

**“NICOLAE TITULESCU” UNIVERSITY OF BUCHAREST  
LAW SCHOOL  
PhD STUDY PROGRAMME**

**THESIS  
RESUME**

**THE INFRINGEMENT, REVOCATION AND LAWFUL TERMINATION OF  
PROCEDURAL ACTS IN THE LIGHT OF CRIMINAL PROCEDURE  
PROVISIONS**

**SCIENTIFIC COORDINATOR  
PROFESSOR. ION NEAGU, PhD**

**PhD CANDIDATE  
NADIA CANTEMIR – STOICA**

**BUCHAREST  
2017**

## CONTENTS

### CHAPTER I - GENERAL CONSIDERATIONS ON INSTITUTIONS OF INFRINGEMENT, INVALIDATION, REVOCATION AND LAWFUL TERMINATION

1. Introduction.....5
2. General aspects of the institution of invalidation, revocation and lawful termination of procedural acts.....7

### CHAPTER II – THE INVALIDATION

1. The historical course of the institution of the invalidation in the Romanian criminal procedural law.....27
  - 1.1. The Criminal Procedure Code of 1864.....30
  - 1.2. The Criminal Procedure Code of 1936.....34
  - 1.3. The Criminal Procedure Code of 1969.....41
2. The vision of the current Criminal Procedure Code concerning the institution of invalidation.....60
  - 2.1. The concept of nullity of procedural acts.....60
  - 2.2. Judicial institutions who can order the invalidation.....66
  - 2.3. Analysis of the cases in which invalidation may occur.....70
3. Confirmation in the practice of judicial institutions.....81
4. The institution of invalidation from the perspective of European and international legal instruments.....87
5. Comparative law issues in matters of the invalidation of the procedural.....91
  - 5.1. The Criminal Procedure Code of Belgium.....91
  - 5.2. The Criminal Procedure Code of Germany.....93

5.3. The Criminal Procedure Code of Italy.....	95
--	----

## CHAPTER III – THE REVOCATION

1. The historical course of the institution of the revocation in the Romanian criminal procedural law.....	97
1.1. The Criminal Procedure Code of 1864.....	99
1.2. The Criminal Procedure Code of 1936.....	102
1.3. The Criminal Procedure Code of 1969.....	104
2. The vision of the current Criminal Procedure Code concerning the institution of revocation.....	118
2.1. The concept of revocation of procedural acts.....	119
2.2. Judicial institution who can order the revocation.....	120
2.3. Analysis of cases in which revocation may occur.....	124
3. Revocation as a substantial criminal institution. Effects on procedural plan.....	138
4. Regulation of revocation from the perspective of international judicial cooperation in criminal matters.....	144
5. Regulation of the revocation from the perspective of European and international legal instruments.....	149
6. Comparative law issues in matters of revocation	
6.1. The Criminal Procedure Code of Serbia.....	153
6.2. The Criminal Procedure Code of France.....	154
6.3. The Criminal Procedure Code of Kosovo.....	156

## CHAPTER IV – THE LAWFUL TERMINATION

1. The historical course of the institution of the lawful termination in the Romanian criminal procedural law.....	159
--	-----

1.1.	The Criminal Procedure Code of 1864.....	162
1.2.	The Criminal Procedure Code of 1936.....	166
1.3.	The Criminal Procedure Code of 1969.....	169
2.	The vision of the current Criminal Procedure Code concerning the institution of lawful termination.....	179
2.1.	The concept of lawful termination of procedural acts.....	182
2.2.	Judicial institutions who can order the lawful termination.....	183
2.3.	Analysis of cases in which lawful termination may occur.....	188
2.3.1	General cases of lawful termination of preventive measures.....	184
2.3.2.	Special cases of lawful termination of preventive measures.....	205
2.3.3.	Lawful termination of preventive measures applicable to legal entities .....	208
2.3.4	Lawful termination of precautionary measures.....	210
3.	Regulation of lawful termination from the perspective of international judicial cooperation in criminal matters.....	212
4.	Regulation of lawful termination from the perspective of European and international legal instruments.....	218
5	Comparative law issued in the matters of lawful termination	
5.1.	The Criminal Procedure Code of Moldavia.....	223
5.2.	The Criminal Procedure Code of Netherlands.....	225
5.3.	The Criminal Procedure Code of Serbia.....	226
5.4.	The Criminal Procedure Code of Italy.....	229
	CHAPTER V – CONCLUSIONS.....	232
	BIBLIOGRAPY.....	235
1.	Laws, decrees, other legislation.....	235

2. Treaties, courses, monographs, dictionaries.....	236
3. Articles, studies, comments.....	240
4. Case-law.....	240
5. Online sources.....	241

## **1. The theme of research and its scientific importance**

The present scientific work, called *The Infringement, revocation and lawful termination of procedural acts in the light of criminal procedure provisions*, presents the elements of innovation, given that it is the only research in criminal procedural matters dealing with these institutions, namely the invalidation, revocation and lawful termination of procedural acts in the light of criminal procedure provisions.

During the two years required to study the topic underlying the thesis, with sustained effort, systematically, I tried to identify as many informational sources as possible to make a significant contribution to the conception and ordering of the ideas underlying this work.

The scientific approach undertaken was to consider the current provisions that does not enjoy real stability, given that within three years of the entry in force of the New Criminal Procedure Code, the Constitutional Court, through its numerous decisions, together with the High Court of Cassation and Justice, through its referral in the interests of the law or decisions to solve legal issues, have stated what interpretations or amendments should be made to the provisions of criminal procedural law.

No less important for this study is the fact that I have tried to make a comparative presentation with the legislation of other states and we are confident that this was not an easy step, especially since the names of the institutions do not always correspond, identifies them from the point of view of the legal nature and the effects they produce on a procedural level.

At the same time, we identified the weaknesses of the institutions subjected to the analysis, formulated proposals of *lege ferenda* and alerted the legislative improvements brought about by the new criminal procedural

coding.

The revocation or lawful termination of preventive measures is not necessarily an unusual theme, but rather an important constant encountered in previous provisions. Inevitably, we had to refer to the general classification in the specialized area, but nevertheless, we attempted to capture, through the elements of judicial practice, the legal issues occurred in the course of the criminal trial, the way in which each judicial institution understands and interprets a certain legal provision.

As it has been easy to observe, an ample space has been devoted to preventive measures that may be available to individuals or legal entities, given that in principle this can be done with the instrument of lawful termination or revocation. However, it should not be neglected that we have identified other circumstances in the course of the investigations in which the legislator understood to refer to these institutions, such as, for example, the revocation of suspension under supervision or the revocation of conditional release, mixed character institution, which are regulated in substantial criminal law, but which have effects and are also regulated in criminal procedural law.

The method of study the subject of our research had made it necessary for us to review both foreign and Romanian authors, human temples of knowledge, who have lent themselves to the investigation of the invalidation, revocation or lawful termination of procedural acts.

As John Milton<sup>1</sup> said, *where there is a great thirst for learning, it is natural to have many contradictory discussions, many writing and opinions; for the opinion to the value people, is knowledge in the making*, we hope that through this paper we have the desideratum that was envisaged at the

---

<sup>1</sup> English poet, [https://ro.wikipedia.org/wiki/John\\_Milton](https://ro.wikipedia.org/wiki/John_Milton)

beginning of this paper, and the view outlined will be useful to those who want to deepen the subject of the research.

**2.Key-words:** *invalidation, revocation, lawful termination, preventive measures, the supervision of the criminal investigation institutions, prosecutor, proceedings, procedural acts.*

### **3.The purpose and objectives of research**

Despite the major interest in the specialized area of study and in the practice of the judicial institutions in the field of preventive measures, as these were the main subject of our research, the issue of their invalidation, revocation and lawful termination was not so much debated, to give us a complete insight into the institutions examined in this study.

The analysis of the three institutions considered their presentation from the perspective of the oldest provisions and their evolution to the form that the invalidation, revocation and lawful termination acquired under the aegis of the current codification, while combining the theoretical and practical elements.

Also, as it is the subject of the current interest of all practitioners, we considered it appropriate to look at the institutions also from the perspective of international judicial cooperation in criminal matters, and also of the Convention for the Protection of Fundamental Human Rights and Freedoms.

We have thus tried to ensure that the present research covers all the necessary levels of knowledge of the invalidation, revocation and lawful termination of procedural acts, yet without appreciating our work as exhaustive, but merely a gate inviting the academic environment to a broad



analysis of the aforementioned institutions.

#### **4. Methodology of research**

In relation to the objectives proposed at the debut of this scientific project, we considered the use of several research and documentary methods, the historical-teleological analysis of institutions, the comparative method and the predictive analysis method.

Considering the extent of the information needed to conceive a PhD thesis, the main method used was the documentary analysis, with the help of which I managed to collect information both from Romanian and foreign doctrine, legislation and judicial practice.

The logical method has been used to interpret the evidential legal provisions that are regulated in matters of invalidation, revocation and lawful termination.

Regarding the historical-teleological method, I gave it a special importance, given that within each section dedicated to the three institutions subjected I reviewed the provisions in the Criminal Procedure Codes of 1864, 1936, 1969 and 2014.

The comparative method was used in the present research in the sections dedicated to the comparative criminal procedural law, when we analyzed the institutions of invalidation, revocation and lawful termination from the perspective of foreign legislation.

Last but not least, the method of predictive analysis was used at the time when it were identified legislative inconsistencies, a sense in which I dared to formulate some *lege ferenda* proposals designed to improve the current legal framework.

## **5.Exposing the content of the research**

The realities of legal life between 1969 and 2014, in which the Criminal Procedure Code in 1969 was in force, revealed the lack of timeliness of the criminal proceedings, the excessive charged of the prosecutor's offices and courts, the excessive length of proceedings, the unjustified delay of the causes, the failure to settle the causes for procedural reasons and important human costs, which generated the distrust of the people in the efficiency of the act of criminal justice.

Among these shortcomings, aspects of the protective custody, length of proceedings, jurisdiction and probation in criminal matters have been the subject of several cases before the European Court of Human Rights. That way, it became obvious the necessity to eliminate the deficiencies that led to the violations of the Convention by the Romanian state through the judgments of the European Court of Human Rights..<sup>2</sup>

Therefore, urgent legislative intervention was required in order to give effect to the desires envisaged by the initiators of the new codes, namely to speed up the length of criminal proceedings, to simplify them and to create uniform case-law, in line with the case-law of the European Court of Human Rights.

The current amendments to the Criminal Procedure Code appear to be in the spirit of the new trends in international criminal policy, preparing the legal and criminal conditions for the future unification of criminal law at European level.

---

<sup>2</sup> See Explanatory memorandum of the draft of the Law regarding the Criminal Procedure Code, [www.just.ro](http://www.just.ro);

The research aims to analyze the institutions of invalidation, revocation and lawful termination from the perspective of a parallel between the old provisions and the new provisions, in accordance with the European Convention on Human Rights, as well as in the light of the criticism of the Constitutional Court in the matter under analysis. We consider that the work is of particular importance also because of the fact that the institutions analyzed in this paper largely affect the preventive measures aimed at restricting or even depriving of the rights conferred on citizens and which are in conflict with the letter and the spirit of the criminal law, this triggering the criminal procedural mechanism by which these preventive measures can be ordered and also the way in which they can be revoked or by which the lawful termination can be established.

Although we are more than three years after the new codes came into force, following the analysis of the doctrine and the judicial practice, we found that there are many legal issues related to the institutions subjected, issues that will be mentioned in this research.

By analyzing the criminal procedural provision, we find that the invalidation, revocation and lawful termination are not institutions that we can find in one matter, but bending over the entire Criminal Procedure Code, we find that we will identify them in several circumstances. Therefore, in this chapter entitled General Provisions we will confine ourselves to reviewing the most common provisions in which we encounter these procedural remedies and then to analyze each particular case encountered in the criminal procedural provisions.

At first glance, the institution of invalidation is most often encountered in the first phase of the criminal trial, that of the criminal prosecution where the acts of the criminal investigating institutions or of the prosecutor are

subject to control of the hierarchically superior institution, which can be denied to the extent are executed in disregard of the legal provisions.

As far as the invalidation is concerned, we find that the legislator provided the addressee of the law with an express provision of the institution under art. 304 Criminal Procedure Code, marginally called invalidation of proceedings or procedural acts, where it is stated that the prosecutor whenever he finds that an act or a measure of the criminal investigation institutions is not disposed in compliance with the legal provisions or is unfounded, he will refuse to motivate either *ex officio* or at the plaintiff's complaint. At the same time, the same provisions apply to the existing hierarchical subordination relationships between a prosecutor and the hierarchically superior prosecutor.

Regarding the sanction of the revocation, we most often find provisions in the field of preventive measures, art. 242 Criminal Procedure Code being marginally called revoking the preventive measures and replacing a preventive measure with another measure. As we all know, in the course of criminal trial, the legislator has provided a palette within which we find regulated five preventive measures that can be taken against the individual, but we must not omit the preventive measures that can be taken against the legal entity, which is practically rarely encountered.

We observe that the constituent legislator also allocated a provision for revocation, thus, within the framework of art. 23 par. 9 of the revised Romanian Constitution in 2003 stipulates that the release of the arrested or detained person is mandatory if the reasons justifying the taking of such measure disappear, as well as in other situations stipulated by the law.

These measures may be ordered according to the specific nature of each case by the judicial institutions in order to ensure the proper conduct

of the criminal proceeding, to prevent the defendant from being prosecuted or to prevent the commission of another offense. Although the legislator has explicitly provided for the conditions for taking, extending or maintaining preventive measures, the need for a case-law has led him to regulate institutions by which the judicial bodies *ex-officio* or upon request intervenes directly on them, namely lawful termination, revocation and replacement of preventive measures.

In order to intervene with the sanction of revocation, it is necessary to take a preventive measure from the criminal investigation body, the prosecutor, the judge of rights and freedoms, the judge of preliminary rulings or the court of law, *ab initio* against a suspect or defendant. Depending on the judicial institution which took the preventive measure, the lawfulness of its taking, extending or maintaining it will in principle be assessed by another institution which will examine, on the one hand, the persistence or not of the factual and legal grounds and, on the other hand, the existence of new grounds or circumstances.

While the lawful termination of preventive measures is a legal impediment to their maintenance, the revocation of preventive measures is a procedural act the opportunity of which judges the judiciary. Analyzing the above-mentioned legal provision, we notice that the revocation of the preventive measures finds its applicability if the grounds for the measure have ceased or new circumstances arise from which the measure is unlawful. As a guarantee that individual freedom is protected, the legislator provides in art. 9 par.4 Criminal Procedure Code, whereas, when a measure of deprivation or restriction of liberty is found to have been unlawfully imposed, the competent judicial institution have the obligation to

order the revocation of the measure and, where appropriate, the release of the detainee or arrested person.

The exceptional nature of the preventive measures taken in the criminal proceeding, the necessity to strictly observe the principle of legality in taking, maintaining or prolonging preventive measures have led the legislator to regulate as an obligation on the judicial institutions the verification, on request or *ex officio*, or how many times they are called upon to rule on previously ordered preventive measures if they continue to be founded in law and in fact if the conditions laid down by law are met for them to be established or maintained. The legislator has carefully regulated the way in which the judicial institutions can operate with the instrument of revocation or the possibility of the suspect or the defendant to file requests for the removal of the existing preventive measure, but the rules for execution of this procedure will be set out in detail in the chapters dedicated to these institutions.

The lawful termination of preventive measures is taken when the legal term has expired or has been set by the judiciary or when there is a legal obstacle to its maintenance. Although the legislator has foreseen the cases in which the lawful termination of preventive measures will intervene, it has nevertheless regulated a mechanism for establishing this legal issue. As a result, the judicial body has the obligation to find the cessation of right when it observes that any of the cases provided under art. 241 Criminal .Procedure. Code, having the obligation to order the release of the detainee immediately, arrested at home, placed into custody or to cease the measure of judicial or bailiff control.

The judicial institutions who have ordered the measure, namely the prosecutor, the judge of rights and freedoms, the judge of the preliminary

chamber or the court in front of which the case is located, are the holders of the pronouncement as a prevented measure. The judicial institutions shall issue an ordinance to the prosecutor or the sentence/command/decision in the case of the judge, *ex officio*, upon request or at the request of the administration of the place of detention.

Concerning the structure of the paper, in Chapter we analyzed the general considerations regarding the institutions of the invalidation, revocation and lawful termination. Given the multitude of elements required to be exposed, I thought it appropriate to dedicate to each institution a distinct chapter. Thus, Chapter II, III and IV deals with the single analysis of the invalidation, revocation and lawful termination, in which we presented their historical course, the vision of the current regulation, elements of judicial practice and, last but not least, the institution from the perspective of judicial cooperation and European and international legal instruments. At the same time, a distinct chapter took into consideration comparative law elements, in which we analyzed, for example, the Criminal Procedure Code in Belgium, Germany, Italy, Serbia, France, Kosovo etc. Chapter V is intended for the conclusions in which I inserted the vision of the editor of this research and the thesis is completed with the bibliography.

## BIBLIOGRAPHY

### 1. Laws, decrees, other legislation

- 1.1. The Criminal Procedure Code in force, Law No. 135/2010 amended and completed;
- 1.2. The Criminal Procedure Code of 1968;
- 1.3. The Criminal Procedure Code of 1936;
- 1.4. The Criminal Procedure Code of 1864;
- 1.5. The Criminal Code in force, Law No. 289/2009 amended and completed;
- 1.6. The Criminal Code of 1968;
- 1.7. Romanian Constitution;
- 1.8. Law No. 255/2013 for the implementation of Law No. 135/2010 concerning the Criminal Procedure Code;
- 1.9. Law No. 303/2004 concerning the status of judges and prosecutors;
- 1.10. Law No. 304/2004 on judicial organization;
- 1.11. Law No. 302/2004 concerning the international judicial cooperation in criminal matters;
- 1.12. The Criminal Code of France;
- 1.13. The Criminal Code of Serbia;
- 1.14. The Criminal Code of Italy;
- 1.15. The Criminal Code of Moldavia;
- 1.16. The Criminal Code of Kosovo;
- 1.17. The Criminal Code of Netherlands;
- 1.18. The Criminal Code of Belgium;
- 1.19. The Criminal Code of Germany



## 2. Treaties, courses, monographs, dictionaries

- 2.1. G. Antoniu, C. Bulai, C. Duvac, I. Griga, G. Ivan, C. Mitrache, I. Molnar, I. Pascu, V. Pașca, O. Predescu, *Preliminary explanations of the new Criminal Code, Volume I*, Publishing House Universul Juridic, Bucharest, 2010;
- 2.2. G. Antoniu, C. Bulai, C. Duvac, I. Griga, G. Ivan, C. Mitrache, I. Molnar, I. Pascu, V. Pașca, O. Predescu, *Preliminary explanations of the new Criminal Code, Volume II*, Publishing House Universul Juridic, Bucharest, 2010;
- 2.3. Aristotel, *Politics*, Publishing House Antet, Bucharest, 1999;
- 2.4. C. Bârsan, *European Convention on Human Rights – comment on articles, 2<sup>nd</sup> edition*, Volume I, Publishing House All Beck, Bucharest, 2010;
- 2.5. P. Buneci and others, *the New Criminal Procedure Code. Notes. Correlations. Explanations.*, Publishing House C.H. Beck, Bucharest, 2014;
- 2.6. T. Butoi, *Legal psychology*, Publishing House Fundației România de Mâine, Bucharest, 2003;
- 2.7. R. Chiriță, *European Convention on Human Rights. Comments and explanations, Volume I*, Publishing House C.H. Beck, Bucharest, 2007;
- 2.8. A. Crișu, *Criminal Procedural Law. The General Part*, Publishing House Hamangiu, 2017;
- 2.9. A. Crișu, C. Bălan, C. Oncescu *Criminal Procedural Law. The Special Part, seminar booklet*, Publishing House Hamangiu, 2017;
- 2.10. M. Damaschin, *Criminal Procedural Law*, Publishing House Wolters Kluwer, Bucharest, 2010;

- 2.11. Explanatory Dictionary of Romanian Language, Publishing House Universul Enciclopedic, Bucharest, 1996;
- 2.12. V.Dongoroz and others, *Theoretical explanations of the Romanian Criminal Procedure Code. The General Part*, Publishing House Academiei, Bucharest, 1975, Volume. I;
- 2.13. V.Dongoroz and others. *Theoretical explanations of the Romanian Criminal Procedure Code. The Special Part*, Publishing House Academiei, Bucharest, 1976, Volume. II;
- 2.14. M. Duțu, *History of the High Court of Cassation and Justice of Romania*, 2<sup>nd</sup> edition revised and amended, Publishing House Universul Juridic, Bucharest, 2012;
- 2.15. C. Ghigheci, *Principles of the Criminal Trial in the New Criminal Procedure Code*, Publishing House Universul Juridic, Bucharest, 2014;
- 2.16. I.Ionescu-Dolj, *Romanian criminal procedure course*, Publishing House Atelierele grafice Socec&Co, 1937;
- 2.17. Cragea Enactment, Publishing House Academiei, Bucharest, 1958;
- 2.18. Gh. Mateuț, *Treaty of criminal procedure. The general part*, Volume. I, Publishing House C.H.Beck, Bucharest 2007;
- 2.19. Gh. Mateuț, *Treaty of criminal procedure. The general part*, Volume II, Publishing House C.H.Beck, Bucharest 2012;
- 2.20. B. Micu, R. Slăvoiu, A. Păun, *Criminal procedure. Course for admission in magistracy and advocacy*, Publishing House Hamangiu, 2017;
- 2.21. B. Micu, *Criminal procedural law. The special part*, 3<sup>rd</sup> edition, Publishing House Hamangiu, 2013;

- 2.22. I. Muraru, E. Tănăsescu, *Constitutional law and political institutions*, Volume II, 11<sup>th</sup> edition, Publishing House All Beck, Bucharest, 2004;
- 2.23. I. Neagu, M. Damaschin, *Criminal procedure Treaty – The general part*, Publishing House Universul Juridic, Bucharest, 2014;
- 2.24. I. Neagu, *Criminal procedure Treaty – The general part*, Publishing House Universul Juridic, Bucharest, 2013;
- 2.25. I. Neagu, *Criminal procedure Treaty – The special part*, Publishing House Universul Juridic, Bucharest, 2011;
- 2.26. I. Neagu, *Criminal procedural law. Treaty*, Publishing House Academia Română, Bucharest, 1988;
- 2.27. I. Neagu, *Criminal procedure Treaty*, Publishing House Pro, Bucharest, 1997;
- 2.28. I.Pascu, V. Dobrinouiu, M.Adrian Hotca and others, *The new Criminal Code commented. The General Part. 2<sup>nd</sup> edition revised and amended*, Publishing House Universul Juridic, Bucharest, 2014;
- 2.29. I.Pascu, V. Dobrinouiu, M.Adrian Hotca and others, *The new Criminal Code commented. The Special Part. 2<sup>nd</sup> edition revised and amended*, Publishing House Universul Juridic, Bucharest, 2014;
- 2.30. Platon, *Laws*, Publishing House Iri, Bucharest, 1999;
- 2.31. T.Pop, *Criminal procedural Law*, The National Printing, Cluj, 1946, Vol. I;
- 2.32. T.Pop, *Criminal procedural Law*, The National Printing, Cluj, 1946, Vol. II;
- 2.33. T.Pop, *Criminal procedural Law*, The National Printing, Cluj, 1946, Vol. III;

- 2.34. T.Pop, *Criminal procedural Law*, The National Printing, Cluj, 1946, Vol. IV;
- 2.35. I. Tanoviceanu, *Romanian criminal procedure course*, Publishing House Atelierele grafice Socec&Co, 1913;
- 2.36. Gr. Theodoru, *Treaty of Criminal procedural law*, 3<sup>rd</sup> edition, Publishing House Hamangiu, Bucharest, 2013;
- 2.37. M. Udroi – *Criminal Procedure, The Special Part*, Publishing House C.H. Beck, Bucharest, 2014;
- 2.38. M. Udroi, O. Predescu, *European Human Rights protection and the Romanian criminal procedure*, Publishing House C.H. Beck, Bucharest, 2008;
- 2.39. N. Volonciu, *Treaty of criminal procedure. The general part*, Publishing House Paideia, 1999, Vol. I;
- 2.40. N. Volonciu, *Treaty of criminal procedure. The general part*, Publishing House Paideia, 1999, Vol. II;
- 2.41. N. Volonciu and others, *The New Criminal Procedure Code commented*, Publishing House Hamangiu, 2014;
- 2.42. N. Volonciu and others, *The New Criminal Procedure Code commented*, Publishing House Hamangiu, 2015;
- 2.43. A. Zarafiu, *Criminal procedure. The general part. The special part*, Publishing House C.H. Beck, Bucharest, 2014;
- 2.44. F. Carrara, *Criminal Law Course Program: the general part, Vol.I*, Publishing House Fratelli Cammelli, 1897;
- 2.45. M. Delmas –Marty, *Criminal procedure and human rights*, Publishing House Universitaires de France, 1992;
- 2.46. R. Garraud, *Theoretical and practical treaty of French criminal law*, Paris, 1989;

- 2.47. Montesquieu, *About the spirit of laws*, Vol. I, Publishing House Științifică, Bucharest, 1964;
- 2.48. J. Pradel, *Criminal procedure*, 18<sup>th</sup> edition, Publishing House Cujas, Paris, 2015;
- 2.49. J.Pradel, *Comparative criminal law*, Publishing House Dalloz, Paris, 1995;
- 2.50. F. Tulkens, M. Van der Kerchove, *Criminal Justice*, Brussels, 1999;

### 3. Articles, studies, comments

- 3.1. G. Antoniu, *Criminal justice. Observations on the draft of the new Criminal Procedure Code (I)*, Criminal Law Journal No. 4/2008;
- 3.2. G. Antoniu, *Observations on the draft of the new Criminal Procedure Code (IV)*, Criminal Law Journal No 3/2009;
- 3.3. C.Coadă, *Procedural aspects regarding the revocation of the conditional suspension of the execution of the punishment in case of non-fulfillment of the civil obligations*, Law Journal No. 12/2010;
- 3.4. L. Coras, *Some considerations on the institutions of cancellations and revocation from the perspective of new criminal provisions*, Law Journal No. 4/2015;
- 3.5. O.S.Hăineală, *About the hierarchically superior prosecutor's right to refrain from subordinate acts or measures and the term in which this right may be exercised*, Law Journal No. 8/2004;
- 3.6. G. Mateuț, *Criminal mediation*, Law Journal No. 7/2007;
- 3.7. G.Mateuț, *A special case of revoking the preventive arrest measure: the illness of the accused or defendant*, Law Journal No. 2/2005;
- 3.8. G.Potrivitu, A. Potrivitu, *Criminal court decision ordering the cessation of the criminal proceedings since, before the prosecution, the prosecutor had not denied a solution to not prosecution*, Law Journal No. 7/2014;
- 3.9. G.Potrivitu, A.Sibinovici, *Discussions on some situations of cessation of preventive measures*, Law Journal No. 6/2009;

- 3.10.O.Predescu, *The Justice – pillar of the rule of law*, Law Journal No. 6/2015;
- 3.11.S. Siserman, *Draft of the New Criminal Procedure Code*, Criminal Law Journal No. 6/2015. 3/2009;

#### 4. Case-law

- 4.1. [www.portal.just.ro](http://www.portal.just.ro)
- 4.2. [www.jurindex.ro](http://www.jurindex.ro)
- 4.3. [www.legalis.ro](http://www.legalis.ro)
- 4.4. [www.rolli.ro](http://www.rolli.ro)
- 4.5. [www.hotararicedo.ro](http://www.hotararicedo.ro)
- 4.6. [www.scj.ro](http://www.scj.ro)
- 4.7. [www.jurisprudențăcedo.ro](http://www.jurisprudențăcedo.ro)
- 4.8. [www.chirita-law.com](http://www.chirita-law.com)
- 4.9. [www.spețe.info](http://www.spețe.info)

#### 5. Online sources

- 5.1. [www.limbalatină.ro](http://www.limbalatină.ro)
- 5.2. [www.juridice.ro](http://www.juridice.ro)
- 5.3. [www.just.ro](http://www.just.ro)
- 5.4. [www.ccr.ro](http://www.ccr.ro)
- 5.5. [www.citatepedia.ro](http://www.citatepedia.ro)
- 5.6. [www.dexonline.ro](http://www.dexonline.ro)
- 5.7. [www.lege5.ro](http://www.lege5.ro)
- 5.8. [www.luju.ro](http://www.luju.ro)
- 5.9. [www.antena3.ro](http://www.antena3.ro)
- 5.10. [www.csm1909.ro](http://www.csm1909.ro)
- 5.11. [www.scribd.com](http://www.scribd.com)
- 5.12. [www.inm-lex.ro](http://www.inm-lex.ro)
- 5.13. [www.legeaz.net](http://www.legeaz.net)
- 5.14. [www.legifrance.gouv.fr](http://www.legifrance.gouv.fr)
- 5.15. [www.ledroitcriminel.free.fr](http://www.ledroitcriminel.free.fr)