As a series of high-profile controversies have come to light, New Europe has investigated Romania’s anti-corruption strategy.

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This is the story of Romania’s fight against corruption: a 50% increase in indictments in the past 5 years, a conviction rate of 92%, and a ruthless crackdown seemingly unrivalled anywhere else in Europe. Urged on by European institutions desperate for a success story from the troublesome 2007 expansion, Romania’s National Anti-Corruption Directorate (DNA) has been lavished with praise in recent years. However, outside of the Brussels bubble, we came across a very different story – one of intimidation, coercion, and apparent collusion with the Romanian Intelligence Service (SRI); a tragedy of corruption at the heart of the anti-corruption struggle.

The DNA is headed by Chief Prosecutor Laura Kövesi, often credited with ramping up Romanian efforts to tackle corruption. Since taking up her
position in 2012, the DNA has carried out more arrests, achieved more asset freezes and more convictions than any of its counterpart agencies across the EU. However, under Kövesi’s tenure, significant concerns have also emerged about the DNA’s methods. There have been widespread allegations, too many to be easily discounted, that ECHR principles and the EU’s Charter of Fundamental Rights are frequently violated in the obsessive pursuit of convictions, and – even more seriously – that the DNA’s investigations now routinely involve apparent abuses of power and politically motivated convictions.

An ongoing Parliamentary Commission into the SRI’s practices and its involvement in DNA investigations offers a chance to shine a light on this troubling relationship. The SRI Secretary-General, Dumitru Dumbrava, is facing calls to resign, amid allegations he attempted to influence judges presiding over DNA cases. Romanian outlets are reporting that he sought to contact and influence judicial figures via Facebook, highlighting growing concerns about the increasingly compromised relationship between the intelligence service and the DNA. Such a relationship has disturbing echoes of a darker chapter in Romanian history.

One of the most prominent examples has been the case of Dan Adamescu, a Romanian businessman and newspaper owner. In March 2016, two weeks after Romanian Prime Minister Victor Ponta had publicly predicted live on primetime TV that Dan Adamescu would face corruption charges, he was arrested by masked anti-terror police, hand-cuffed in front of TV cameras, brought to a judge and refused bail. Pages from his indictment were leaked to the press and published. He was effectively convicted on the first day of his trial, and in May he was sentenced to four years and four months in jail for corruption. He was thereafter repeatedly denied bail on the Kafkaesque reasoning that “he continues to deny the accusations against him.”

His son Alexander, a German citizen, contested the unfair trial. In June 2016 Alexander himself was arrested in London on the basis of a European Arrest Warrant (EAW) issued by the Romanian government which accuses him of complicity with his father. The timing of the arrest was all the more remarkable for taking place while Alexander was en route to participate in the Frontline Club panel on the subject of abuses of the EAW. The accusations would be laughable if it weren’t for the irredeemable damage that has been done to Alexander and his family. In November 2016 a local court denied his father’s request for parole based on ill-health. On 24th
January 2017 Dan Adamescu died of septicaemia in custody, having been in an induced coma since December 2016.

One of the questions this raises is around the EAW, which has been dragging a number of other European countries into to facilitate the murky dealings of the Romanian authorities, mostly notably the UK. This legislative instrument is built on the idea that the courts of Bucharest abide by equivalent standards of justice as those of Paris and London. In practice, the cases we examined suggest this is wishful thinking.

Sources also gave us an insight into Gabriel Popoviciu’s case. He is another prominent Romanian businessman, who handed himself in voluntarily to police in London earlier this year upon learning of the EAW issued against him. He was accompanied by his lawyer, Madalina Dumitrescu. She told us he is now facing an extradition hearing at the end of March 2018.

The conduct of the case against Popoviciu appears questionable.

In the aftermath of the fall of Communism, Popoviciu was amongst the first to bring Western brands to post-Revolution Romania, including the KFC and IKEA franchises. He is part of a small number of individuals who capitalised on the liberation of markets to reinvigorate the ailing national economy. In 2002 he helped to develop the Baneasa Project, Eastern Europe’s then-largest real-estate development. Dubbed the “jewel in the crown” of the modern Romanian commercial sector, Baneasa attracts 40 million visitors per year and contributes around €230m to the national economy each year – around 1% of Romanian GDP. However, it has also turned Popoviciu into a wanted man.

In 2009, the DNA opened an investigation into Popoviciu on charges relating to his contribution to the Baneasa land joint venture, despite these allegations having been examined and dismissed by the Public Prosecutor’s Office. In a trial that Popoviciu’s legal team claim bears the hallmarks of a modern-day Securitate, including the dismissal of key evidence by the Defence, the DNA secured a conviction of nine years imprisonment in 2016.

To add to the chorus of international human rights groups, think-tanks and fair trial observers that have condemned the DNA’s tactics, Popoviciu’s case has been described by senior sources within the American intelligence apparatus as being based on “serious factual and legal
deficiencies, inconsistent with fundamental principles of the rule of law.” Nonetheless, the conviction has been repeatedly upheld.

DNA investigations seem to follow an established pattern: those accused are paraded in front of the media and often remanded in pre-trial custody for months on end, in violation of international human rights standards; spurious evidence subsequently leaked to the media, portraying the accused as guilty before a trial has even begun; other suspects are often promised immunity in return for providing damning, often false, testimony; and, if that testimony is retracted, they are threatened with perjury charges.

The importance of the fight against corruption in Romania cannot be underestimated. What our investigation shows is that those leading this fight should be as closely scrutinized as those whom they pursue. However, the extensive reach of the DNA’s power and influence means that scrutiny and criticism will rarely come from within the country. Instead, the duty for criticism of Romania’s anti-corruption system rests largely upon the European Union.

Full Story:

https://www.neweurope.eu/article/corruption-romanias-anti-corruption-fight/