

<http://www.luju.ro/the-echr-is-renouncing-its-principles-and-bending-over-backwards-for-kovesi-tens-of-thousands-of-romanians-are-forced-to-wait-for-years-in-order-for-their-complaints-to-be-judged-by-the-echr-whereas-the-case-based-solely-on-kovesi-s-whims-has-caught-traction>



**THE ECHR IS RENOUNCING ITS PRINCIPLES AND BENDING OVER BACKWARDS FOR KOVESI – Tens of thousands of Romanians are forced to wait for years in order for their complaints to be judged by the ECHR, whereas the case based solely on Kovesi’s whims has caught traction in only a few weeks. The Strasbourg Court sent questions to the Romanian Government, asking for explanations as to why she was revoked from the position of chief prosecutor of the National Anticorruption Department (DNA)**

Scris de L.J. | Data: 19.02.2019 12:05



What is currently happening at the European Court of Human Rights, under Guido Raimondi's management, is beyond anyone's comprehension. Laura Codruta Kovesi was aided in moving forward with her ECHR proceedings, within a few weeks, to an extent that surpasses the results registered by other Romanians' claims in a matter of years. According to the ECHR website, Kovesi's legal action against the Romanian state, based on claims that several of her fundamental rights had been breached during her dismissal from the position of chief prosecutor of the DNA, has already reached the phase of preliminary questions addressed to the Romanian Government.

**It is uncertain whether the never-before-seen celerity which the ECHR has exhibited in its treatment of the case is the result of friendships and acquaintances in Brussels or Strasbourg, headlined by the former Minister of Justice, Raluca Pruna (seen in photo no. 2), or ECHR judge Iulia Motoc (seen in photo no. 1, together with Raimondi in the middle and Prosecutor General Augustin Lazar on the left), as revealed by the photos included in the article. What is certain is that anyone who has ever lodged a case before the ECHR is aware of how lengthy and complicated the proceedings are, as well as of what the meaning behind a 3-4 week deadline to send preliminary questions to the Government actually is. The manner in which Kovesi's case is unfolding, however, before the ECHR, demonstrates that a carefully laid-out plan has been set into motion, with the purposes of salvaging the former DNA chief prosecutor and securing the position of European Chief Prosecutor, despite the dozens of criminal lawsuits she faces in the country, some of which she has already been named a suspect in, and is currently under criminal investigation for deeds such as bribery, abuse of office and false testimony.**

**The case of Laura Codruta Kovesi was registered by the ECHR with no. 3594/19 and classified as a case of level 3 importance (i.e. to be treated as urgent).** The object of the case partially refers to – and we stress this matter – an alleged inability to contest her dismissal from the position of chief prosecutor of the DNA, claimed by Kovesi, as well as her statement, according to which her revocation was based on the opinions she had expressed publicly, in her official capacity.



We indicate that, in her ECHR case, Laura Codruta Kovesi claimed that the following articles of the European Convention for Human Rights had been violated:

- **Article 6** – the right to a fair trial;
- **Article 10** – freedom of expression;
- **Article 13** – the right to an effective remedy;

#### **Kovesi, dismissed for tolerating and supporting the abuse within the DNA**

Those willing to see the truth for what it is can ascertain that Kovesi's right **(seen in photo no. 3 with Ciolos and Mihnea Motoc, the husband of Judge Motoc)** to contest her dismissal was not prohibited. More so, an example to this effect is General Prosecutor Augustin Lazar, who contested his dismissal in court, after it had been instructed by the Minister of Justice. And since we are on the subject of Lazar, please be reminded of his "performance" before the ECHR two weeks ago, when he put on a spectacle with his poor command of the French language.

On the other hand, the argument that her revocation from the position of chief prosecutor of the DNA was the result of the opinions she had expressed on the matter of the Justice Laws reveals the consistent and blatant misrepresentation of the truth by the former DNA chief, while an entire country is aware that **her revocation was based on 20 points, which included, among other things:**

- **Disregard of the Romanian Constitutional Court's decisions;**
- **Contesting the actions and authority of the Romanian Constitutional Court;**
- **Contesting the authority and actions of the Parliament;**
- **Intervening in other prosecutors' investigations, which were conducted in breach of constitutional**

prerogatives;

- Prioritizing cases with a significant media impact;

- Attempting to obtain convictions at any cost;

- An increase in the number of acquittals;

- Kovesi's lack of involvement in identifying and eliminating the prosecutors' abusive behavior;

- The absence of measures in serious cases such as falsifying the transcripts of telephone conversations.

Consequently, according to the ECHR's public information, on January 30<sup>th</sup> 2019, four questions were addressed to the Romanian Government, with respect to the manner in which Mrs. Laura Codruta Kovesi was revoked from the position of chief prosecutor of the DNA. The ECHR's representatives wish to uncover if article 6 regarding the right to a fair trial is applicable in this case, as long as it does not involve a final decision of a court of law, but a decision rendered by Romania's Constitutional Court, called upon to resolve a constitutional conflict between two powers of the State, not the particular situation of Laura Codruta Kovesi.

At the same time, the representatives of the ECHR asked whether Kovesi's revocation was a result of the public opinions which she had expressed, as well as if the former DNA chief prosecutor benefitted from legal remedies to contest the decision.

**Here are the four questions addressed to the Romanian Government:**

***1. Is Article 6 §1 of the Convention under its civil head applicable in the present case (see *Baka v. Hungary* (GC) no. 20261/12,23 June 2016)?***

***2. If so, did the applicant have access to a court for the determination of her civil rights and obligations in relation to her dismissal from the position of chief prosecutor of the National Anticorruption Prosecutor Department (DNA), in accordance with Article 6 §1 of the Convention?***

***3. In view of the applicant's allegation that her dismissal was a result of the views she had publicly expressed in her professional capacity, has there been an interference with her freedom of expression, within the meaning of Article 10 §1 of the Convention? If so, was that interference prescribed by law and necessary in terms of Article 10 §2?***

***4. Did the applicant have at her disposal an effective domestic remedy for her Convention complaints, as required by Article 13 of the Convention?***



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 30 January 2019

#### FOURTH SECTION

Application no. 3594/19  
Laura Codruța KÖVESI  
against Romania  
lodged on 28 December 2018

#### SUBJECT MATTER OF THE CASE

The applicant, a prosecutor, held the position of chief prosecutor of the National Anticorruption Prosecutor Department (“DNA”) from 15 May 2013 until 9 July 2018. By decree of 7 April 2016 her initial mandate had been extended for a three-year period, as of 16 May 2016, i.e. until May 2019.

The application concerns the applicant’s inability to contest the revocation from her position of chief prosecutor of the DNA, as well as the allegation that the revocation was the result of views expressed publicly in her professional capacity.

On 22 February 2018 the Romanian Minister of Justice held a press conference during which he presented the ministry’s “Report on the managerial activity of the DNA” and announced that he had requested the applicant’s revocation from her position.

On 26 February 2018 the Superior Council for Magistracy (“CSM”) communicated the report to the applicant and informed her that a hearing would take place the next day. The applicant presented her arguments against the report before the CSM and argued that the revocation proposal was unlawful and ill-founded. Among others, the report made reference to the applicant’s *“vehement critiques in respect of several law amendments, statements of an unprecedented gravity ... which have irreversibly affected the image of Romania”*. The CSM issued an opinion disagreeing with the minister’s proposal. The Romanian President eventually refused to issue the decree for the applicant’s dismissal. As a result, the Ministry of Justice referred to the Constitutional Court an application to find a “constitutional conflict” between the Romanian President and the Ministry of Justice, because of the President’s refusal to issue the revocation decree.



On 30 May 2018 the Constitutional Court adopted Decision no. 358, holding that there was a constitutional conflict between the Romanian President and the Ministry of Justice and ruled that the President was obliged to issue the decree under dispute. The applicant was not a party to the constitutional proceedings, she was not summoned and she could not submit her arguments before the Constitutional Court.

On 9 July 2018 the President issued the decree to revoke the applicant from her position of chief prosecutor of the DNA.

The applicant complains before the Court that she was denied access to a tribunal to defend her rights in relation to her unlawful dismissal as guaranteed by Article 6 § 1 of the Convention.

The applicant also complains that her mandate as chief prosecutor was terminated as a result of the views concerning legislative reforms affecting the judiciary that she had expressed publicly in her capacity as chief prosecutor of the DNA, in breach of Article 10 of the Convention.

In addition, the applicant complains under Article 13 of the Convention that she was deprived of an effective domestic remedy in respect of her complaints under Articles 6 § 1 and 10 of the Convention.

### QUESTIONS TO THE PARTIES

1. Is Article 6 § 1 of the Convention under its civil head applicable in the present case (see *Baka v. Hungary* (GC), no. 20261/12, 23 June 2016)?

2. If so, did the applicant have access to a court for the determination of her civil rights and obligations in relation to her dismissal from the position of chief prosecutor of the National Anticorruption Prosecutor Department (DNA), in accordance with Article 6 § 1 of the Convention?

3. In view of the applicant's allegation that her dismissal was a result of the views she had publicly expressed in her professional capacity, has there been an interference with her freedom of expression, within the meaning of Article 10 § 1 of the Convention? If so, was that interference prescribed by law and necessary in terms of Article 10 § 2?

4. Did the applicant have at her disposal an effective domestic remedy for her Convention complaints, as required by Article 13 of the Convention?

**Iulia Motoc** Cronologie Acum

Adaugă prieten Abonează-te

joi la 17:07 · Editat · Îmi place

SPARTACUS scrie: Tris, ti dar  
ELUCIDANT, I !!!! PAU !!!!  
Ieri la 00:47 · Îmi place

Scrie un comentariu...  
Apasă Enter pentru a posta.

**Iulia Motoc**  
joi

The boys



**Iulia Motoc** Cronologie Acum

Adaugă prieten Abonează-te

18 persoane apreciază asta.

Doamna ce amintiri mi-ai trezit , o citeam cu nesat in  
facutate , sus la biblioteca celor de la filosofie , era liniste si  
mrosea a litera tiparita..  
joi la 08:21 · Îmi place · 1

Multumesc !  
joi la 08:23 · Îmi place · 1

"Noi, astăzi, suntem cei care ne mirăm văzînd  
cum comunică două limbaje (al nebulunii și al literaturii) a căror  
incompatibilitate a fost edificată de propria noastră istorie." - Nebunia,  
absența operii.  
joi la 08:38 · Îmi place · 1

"Adevărul grecilor a tremurat, cîndva, în această  
singura circumstanță: "Eu mint".  
"Eu vorbesc" pune la încercare întreaga ficțiune modernă.  
Aceste două afirmații nu au, la drept vorbind, aceeași putere." -  
Gîndirea exterioară.  
joi la 08:48 · Îmi place · 1

Scrie un comentariu...  
Apasă Enter pentru a posta.

**Iulia Motoc**  
joi

Laura Codruta Kovesi, Valerie et Dacian Ciolos, Mihnea Motoc — la  
Bruxelles/Brussel.



**Iulia Motoc**  
joi

Laura Codruta Kovesi si Mihnea Motoc



Îmi place · Comentează · Distribuie 2

49 de persoane apreciază asta.

Felicitari Doamna Kovesi, va doresc mult succes si  
multa sanatate!  
joi la 17:00 · Îmi place

Dna.Kovesi o adevarata DOAMNA! O admir  
din tot sufletul!  
joi la 20:56 · Îmi place · 1

Ce ma bucur ca aveti o poza cu doamna  
Kovesi.O srau oecand era avocata la Sibiu.Ma bucur ca se afla la  
Brussel si a ales Belgia.Am o colega de scoala care este judecatoare si  
sora ei avocata la Sibiu.  
Ieri la 00:43 · Îmi place

Scrie un comentariu...  
Apasă Enter pentru a posta.

**Iulia Motoc** a distribuit un link.  
joi

[https://www.facebook.com/.../posts/.../](#)

\* [You can find here the Romanian version of this article](#)