

The impact of the activities of the Judicial Inspection on the day-to-day work of prosecutors' offices according to the Prosecutors Office attached to the High Court of Cassation and Justice

Judicial Inspection has introduced an additional thematic control (hereinafter **control 2**) for the activities of semester II/2021, regarding:

- a) compliance with the terms established in the appeal procedure regarding the duration of the criminal proceedings,
- b) 1. compliance with the provisions for completing the criminal investigation by admitting the complaint against the dismissal order and reopening the criminal investigation,
2. compliance with the provisions for completing the criminal investigation in case of non-confirmation of ordinances for waiving the criminal investigation.

Data were requested for a period of 5 years; the IJ supplemented the control plan for 2021 in the conditions in which the SCM Plenum had under consideration the initiative of the president and vice-president to carry out a control in courts and prosecutor's offices with the same object, and at the meeting of 10.06.2021 it admitted the postponement of the debate, in order to allow for a point of view to be made by the Prosecutor General. (Did the IJ simultaneously project the need for control with the same object ?!).

At the same time, a thematic control (hereinafter **control 3**) was launched regarding the cases in progress on 30.06.2021 having as object Article 192 C.C.- culpable homicide, Article 196 C.C.- grievous bodily harm (committed by traffic accidents or work accidents), while a control (hereinafter **control 1**) regarding cases older than five years had been initiated on 08.07.2021, with a response deadline of 16.08.2021.

The launch of the control regarding Article 488 ind.1 C.P.C., Article 318 C.P.C. and Article 341 C.P.C. took place during the judicial vacation, on 09.08.2021.

All three areas of control are broad and we considered it unrealistic to set deadlines that overlap with the judicial vacation; we have asked the IJ to extend the deadline for **control 3** and to examine the fragmentation of **control 2** for 2021-2022, but the deadline extension was not agreed. Several prosecutor's offices, providing arguments including statistical data for the respective fields¹, requested the Prosecutor's Office attached to the High Court of Cassation and Justice to take action before the IJ for longer terms, highlighting the fact that during the reporting period they can only ensure a minimum level of activity in regard to solving cases.

¹ As an example, for Article 192 C.C. - 1493 cases at PJ Ploiești [Ro. Prosecutor's Office attached to Ploiesti County Court of First Instance], Article 196 C.C. - 631 cases at PJ Brașov [Ro. Prosecutor's Office attached to Brasov County Court of First Instance].

The shortage of staff was added to the increased workload resulting from the activity of the IJ, the information requested in view of the control being of a qualitative nature (presentation of the stage of criminal investigation, chronology of criminal investigation documents, motivation for exceeding the terms set by the court).