

Draft law on implementation of technical surveillance warrants ordered in criminal law, unconstitutional (sources)

The Constitutional Court of Romania (CCR) admitted, on Wednesday, the notifications regarding the draft law for the approval of OUG 6/2016 on some measures for the execution of the technical surveillance warrants ordered in the criminal process, specified, for AGERPRES, sources from CCR.

The normative act was challenged at the Constitutional Court by the Ombudsman, the Alliance for the Union of Romanians, the Social Democratic Party, the National Liberal Party, unaffiliated deputies and a deputy belonging to national minorities.

According to the draft law, the Public Prosecution Service is authorized to possess and use adequate means for obtaining, verifying, processing, storing and discovering information regarding the crimes within the Prosecutor's Offices' powers, in accordance with the law. The Judicial Police bodies carry out their criminal investigation activity, directly, under the leadership and supervision of the prosecutor, being obliged to carry out the latter's provisions. The services and bodies specialized in collecting, processing and archiving information have the obligation to immediately make available to the competent Prosecutor's Office, at its headquarters, all data and all unprocessed information held in connection with the commission of crimes.

The Romanian Intelligence Service can conduct criminal investigation in special conditions, in cases of treason, espionage, terrorism, it is further stipulated by Ordinance 6/2016, which belongs to former Minister of Justice Raluca Pruna, being signed by former Prime Minister Dacian Ciolos: "The Bodies of the Romanian Intelligence Service may not carry out criminal investigation, may not take the measure of detention or provisional detention, nor may it have its own detention facilities. As an exception, the bodies of the Romanian Intelligence Service may be designated special criminal investigation bodies according to art. 55 para. (5) and (6) of the Criminal Procedure Code for the execution of technical surveillance warrants according to the provisions of art. 57 paragraph (2) the final sentence of the Criminal Procedure Code".