

Romania's anti-corruption crackdown echoes a darker past

By Daniel Dragomir

EU Observer (06.02.2017) – <http://bit.ly/2FQsx4q> – Last week, Jean-Claude Juncker lavished praise on Romania for its anti-corruption crackdown and expressed concern about proposed reforms.

This betrayed a lack of understanding of what is happening in my homeland.

The EU Commission has been complicit in failures of due process and abuses of power that have been evidenced for all to see in recent years.

Corruption is a blight on any civilised society, but an unaccountable, flawed clampdown that derogates the rule of law is a form of corruption in and of itself.

Sadly, this is what has happened on the EU's watch.

Assisted by the Romanian security services, who have fallen back into a mould that we hoped had disappeared with the collapse of communism, the anti-corruption authorities' have adopted a pattern of abusive behaviour that conjures memories of darker times.

In 1989, my fellow Romanians huddled in Revolution Square to hear Nicolae Ceausescu speak for what would be the final time.

Having endured decades of surveillance and oppression at the hands of the secret police agency, the Securitate, a faint spark of hope had ignited in our hearts for a society free from its ubiquitous power.

For those who did not live through the era of communism, it is hard to imagine the significance of the Securitate's downfall.

This was a Romania on its knees – an era of chronic food shortages, widespread power cuts, and underpinning everything, the coercion, police terror and 'all-seeing eye' of the Securitate.

Going on trips overseas, having foreign friends, even making jokes – all were seen as indications of possible dissent; with one in every thirty people believed to have been recruited as a Securitate informer by the 1980s, its reach was inescapable.

These dreams of freedom become a reality just a few hectic weeks later. The Securitate's powers were stripped back, their structures dismantled, and, almost thirty years later, modern-day Romania has become a thriving European democracy.

Lingering shadow

For all of this, however, uncomfortable shadows from the past still linger.

Towards the end of last year, a Romanian Parliamentary Commission examined the relationship between the Anti-Corruption Directorate (DNA) and the Secret Service (SRI).

Corruption in Romania has long been endemic, strangling much-needed foreign investment and undermining public trust in our national institutions and public services.

The DNA has embarked on a much-needed crackdown, aided by intelligence from the SRI. However, there are increasing concerns that, in their determination to secure convictions, the DNA and SRI are leaving the rule of law by the wayside.

As a former SRI Colonel, I have testified before the commission three times.

My first appearance was to reveal the scale of the SRI's

wiretapping programme: there have been, since 2015, over 20,000 wiretaps per year on behalf of the DNA. This is ten times the number carried out for reasons of national security, and an unacceptable contravention of Romanian citizens' basic right to privacy.

More recently, I testified before the commission about attempts to undermine the independence of judiciary, at the highest levels of the SRI.

Its secretary-general, Dumitru Dumbrava, had used social media to contact judges, prosecutors and journalists involved in ongoing investigations. He met with judges presiding over DNA cases, discussed the DNA and SRI's allegations, pressuring them to secure convictions using personal relations, coercion, blackmail and the promise of career advancement.

Dumbrava did so by first using Facebook, and then via a fake VK (Russia-based social network) account in an effort to avoid detection. A ludicrous allegation, but made all the more absurd when it transpired to be true.

He reportedly admitted his actions before the commission in testimony which unfortunately remains classified, triggering parliament's request for his demotion.

Such a scandal has served to highlight the extent of the SRI and DNA's opaque alliance.

Since stepping down from the SRI and speaking publicly about my concerns, I have found myself subject to a raft of allegations and false charges by what one might call 'the Securitate 2.0'.

Six months detention

I have been subjected to six months in pre-trial detention in Romania's ancient and overcrowded prison system – an inhumane practice in appalling conditions, tantamount to a jail

sentence before having been found guilty by any court of law. Sadly, my treatment was by no means an exception.

The US-based NGO Fair Trials International found that the European Court of Human Rights' (ECHR) standards on pre-trial detention regularly fails to be upheld in the DNA's decision-making process, citing ill-treatment of pre-trial detainees, extended periods of detention, and the use of mistreatment to extract evidence later treated as admissible in court.

Furthermore, reports from Association for the Defence of Human Rights in Romania say the detention system falls short of ECHR and Committee for the Prevention of Torture standards on preventing torture, inhumane or degrading treatment, leading in many instances to 'serious violations of human rights'.

The collusion between aspects of the SRI and DNA, characterised by abundant wiretaps, erosion of judicial independence and targeted reputational smears, undermines not just much-needed and legitimate anti-corruption efforts, but Romania's entire democratic system.

EU response?

And how does the EU respond? Not with condemnation or criticism, but praise for the unusually high conviction rates and ignorance of the true reality.

Juncker's comments, threatening to prevent the country's accession to Schengen (the passport-free travel zone) should it proceed with reform, were a shameless use of carrot and stick. Ignorance of the assault on freedom ongoing in Romania, trickles down from the very top of the European Union and we must fight to ensure this story is heard.

At the end of last year, I outlined a manifesto for ending these corrupt practices.

This must be a fight that strikes at the heart of post-

communist Romania, a fight against a return to a dark chapter in our history and the return to the Securitate's toxic practices.

The rule of law, democratic accountability and judicial independence cannot be threatened by an unaccountable cabal at the highest levels of Romania's anti-corruption and intelligence apparatus.

This is an issue that reaches every corner of the European Union, through the associated use of the European Arrest Warrant. I hope that Juncker examines the evidence and finally acknowledges what is really going on in Romania.

Our international partners must sit up, take notice and join us Romanians in saying 'enough is enough'.

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