

A LITTLE OWL'S WISHFUL THINKING - Laura Kovesi doesn't stand a chance to become the European Chief Prosecutor. Angela Nicolae is unmasking the "professionalism" of the former head of the DNA: "How can someone be appointed as a European Chief Prosecutor when she was attempting to break the decisions of the CCR and the internal law from within, by admitting illegally obtained evidence and considering it as legal in order to fabricate cases due to the political colour she had." Exclusive: this is the document that blocks the appointment of Kovesi as head of the MPE

The news that Laura Kovesi will run for the position of European Chief Prosecutor came as no surprise, the more so since this information was presented as certain ever since 2017, when it was foreseeable that the "Mother of all Handcuffs" would make that step in that direction at the end of her second mandate as head of the DNA. Although some people see her as Europe's favourite for this position, crowning her with the laurels of her heroic fight against corruption in Romania, Laura Kovesi (picture right) has virtually no chance of becoming the new European Chief Prosecutor, since as Prosecutor General of Romania and Chief Prosecutor of the DNA she signed and implemented for years in a row a protocol which exceeds the legal framework, as recently established by the Constitutional Court. We are not the ones to say that she does not stand a chance to get in this position, but the documents on which is based the creation of the institution of the European Chief Prosecutor. A massive contribution to these documents is due – surprise - to a person who was handcuffed by the DNA and thrown behind bars for 770 days under Kovesi's mandates.

"Corpus Juris", Kovesi's boundary marker

1 <https://www.luju.ro/opinii/interviu/cucuveaua-malai-viseaza-laura-kovesi-nu-are-nicio-sansa-in-functia-de-procuror-sef-european-angela-nicolae-demasca-profesionalismul-fostei-sefe-dna-cum-sa-pui-un-procuror-sef-european-care-insasi-in-legislatia-interna-incerca-sa-incalce-deciziile-ccr-si-d>

The former head of the International Relations Department of the Prosecutor General's Office, prosecutor Angela Nicolae (photo left), because she is the one we mean, presented exclusively for *Lumea Justitiei [World of Justice]* the ultimate proof that Kovesi's hopes of European grandeur will remain just dreams. And that is because Europeans will not accept to appoint in such an important position a prosecutor who, by her own will, expressly violated articles concerning the functioning of the institution of the European Chief Prosecutor, by signing a Protocol which was declared unlawful.

Specifically, the "*Corpus Juris - criminal law provisions relating to the protection of the European Union's financial interests*" - a project on general criminal law and criminal procedure, which is a study commissioned by the European Parliament with the contribution of the Association of European Lawyers and under the patronage of the Directorate General for Financial Control of the European Commission - provides that in matters concerning the European Prosecutor unlawfully obtained evidence in criminal cases are to be excluded. Actually, *precisely that kind of evidence* that formed the basis of dozens of cases concocted by the DNA under the mandates of Kovesi!

This is stipulated in art. 33 of the *Corpus Juris* which stipulates as follows (facsimile) "Exclusion of evidence obtained in violation of rules of law.

1. In an investigation for one of the crimes mentioned above (art. 1-8) an evidence is to be removed if it was obtained by the Community or national bodies either by violating the fundamental rights enshrined by the ECHR or by breaking the European rules, as mentioned above (art. 31 and 32) or in violation of national law, applicable without being justified by the above-mentioned European rules.

2. The national law, applicable to solve the issue of knowing whether the evidence was obtained legally or illegally, must be the law of the country where the evidence was obtained. When evidence was obtained legally, in this sense, one cannot oppose to its use only the fact that the obtaining was illegal in the country of use. But we must always be allowed to oppose against its use the fact that their obtaining, although apparently in accordance with the law of the country where it was obtained, violated the rights enshrined by the ECHR or the European rules (Art. 31 and 32)".

A massive contribution to the creation of this "*Corpus Juris*" came also from Angela Nicolae, as she held for many years the position of president of the Association for the Protection of the Financial Interests of the European Union. That is precisely one of the associations which contributed to the creation of the framework for the function of European Chief Prosecutor.

"Corpus Juris", which was drafted by experts and professors of international renown, is meant to create a legislation covering all the laws in force in the EU Member States and to harmonize them, in order to create a European criminal law able to protect the financial interests of the European Union.

It is worth mentioning that this "Corpus Juris" also suggested the establishment of the European Public Prosecutor (EPP) and the head of this institution, namely the European Chief Prosecutor, the position for which Kovesi is now a candidate. Its structure provides for the EPP to be led by a European Chief Prosecutor and two European Deputy Chief Prosecutors. The role of the European Chief Prosecutor is to coordinate the delegate European Prosecutors, acting on the territory of the Member States.

Laura Kovesi cannot become a European Chief Prosecutor after signing an illegal protocol

In such a dimension, Laura Codruta Kovesi still imagines that she will run and manage to be appointed on the highest level of the European Prosecution. For this she still has to pass through some committees and an interview in front of European experts, as it is necessary for her, beyond the knowledge of several languages, to have at least some idea of the criminal procedure, not only the internal, but also the international one, and prove her compliance with the fundamental rights during her domestic activity.

We wonder, however, if faced with a commission for the appointment of the Europe Chief Prosecutor, how Laura Kovesi will explain the following to the European experts hearing her:

- Signing of the 2009 Protocol concluded by the Prosecutor General's Office which she was leading at the time and the Romanian Intelligence Service, a protocol declared illegal by the CCR [*Constitutional Court of Romania*];
- Mixed teams formed according to the 2009 Protocol, consisting of prosecutors and intelligence officers;
- Unlawful evidence attached to criminal files, prepared with the support of the Romanian Intelligence Service, which is not a criminal investigation body;
- Flagrant violation of fundamental rights by classifying evidence from files, which were later proved to have been obtained in violation of the law, which resulted in violations of fundamental principles;
- A lot of disciplinary actions concerning the faulty activity of DNA;

- The endorsement of abuses committed at DNA Ploiesti and DNA Oradea by prosecutors targeted today by criminal investigations, who have confessed they used to take consult with Laura Kovesi; etc...

Angela Nicolae: "Under these requirements, she hardly stands a chance to be a European Chief Prosecutor"

In the context of her candidacy to the presidency of EPP, we cannot overlook the fact that as head of International Relations of the Prosecutor General's Office, taking into account her good knowledge of the functioning of European institutions, but also her thorough knowledge of the Law science, Angela Nicolae was at one time considered in order to occupy the position of European Chief Prosecutor. Above all, we believe it is worth to mention a story told by Angela Nicolae, which took place at the beginning of the mandate as General Prosecutor of Kovesi the Prosecutor's Office attached to the High Court of Cassation and Justice. During a **working visit** organized at the Ministry of Justice of France, in Paris, where she was accompanied by Angela Nicolae, Laura Codruta Kovesi had the misfortune of being ignored, while the head of the Department of International Relations was presented as the Prosecutor General of Romania. This incident very much angered Kovesi, who even dared to issue a series of threats. The photo below is taken during the visit in Paris, as Angela Nicholas was mistaken for Kovesi, as they believed she was the Prosecutor General.

Whether these facts contributed to the enchainment of Angela Nicolae, we do not know, but it is certain that this interview with *Lumea Justitiei*, which we present below, and the confessions are highly relevant in the current context:

"Lately, I have heard that Laura Codruta Kovesi has applied for office as European Chief Prosecutor. I was the president of an Association for the Protection of the Financial Interests of the European Union that handled this institution of the European Prosecutor. In 1998 I was appointed by a professor, Francesco De Angelis, who was the director of the Directorate-General for Financial Control of the European Commission, as President of the Association for the Protection of the Financial Interests of the European Union; this was a great honor for me, because at that time only three countries in Eastern Europe, namely Romania, the Czech Republic and Poland, had been chosen to set up such non-governmental associations. These associations worked together with major law professors from the University of Madrid, the University of Cambridge, University of Sorbonne, University of Athens and other major universities on the Institution of the European Prosecutor. As the president of this association, I can say that since 1998 I participated to most of the meetings, where we discussed issues regarding the organization and functioning of this institution of the European Prosecutor.

The people working at this institution were people of great intellectual capacity, with a great experience in these matters. Therefore, I wish her to go to Luxembourg, rather than go to 'Tenerife', however, considering the demands, namely a good professional training, a good knowledge of foreign languages, thus not only a foreign language, English ... an advantage for the access to this position is to know at least two foreign languages or more. I wish her luck, although, given these requirements, she stands little chance of becoming the European Chief Prosecutor".

"Certainly, the work that I carried out as president of the Association for the Protection of the Financial Interests of the European Union, the appreciations I received from my European colleagues, led to a conflict that arose between me and her, about this institution, rather related to the fact that she feared, considering my experience and my activity in this area of the institution of the European Prosecutor, I could occupy the position she dreamed of, as she is greedy for power and image, and so on, she was aiming at this office after her second term as Prosecutor General.

Although, this activity of the European Prosecutor was postponed many times because there were disagreements on the material competence, on the seat of this European Prosecutor's Office and I knew this issue would not be solved quickly. Lately they say the activity of the European Prosecutor is likely to begin only in the last quarter of 2020".

"Had I been allowed to continue my work – because thy promoted non-values, I can talk about her, she came with three files - maybe I could have had more to say. At the moment when this Corpus Juris was drafted, I was working on the Rules governing its organization and operation, an article was introduced, Article 33, which stipulates the 'exclusion of evidence obtained in violation of rules of law'. You see, even in matters of the European Prosecutor, such evidence are excluded, remember the protocols by the way. When rules of law are violated, such evidence must practically be excluded.

The position of the European Union and of some high-profile experts was to specify that such evidence, obtained by breaking the rules of law, must be excluded. So then, how can one appoint as European Chief Prosecutor someone who attempted to violate the decisions of the Constitutional Court and internal law, admitting illegally obtained evidence and considering them legal in order to fabricate cases due to her political colour?"