

SOME CONSIDERATIONS REGARDING ON THE PROBATIVE ROLE OF THE FINDINGS REPORT DRAWN UP BY ANTI-FRAUD INSPECTORS WITHIN N.A.F.A. IN THE CRIMINAL TRIAL IN ROMANIA

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ABSTRACT: *In the field of the working tools made available to the participants in a criminal trial, the evidence holds a highly important role, therefore within the rules of evidence we may find a series of ways to obtain the information and data relevant to the clarification of the situation, with a predominantly technical, specialized character, which imply the appealing to specialists and their opinions. It's about: performing an expertise; requesting the opinion of a specialist; drawing up findings.*

In the field of the modalities for obtaining specialized information used especially in the branch of the court files on the economic crimes, the technical-scientific findings are also comprised, their results being materialized in a report of technical-scientific findings, with express reference to the ones performed, and respectively prepared by the antifraud inspectors within N.A.F.A. Generally speaking, the findings represent a procedure used in an emergency and preventive situation, when there is the danger that some means of evidence would disappear or the danger of changing factual situations or there's the need to urgently clarify some facts or circumstances of the case. The findings are made by a specialist who works within or outside the judicial bodies.

Thus, the use of such a procedure in the evidence of a criminal trial, especially when specialists not related to criminal investigation bodies intervene, raises a series of problems regarding the observance not only of the fundamental principles regarding the evidence but also the compliance with the fundamental principles of the criminal trial such as the principle ensuring a fair trial, the right to defense, the principle of equality of arms, the principle of contradictory nature. This study will analyze the issues regarding the use of the evidence in the criminal trial - evidence consisting of the technical-scientific reports drawn up by the anti-fraud inspectors - also in terms of the criminal case law and of the Constitutional Court of Romania.

KEY WORDS: *evidence; findings; technical-scientific report; anti-fraud inspector.*

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