
ROMANIA'S JUSTICE MINISTER WILL SEND DRAFT BILL TO CHANGE THE CRIMINAL LAW TO THE PARLIAMENT

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Romanias justice minister Tudorel Toader announced on Wednesday that he has elaborated a draft bill to change the Criminal Code and Criminal Procedure Code, which he will send to the Parliament for approval.

This draft law aims to change the two codes in accordance to the Constitutional Courts decisions on how some offences should be defined.

Toader said he hasnt set any threshold for the abuse of office offence as the Constitutional Courts decisions havent asked for such a threshold. He explained that he suggested the changes in the draft bill having full knowledge of the Constitutional Courts decisions as he was a member of the court and participated in the process of issuing some of these decisions.

However, the former justice minister Florin Iordache does not agree with the current justice minister and says that a threshold must be set for the abuse of office crime. He declared on Wednesday that the Parliament will improve the draft bill proposed by the Government, according to Hotnews.ro.

Florin Iordache triggered the biggest political scandal in Romania at the beginning of this year when he promoted an emergency ordinance that changed the Criminal Code and set a threshold of RON 200,000 for the abuse of office crime. According to the emergency ordinance, abuse of office would not have been considered a criminal offence if the damage was lower than RON 200,000 (EUR 44,400). Iordache claimed and continues to claim that the Constitutional Court had asked for such a threshold, but he never explained the RON 200,000 level included in his emergency ordinance.

The famous OUG13, which was adopted in a late cabinet meeting on January 31, determined negative reactions from President Klaus Iohannis, the chief prosecutors of the top prosecution bodies in Romania, and from Romanias international partners. The ordinance also sparked the biggest protests Romania has seen in the last 25 years, with hundreds of thousands of people going to the streets in Bucharest and other cities.

The street pressure determined the Government to repeal the ordinance and led to Iordaches resignation. He was replaced with constitutional law professor Tudorel Toader.

The new justice ministers first important decision was to evaluate the way Romanias General Prosecutor Augustin Lazar and the chief prosecutor of the National Anticorruption Directorate

(DNA) Laura Codruta Kovesi have acted in the scandal related to OUG13.

Last week, Toader presented a report that showed the two chief prosecutors have exceeded their powers when deciding to investigate the circumstances in which the Government approved the controversial ordinance at the end of January. His report is mainly based on a Constitutional Court decision that states that DNA exceeded its constitutional role. However, the justice minister decided that it was not advisable to dismiss the two top prosecutors at the moment and said he would order an external audit of the main prosecution bodies activity in recent years.

The ministers decision made some members of the governing coalition unhappy as they expected him to ask for the resignation of Augustin Lazar and Laura Codruta Kovesi. Toaders new decision to promote a law draft for changing the Criminal Code that doesnt include the provisions included in OUG13 may bring him further criticism in the coalition.

However, he says hes not afraid of being sacked from the Government and that he would explain his decisions to coalition members but that he has no reason to justify himself for making those decisions.

<http://www.romania-insider.com/romanias-justice-minister-will-send-draft-bill-to-change-the-criminal-law-to-the-parliament/>

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