

Resolution on respect for the rule of law and the independence of the legal profession in Romania

The representatives of the professional organisations of lawyers, meeting in Vienna for the 49th conference of the Europeans Presidents on February 2021, are expressing their concern towards the serious violation of the lawyers' rights in Romania.

Several widely publicized cases have recently revealed several practices within the criminal proceedings, which violate the free exercise of the legal profession and the principles of the rule of law. These practices are referring in particular to:

- Identification of the lawyers with their clients and, by extension, with the political affiliations of their clients or the crimes they are accused of.
- Accusing the lawyers for "crimes of opinion", for the legal reasoning they took into account in support of their client's interests and for actions performed within the normal exercise of the profession.
- Violation of professional secrecy by summoning the lawyers to hearings as witnesses, in cases against their clients and by abusive searches of their professional premises, from where documents are taken whether those documents are related or not to the investigation.
- The violation of the principle of equality of arms using the practice that became systemic of transmitting the case-file to the prosecution office in order for it to assess the possibility of formulating and motivating the appeal, in the context in which this right is not equally recognized for the defence; also there are no guarantees regarding the preservation of the integrity of the evidence in the file.
- Accusation of lawyers who have used in the practice of their profession in front of the authorities final and irrevocable judgments that have been considered erroneous by the prosecutors.
- The delayed motivation of court decisions, so that the convicted person cannot exercise the remedies provided by law within a reasonable time and is prevented from appealing in front of the international courts.

These practices, which have become or tend to become systemic, affect the free exercise of the legal profession, infringe the equality of arms, the professional secrecy and, consequently, the citizen's right to a fair trial.

We appeal to the Romanian authorities to respect the rights of the legal profession and the guarantees of its independence.

As representatives of the legal professional associations from 27 countries,

We invite the entire extended legal family, all our fellow lawyers, judges and prosecutors to join us in sending a strong signal that violations of the rule of law, the fundamental rights of defence and a fair trial will not be tolerated.



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