. This is an exercise in manipulating public opinion and bears out the warnings contained in the European Commission's latest report against the **excessive politicization of anticorruption discourse**. Even Minister Predoiu alluded to this possibility, stating on TV that *"one runs the risk of deciding to keep Daniel Morar and consequently facing a Parliament bill for the closing down of DNA. Then one should go against the Report which says that the DNA should be kept. There are all kinds of risks"*.

We have no doubt that the plans for the removal of Daniel Morar have already been prepared. **Statements as the ones above are just meant to test public opinion and to prepare the ground for a strong-armed decision to satisfy the interests of the political class in stopping the investigations into high-level corruption cases.**

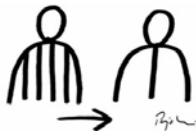
There is no logic whatsoever in trying to put across the idea that the Government is forced to choose the lesser evil (and therefore the best thing would be for Minister Predoiu himself to remove Mr Morar from office, compared to any of the three scenarios above), because **no such measure put forth by PSD can be approved by Parliament without PNL support, while the messages already sent out by PD-L run counter to the ones expressed by PSD.**

Therefore, we call on all responsible politicians and political parties to avoid the risk of submitting Romania to European sanctions and to refrain from putting across the message that anyone who dares investigate a minister will be removed from office at the earliest opportunity.

The EU Cooperation and Verification Mechanism imposed on Romania upon accession includes the following benchmark:

Benchmark 3: *"Building on progress already made, continue to conduct professional, non-partisan investigations into allegations of high-level corruption. Continue to provide a track record of professional and non-partisan investigations into high-level corruption cases. Ensure the legal and*





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*institutional stability of the anti-corruption framework, in particular by maintaining the current nomination and revocation procedure for the General Prosecutor of Romania, the Chief Prosecutor of the National Anti-Corruption Directorate and other leading positions in the general prosecutor's office.”*

**Compliance with this benchmark must not be subject to political negotiation.** The reform of the judiciary and the fight against high-level corruption are of paramount importance to the modernization of Romania and the strengthening of the rule of law.

**The Initiative for a Clean Justice  
Center for Independent Journalism  
Group for University Reform  
The Professional Association for Research and Education  
Euro-regional Center for Democracy**

The Initiative for a Clean Justice is a project of the Freedom House Romania, the Romanian Academic Society, the Association “Society for Justice”, the Civic Alliance, the 21<sup>st</sup> of December Association, the Revolutionaries National Union, the Federative Union of the National Association of Penitentiaries, the Group for Social Dialogue, the National Union of the Personnel within the Penitentiaries, and the Timișoara Society



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