

Bucharest Court: Reactions against judge in “August 10” file were “harsh and disproportionate”

Magistrates from the Bucharest Court claim that the public reactions against the judge who rejected DIICOT's (Directorate for Investigating Organised Crime and Terrorism) request to reopen the investigation in the "August 10" case were "harsh and disproportionate," given that the court had not published the motivation of the decision in this case.

According to a press release, the General Assembly of judges from the Bucharest court on Wednesday adopted a resolution regarding the public reactions triggered by the manner in which the "August 10" case file was handled.

"Seeing the harsh and disproportionate reactions against the judge from the Bucharest Court who pronounced the solution in the mentioned case, and seeing that the Bucharest Court dealt and constantly deals with files that are highly publicized, in all covered areas: criminal, administrative contentious, civil, litigations with professionals, insolvency, labour disputes and social insurance, given that the judicial activity involves compliance with, interpretation and application of legal provisions, given the professional duties of judges stipulated by the statute of the profession and the Code of Ethics, General Assembly of Judges of the Bucharest Tribunal adopted the following resolution, including:

- * calls on the legislative and executive powers to observe the constitutional balance and to refrain from public reactions while not knowing all data and elements considered by the judge when pronouncing the court decisions in cases pending with the Bucharest Court;
- * calls for moderation on the part of civil society and the media in expressing opinions on the solutions given in the registered files, until the information is made public on the considerations underlying their adoption;
- * recalls that a credible act of justice is performed only by ensuring the independence of judges, which involves judging the facts in accordance with the law, without any inappropriate influences, pressures, threats, attacks or interference, direct or indirect from anyone, regardless of who would come and for what reason;
- * appeals to all recipients of the act of justice to trust the professionalism and experience of the judges of the Bucharest Court, in their good faith in finding out the truth and in their continuous concern for restoring the violated social balance."

The Bucharest Court published on Tuesday the reasons why the preliminary chamber judge Daria Isabela Mihet rejected on March 2 the DIICOT request to reopen the investigation in the "August 10" case.

In the motivation of the decision, which is very technical, the judge lists several mistakes that the former head of DIICOT Giorgiana Hosu made in the order to reopen the investigation in the "August 10" case.

Thus, the judge explains that the reasons invoked by Giorgiana Hosu concern procedural issues and not substantial ones, and the former head of DIICOT should have re-evaluated the criminal investigation material.