

Delegation of Romania

Right of reply to the US statement – Working Session 4 / Rule of Law I

We thank the US delegation for the interest showed with regard to Romania.

We would like to intervene on a point of clarification.

The initiative to remove the President from office was launched by the political majority in the Parliament, not by the Government. The procedure was clear, and it was carried according to the Constitution and the legislation in force. The Constitutional Court acknowledged the respect of the procedure and of the legislation in force. The only modification envisaged was the quorum rule for validating the referendum. This change was overruled by the Constitutional Court and the previous legislation was maintained.

With regard to the “Serious allegations of widespread voter fraud” that the US referred to, there were 632 complaints filed in specific cases, which are currently under investigation of the Public Ministry. In our view, as long as we don’t have the conclusion of the enquiry we cannot evaluate the seriousness of the fraud allegations.

We would like to underline that the cases brought to the attention of the competent authorities do not constitute by any means allegations of widespread practice due to their isolated nature. The complaints are being dealt with according to the legislation in force just as in the past. As a piece of information, the total of criminal complaints for voter fraud in the elections that took place in the years 2008-2009 (local, parliamentary, euro-parliamentary, presidential, referendum) was **7956**, out of which only **56** persons were found guilty and thus convicted.

In comparison, in 2012, according to official data provided by the Public Ministry, there were 632 criminal complaints regarding the referendum, and 2052 in connection with local elections in June.

The modification of the Law on functioning of the Constitutional Court did not contradict the Romanian Constitution and was not meant to challenge the constitutional system. The Law was meant to be brought in line with the constitutional provision. Following the ruling of the Constitutional Court on the unconstitutionality of this amendment, the decision of the authorities was to respect it.

On a more general note, we would like to underline that there is a clear commitment at all levels for respecting the Constitutional Court’s decisions. We can assure you that the rule of law and democratic institutions are not in danger in Romania.