

A PRACTICAL EXAMINATION OF THE USE OF EVIDENCE BEFORE MAGISTRATES OF THE PRELIMINARY CHAMBER

Lucian CHIRIAC*

ABSTRACT: *The Romanian Constitutional Court ruled through two decisions, nr.641 of 11 November 2014 and nr.802 of 5 December 2017, accepting the hypothesis in which any means of evidence is acceptable during the phase of the preliminary chamber hearing, and, we would add, not only to verify the legality of administrating evidence during the criminal indictment. It is our opinion that the preliminary chamber must constitute a bastion of verifying the necessary evidence for establishing the truth in a trial.*

KEYWORDS: *preliminary chamber; preliminary judgment; preliminary hearing; evidence; proof; discovery; Constitutional Court; legality*

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*Professor PhD, University of Medicine, Pharmacy, Sciences and Technology Tîrgu-Mureş, ROMANIA.

¹ Published in the Official Gazette of Romania nr.887 of 5 December 2014

² Published in the Official Gazette of Romania nr. 116 of 6 February 2018

³ See Decision of the Romanian Constitutional Court nr. 802/2018 §15