

## **Resolution on safeguarding the independence of the Romanian judicial system from secret and unlawful interference of the intelligence agencies**

Magistrats Européens pour la Démocratie et Les Libertés (MEDEL), meeting in Brussels, Belgium, on 24<sup>th</sup> of May, 2018,

**Recalling** the previous MEDEL resolutions in which it raised deep concerns about “*the unlawful involvement of the Romanian Intelligence Service (SRI) in the judiciary process*” and that the courts have become a “*tactical field*” of operations for this intelligence agency (May 25, 2015), as well as that SRI is taking part in criminal investigations based on “*classified procedures and secret protocols*” with prosecutors (May 16, 2016),

**Finding**, shockingly, in 2018, that all the institutions part of the judicial authority (High Court of Cassation and Justice, Superior Council of Magistracy, Judicial Inspection as well as Public Ministry – General Prosecutor’s Office) had secret protocols with the Romanian Intelligence Service (SRI),

**Noticing** the increasing number of acquittals in anti-corruption cases with high ranking Romanian personalities,

**Observing** an increasing numbers of public attacks against the Romanian Constitutional Court,

**Remarking** that the EU authorities are silent on the interference of the Romanian intelligence agencies in the judiciary, since they reduced the analysis of the Romanian judiciary system to the narrow viewpoint of fighting corruption,

### **Adopts the following resolution and:**

1. **Condemns** firmly the concluding of secret protocols between bodies of judicial authority and Romanian Intelligence Service, which is undermining the rule of law, democracy, independence of the judiciary and the right to a fair trial, violating thereby the Romanians’ fundamental human rights protected by the Romanian Constitution and the European Convention on Human Rights.
2. **Urges** the EU authorities to strongly affirm that the fight against corruption could not be done by using undemocratic and soviet-style criminal investigation methods.
3. **Requests** the publishing of all protocols signed between bodies of the judicial authority and any secret intelligence Romanian agency, so they can be evaluated by the society, magistrates and attorneys.
4. **Asks** the Romanian President Klaus Iohannis to take a firm public stand in denouncing these protocols and to take concrete steps, as president of Supreme Council of National Defense (CSAT), in ensuring that the intelligence agencies are not interfering anymore with the judiciary process in any way.
5. **Appeals** for the ending of attacks against the Romanian Constitutional Court, which undermine the trust in a fundamental institution that safeguards the rule of law and the human rights in the country.
6. **Welcomes** the decision of the current Superior Council of Magistracy to publish the secret protocol with SRI, concluded by the previous Council, and **encourages** the Council to take all the necessary steps to fully clarify the way, methods and extent of SRI’s involvement in the judicial procedures.

MEDEL will continue supporting any further actions of the Romanian magistrates in safeguarding the independence of the judicial system from the influence of secret intelligence agencies and will continue addressing this unprecedented situation from Romania with the European Union’s officials.