If you are called as a public prosecutor, you are not allowed to be accompanied by a lawyer. You are alone with the prosecutor, and his or her obligation to record the hearing may be violated by law. In other words, if you do not have thorough legal studies and you still have emotions, you are about to become a suspect, or a defendant and sued for an act you may have seen.

The new Code of Criminal Procedure, which was chaired by Cătălin Predoiu today, today's president, and played by the counselor of the General Prosecutor Tiberiu Nițu, Alexandra Şinc, clearly shows that you are deprived of any defense.

The investigators, stashed on the witnesses' lives

The prosecutor asks you questions and he also records them, then puts your paper under your nose to sign it. And emotions can prevent you from reading carefully or realizing what the prosecutor has done, and you will sign it. From that moment on, you're ready. You can no longer withdraw your statement, it does not matter what you say, you can become a defendant in a signature and you can be arrested at any time.
According to the NCPP interpretation given by Tiberiu Niţu's prosecutors, the witness is not allowed to be assisted by a lawyer, because he has no reason to defend himself. He has only the obligation to stand before the prosecutor and to tell the truth. That's what I'm saying, in a nutshell and in a language of wood, Nitu's men. The NCPP seems to support this option, providing that "the lawyer assists or represents, in the criminal proceedings, the main parties or trial subjects under the law."

The parties are the defendant, the civil party, that is, the one who must be compensated as a result of the offense and the civilly responsible party, who responds with the defendant. The main procedural subjects are the suspect and injured person. As such, the lawyer is entitled to assist only the parties and the main procedural subjects, not the witness. Alexandra Şinc, Advisor to the General Prosecutor of Romania, Tiberiu Niţu, explained why prosecutors consider that the witness is not entitled to a lawyer.

"Moreover, according to (...), the right to defense must be exercised in good faith and in accordance with the purpose for which it was prescribed by law. In this respect, it is to be taken into account that only the parties and the main procedural subjects have their own interests to be defended. As regards the other procedural subjects - the procedural agent, the expert, the interpreter, etc. - who participate in the process by virtue of the service obligations, and the witness - due to the civic obligation to help find out the truth, they have neither and should not express interests in other words, as witnesses, you have only obligations. That of presenting you to tell the truth, as the prosecutor understands, because he is the one who records your statement and you can go home to wait for Be indicted.

If you wake up in such a situation, you vain go to court, where you try to explain to the judge that you have nothing to do with the file and that you did not say how the prosecutor wrote. Because you can not try, because the witness statement is registered only if it is possible and only if the prosecutor wants it. And in front of a judge, the prosecutor, his colleague, has greater credibility. As such, withdrawing your statement has no effect.

Qui tacet, conscious videtur

All law says you can not refuse to be witnesses. As such, the only solution is to present yourself to the prosecutor when quoting and telling him clearly that you do not answer any questions and you have no statement to give except to the judge. The prosecutor has two options - whether he sends you to be heard in the hearing procedure before a judge, which is unlikely, or makes you a file for lying testimony.
That's because the false testimony involves not only making false statements, but not telling everything you know about the essential elements you are asked about. Since the prosecutor notifies you that you are a suspect, you are entitled to a lawyer, so that the possibility of committing mistakes in statements, which will then be turned into a defiance, is minimal. Moreover, if the prosecutor decides to sue you for lying testimony, the Latin principle above, which means that silence consents, does not deny, is the one that will save you from any liability. You have not avoided, you have not concealed, but have only chosen the judicial body to which you are making statements, being the only one that you believe can give you the necessary guarantees of safety, impartiality and fairness.

http://www.ziuanews.ro/dezvaluiri-investigatii/noul-cod-de-procedura-penala-interzice-martorului-sa-vina-cu-avocat-130090