



MINISTRY OF FOREIGN AFFAIRS

Minister



C2-1/4317

Bucharest, October, 2018

**Dear Special Rapporteurs and Independent Expert,**

I am writing to you in response to your joint letter dated on October 5<sup>th</sup>, regarding the alleged assaults against journalists and use of violence in the context of the Bucharest protests of August 10<sup>th</sup>, 2018 and the referendum of 6 – 7 October 2018.

First, **in respect to the protests of August 10<sup>th</sup>**, I would like to reassure you that I, personally, and the Romanian Government consider violence against national and international journalists unacceptable and unjustifiable.

Romania is a functional democracy and the Government has no intention to limit or impede in any way the freedom of the media. As a democratic society, we cherish it and we have long considered it a part of our untouchable and inviolable national values. According to the 2018 World Press Freedom Index released by Reporters without Borders, Romania ranks 44<sup>th</sup> out of 180 states, two positions higher than in 2017. Independent journalism products in Romania have multiplied and are enjoying a growing interest from the public. We remain committed to uphold the European values, including the freedom of the press.

The Romanian legislation, in full compliance with all European standards and international commitments, ensure protection of all fundamental rights and freedoms, including the freedom of expression, the freedom of the press, the freedom of association and assembly. Romania, as a member of the European Union, has an independent justice system that can guarantee that national legislation is enforced and any abuse, including by employees of public institutions, is punished.

The Romanian prosecutors are already conducting an independent investigation concerning the events that took place on August 10<sup>th</sup> and are keeping the public informed in accordance with European institutional transparency principles and the provisions of the national law. Following an ex officio procedure, the Military Prosecutor's Office attached to the Military Tribunal of Bucharest launched a criminal procedure regarding offences of abusive conduct (Art. 296 from the Criminal Code), abuse in office (Art. 297 from the Criminal Code) and professional negligence (Art. 298 from the Criminal Code).

**Mr. David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

**Mr. Michel Forst, UN Special Rapporteur on the situation of human rights defenders**

**Victor Madrigal – Borloz, UN Independent Expert on protection against violence and discrimination based in sexual orientation and gender identity.**

Civil society organizations and associations complained about abuse in office (Art. 297 from the Criminal Code) and abusive conduct (as provided by Art. 296 (1) and (2) of the Criminal Code), meaning insults, threats and physical aggression by workers of the Romanian Gendarmerie towards peaceful protesters. The Military Prosecutor's Offices Division within the General Prosecutor's Office registered the case and launched a criminal procedure regarding offences of abusive conduct and abuse in office.

On August 14<sup>th</sup>, 2018, the criminal procedure launched by the Military Prosecutor's Office attached to the Military Tribunal of Bucharest was taken over (in accordance with Art. 325 of the Criminal Procedure Code) by the Military Prosecutor's Offices Division within the General Prosecutor's Office within the General Prosecutor's Office, to be linked to the already investigated case.

Until August 23, 2018, 651 participants to the August 10<sup>th</sup> protests, who were allegedly victims of gas intoxications and violence perpetrated by the Romanian Gendarmerie, made criminal complaints. In this case, the following procedural measures were taken: submission by the Romanian Gendarmerie of the recorded data of communications among operatives that participated in the August 10<sup>th</sup> events and of the dispositive used during the intervention, in order for a physic and chemic expertise to be made.

Administration of existing proof and hearing of the injured parties and witnesses, including journalists that reported on the events are ongoing.

The Romanian authorities are looking into this situation with utmost seriousness and in strict accordance with the law and our democratic values.

Secondly, **in respect to the Referendum on October 6<sup>th</sup> and 7<sup>th</sup>, 2018** regarding a revision of the Art. 48 of the Romanian Constitution, I would like to inform you that, according to the official data registered by the Central Electoral Bureau, the Referendum was not validated, lacking the necessary quorum of 30% of the population with voting rights. I would like to underline that according to the Romanian Constitution, Art. 151(3) the revision of the Constitution is definitive only after its approval by referendum.

Also, to be noted that the Romanian existing legislation does not recognize same sex marriage, while Art. 26 of the Constitution of Romania provides for the respect and protection of the intimate, family and private life of each citizen.

Finally, I would like to mention that your concerns have been also brought to the attention of the responsible institutions and we will get back to you with updates, subject to further information becoming available.

I avail myself of this opportunity to express the assurances of my highest consideration.



**Teodor Meleşcanu**