

ROMANIA: Kovesi Stays, so what next from #Romania's tainted corruption fight?



President Iohannis' decision to retain Laura Kovesi as head of Romania's DNA overlooks the myriad of abuses her department is accused of.

By Willy Fautre

EU Reporter (18.04.2018) – <https://bit.ly/2qKHBe2> – This week, Romania's President Iohannis announced his decision to retain the powerful Laura Kovesi as Chief Prosecutor at the National Anti-Corruption Directorate (DNA). This follows months of political wrangling, debate and scrutiny of the current state of the country's fight against corruption. Earlier this year, it seemed that Romania's controversial, and at times disturbing, anti-corruption effort was finally going to be brought back under control. However, it is now clear that President Iohannis had other ideas.

A myriad of accusations has been levelled against Kovesi and the DNA. These include, but are not limited to, evidence tampering, witness coercion and falsifying statements. In February this year, tapes were published in which two DNA

prosecutors are recorded conspiring to falsify charges and fake evidence. They were caught red-handed. It seemed that the poisonous activities of such an organisation had finally been laid bare and that reform was forthcoming. Sadly, this hasn't proved to be the case.

Last month my organisation, Human Rights Without Frontiers, published a report cataloguing the string of human rights abuses and rule of law violations committed under the guise of Romania's anti-corruption fight. We found that of the 47-member nations of the Council of Europe, Romania was the 3rd worst offender with regards to human rights abuses. On top of this, the 69 cases brought against it to the European Court of Human Rights is the highest number of any EU member state.

The report reflects mounting concern that Romanian politicians, businessmen and civilians are victims of unfair trials, unwarranted detention periods and spurious convictions. Reports that defendants are being denied the right to submit evidence and enlist witnesses should trouble all of us who believe in the rule of law and the primary importance of a legitimate criminal justice system. Even more sinister and alarming is the alleged level of deep involvement of the security services, echoing a darker chapter from Romania's past.

The Romanian Intelligence Service (SRI) is the successor to the much-feared, communist-era Securitate. Sadly, their well-documented involvement in anti-corruption cases bears all the hallmarks of their omnipotent predecessors. Our report highlighted how 1,000 of Romania's nearly 7,000 judges were 'trained' by the SRI in a programme using European funds. This reflects SRI General Dumitru Dumbrava's own characterisation of the judicial system as a 'tactical field', heavily suggesting direct interference with judges, prosecutors and the entire process of criminal justice.

Romania's troubles extend further than this however. Prison

conditions have been a growing source of concern both within and outside the country for many years. We discovered allegations of physical abuse, torture and appalling overcrowding. These are the conditions facing those with potentially unsafe convictions. Often, those accused spend months in such conditions before seeing the inside of a courtroom, tantamount to being guilty until proven innocent. This directly contravenes the UN Convention Against Torture, to which Romania is a signatory. It could prove grounds for invoking Article 7 of the Treaty on the European Union, which allows for the suspending of certain member state rights if they are found in violation.

In nations with more established systems of criminal justice, even one of the above allegations would usually be enough to bring down those culpable. Not Romania it seems. Anti-corruption fights should be – to use a common phrase – ‘whiter than white’, but theirs lurks deep in the shadows. The goal should be simple, to uncover corruption and punish it. The goal in Romania’s case however appears to be to ‘inflate the numbers whatever the cost’. With a scarcely believable 50% increase in indictments over the past 5 years, it seems to be an exercise in finding people guilty, rather than finding guilty people.

Despite all this well-documented evidence, Laura Kovesi remains in power, with her position secured by Presidential Decree. A timely opportunity to face up to the disturbing allegations surrounding Romania’s anti-corruption fight has been missed. The question is: what happens next? Will we ever see the reforms required for a truly just anti-corruption fight – free from allegations of evidence tampering and witness coercion? One can only hope so, but this week’s event has once again pushed that possibility further away.

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