

Romania guarantees, upholds and protects the freedom of the media, a key pillar of every strongly rooted democracy, and respects the fundamental right of journalists to practice their profession in full safety and independence.

The Government of Romania and Prime-minister Nicolae Ciucă firmly condemn all attempts to intimidate or influence the work of Romanian journalists and media outlets or the exercise of their constitutional rights. Such felonies must be brought to justice and perpetrators made accountable. Respecting the freedom of expression, the right to opinion and information falls under the responsibility of all national institutions. Prime-minister Nicolae Ciucă stands with all those who defend free media and the fundamental rights of journalists.

Furthermore, the Romanian Police professes zero tolerance for the violation of citizens' fundamental rights and liberties and for any breaches of its institutional code of conduct.

The criminal complaints filed by journalist Emilia Șercan in the case mentioned by this alert are currently under investigation by the judiciary, as follows:

- ***Investigations for the threat received on 19.01.2022 are being carried out by the Prosecutor's Office attached to the Bucharest District 4 Court; currently, a European investigation order is sought, in order to obtain evidence from foreign judicial authorities;***
- ***Investigations for the removal of personal photographs from a computer system are being carried out by the Prosecutor's Office attached to the Bucharest County Court, under the charge of illegal access to a computer system. International judicial assistance is involved in this case;***
- ***Investigations for the disclosure of evidence that Emilia Șercan had presented to a police officer on 17.02.2022 are being carried out by the Prosecutor's Office attached to the Bucharest Court of Appeal, under the offences of disclosing secret or non-public information and violation of privacy. The investigation is being carried out by an experienced prosecutor from a higher prosecutor's office (attached to the Bucharest Court of Appeal), which does not call into question the independence of the investigation.***

Initially, all criminal complaints were processed by the Prosecutor's Office attached to the Bucharest District 4 Court. On 09.03.2022, Prosecutor's Office attached to the High Court of Cassation and Justice's ordered the coordination of prosecutions. The measure was communicated to the journalist. Professional journalists' organisations (European Centre for Press and Media Freedom) were informed on 11.03.2022 and 19.04.2022 on the investigation concerning the disclosure of evidence to the press (the screenshot case), within the limits allowed for the communication of public information in criminal cases (given that no person has yet been prosecuted, the media organisations were only provided with basic information).

With respect to this particular investigation, the ordering of the necessary procedural steps by the prosecution bodies was carried out without undue delay.

After 06.04.2022, when two of the complaints were joined, the prosecutor attached to the Bucharest Court of Appeal ordered the hearing of the victim and of the witnesses. The evidence obtained will be used according to the relevant legal provisions and to the rules of international judicial cooperation.

The rights of the victim have been respected in accordance with Article 94, Article. 33(2) and Article 81(1) (e), (g) of the Criminal Procedure Code. Emilia Şercan was granted access, at her request, to the criminal proceedings' documents, including photocopies, and she was able to exercise the right to question the witnesses heard in the case.

All prosecutors investigating the case are knowledgeable of the standards for investigating crimes against journalists, as provided by the Rule of Law Reports of the European Commission (2020-2021).