

*Mr. Jose Manuel Barroso
President of the European Commission*

Mr. President,

According to a study realised by the Multimedia Foundation, which has analysed, using official data (the archive of the Official Monitor of Romania), the institutional activity of all of Romania's Presidents, Mr. Traian Basescu has issued, since the beginning of his mandate, over 4200 decrees concerning the dismissal of prosecutors and judges, with an average of 50 decrees per month!

In comparison, the average of the decrees concerning the dismissal of prosecutors and judges issued by the past Presidents was of three per month, in Ion Iliescu's case and, of four per month, in Emil Constantinescu's case.

Considering that the romanian legislation has not suffered major changes in this matter, the rate with which Mr. President Traian Basescu had made changes amongst the prosecutors and judges, despite the immovability that they benefit from, creates a legitimate suspicion regarding the vulnerability between the magistrates and the President. Consequential, this could be the symptom of a serious violation of the democratic principle of the separation of the powers in the state, a limitation of the independence of the judiciary power, which would exceed the rigours of the rule of law.

In this situation, welcoming the interest which you have constantly shown to the correct operation of the rule of law and the democracy in Romania, we propose to you, Mr. President of the European Commission, to order an analysis inside the speciality structures of the Commission, of the situation revealed by the study of the Multimedia Foundation, in order to clarify, with objectivity and competence, if the rate of the changes operated by the President Basescu among the romanian magistrates (50 per month during his presidential mandate) could be considered an institutional excess that limits, "de facto", the independence of romanian justice.

We also will continuously research each presidential decree that had been issued with the purpose of dismissing the magistrates and we will send to you our conclusions.

*Best regards,
Ovidiu RAETCHI*

Mrs. Viviane Reding
Vicepresident of the European Commission, Commissioner for justice, fundamental rights and citizenship

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