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Romania abuses the European Arrest Warrant, a new report says

HRWF (10.04.2017) - *Human Rights Without Frontiers* has just released a 30-page report entitled **"The European Arrest Warrant in Question. Study Case: Alexander Adamescu"** which can be found at <http://hrwf.eu/wp-content/uploads/2017/04/EAW-Report-March-2017.pdf>

The report details the case of Alexander Adamescu, a German citizen and the son of a prominent Romanian businessman. Adamescu was arrested on 13th June 2016 in London on the basis of a European Arrest Warrant (EAW) issued by the Romanian government which accuses him of complicity with his father in allegedly condoning bribes to judges. Adamescu denies the charges. He claims that the jail sentence against his father was based only on the false testimony of a former employee in one of the group's companies and that he and his family are being politically persecuted by the Romanian Government. Obviously, there have been serious flaws in the judicial process of this case as a court decision has recently revealed.

A court recommends that Romania provisionally withdraws or suspends the European Arrest Warrant against Alexander Adamescu

On 29th March 2017, the International Centre for Settlement of Investment Disputes (ICSID)* stated in a dispute opposing Alexander Adamescu's Dutch holding company Nova Group Investments, B.V. v. Romania (Case No. ARB/16/19):

a. The Tribunal recommends, pursuant to Article 47 of the ICSID Convention, that Romania withdraw (or otherwise suspend operation of) the transmission of European Arrest Warrant Ref. 3576/2/2016 by the Romanian Ministry of Justice and associated request for extradition submitted to the Home Office of the United Kingdom on 6 June 2016, and refrain from reissuing or transmitting this or any other European Arrest Warrant or other request for extradition for Alexander Adamescu related to the subject matter of this arbitration until the Final Award in this case is rendered.

b. This recommendation is conditional on Mr. Adamescu's strict compliance with the undertakings and mechanisms outlined in Section VII.E.1 of this Decision, in order to maintain the status quo which prevents his departure from England, Scotland or Wales

during the pendency of this arbitration, except as necessary to attend an arbitration hearing in Washington, D.C. As one of these conditions involves the continued sequestration of Mr. Adamescu's passport in the event it is relinquished by the UK authorities, the Tribunal requests the Parties to confer promptly about the potential custodian for the passport, as well as suggestions for appropriate terms and conditions, consistent with the general framework the Tribunal has outlined herein. The Tribunal requests the Parties to report back (jointly or separately) regarding such mechanisms within two weeks of the date of this Decision.

As of 10th April 2017, Romania has not reacted to the ICSID decision.

Solution to prison overcrowding in Romania: Some convicts to do time only in weekends

By Irina Popescu

Romania Insider (06.03.2017) - <http://bit.ly/2lzuJHK> - A group of MPs from the National Liberal Party (PNL) have initiated a draft bill that aims to solve the overcrowding problem of prisons in Romania in a different way: those sentenced to less than four years in prison would stay behind bars only on Saturdays and Sundays.

The draft bill proposed by the MPs, which also includes other alternative measures, was already submitted to the Senate, reports local Digi24.

One of the measures included in the bill targets those who get prison sentences of less than three years. They could be placed under house arrest, being monitored with the help of electronic bracelets.

Another measure targets those sentenced to a maximum of four years in prison. They would have to choose between two alternatives: they could do time only on Saturdays and Sundays in centers especially arranged for this purpose, or they could do community work. In the second case, two days of community work would represent one day of prison.

However, these provisions would not apply to those convicted of offences committed with violence, or to those who have committed criminal acts related to corruption. Moreover, the recidivists would also not benefit from these measures.

The Romanian Parliament is currently discussing a draft bill on pardoning certain categories of prisoners, which would also help with the overcrowding issue of Romanian prisons. The idea of pardon was initiated by the Ministry of Justice, which in mid-January put up for public debate an emergency ordinance that was establishing what categories of prisoners would benefit from pardon. After street protests, the Ministry gave up the idea of introducing pardon through emergency ordinance, and turned it into a draft bill, letting the Parliament decide on it.

Last week, the Superior Council of Magistracy (CSM) gave a favorable opinion on the draft bill on pardoning some prisoners, but with two observations.

Subiectul conditiilor de detentie in Romania este fierbinte

Cu o saptamana inainte de decesul lui Dan Adamescu aflat in regim de detentie, echipa Human Rights Without Frontiers s-a aflat intr-o misiune de investigatii in Bucuresti.



(Image source: <http://ind.pn/2kGuN6S>)

HRWF (30.01.2017) - Desi se bucura de o reputatie buna in ceea ce priveste aplicarea legilor unui stat de drept, Romania continua sa incalce cu succes drepturile omului. Numai in 2015 Curtea Europeana a Drepturilor Omului a emis 72 citatii impotriva Romaniei (fiecare acuzand cel putin o abatere de la obligatii), cel mai mare numar emis in numele vreunui stat membru UE. Printre cele 47 state membre in Consiliul Europei, Romania s-a situat pe locul 3 in Topul celor mai abuzive tari, dupa Federatia Rusa (109 citatii) si Turcia (79 citatii).

In mod ingrijorator, 27 dintre abaterile din Romania au tinut de conditiile improprii (art.2) și de tratamentul inuman si degradant din închisori (art.3). 13 dintre cazuri făceau referire la lipsa investigatiilor eficiente iar in alte 13 cazuri, de lipsa unui proces echitabil.

Inchisorile sunt supraaglomerate in Romania. Opt dintre ele se afla la o capacitate de 200%, iar rata medie de ocupare a inchisorilor locale de este aproximativ 150%. Daca Romania nu rezolva aceasta problema, Comisia Europeana a Drepturilor Omului (CEDO) va obliga statul sa achite compensatii catre detinuti, pentru fiecare zi de detentie, in conditii improprii. Aceste compensatii se ridica în total la suma de aproximativ 80 milioane euro pe an.

Rapoartele privind conditiile de detentie din Romania

Decesul lui Dan Adamescu (68 ani), aflat in regim de detentie, pune din nou intr-o lumina tragica conditiile inchisorilor din Romania, asupra carora s-a atras atentia in fiecare an de catre:

- CEDO in raportul UN Periodic Universal din 2013 (<https://www.upr-info.org/en/review/Romania/Session-15---January-2013/Civil-society-and-other-submissions#top>)

- In Raportul Departamentului de stat SUA din 2015 (<https://www.state.gov/j/drl/rls/hrrpt/2015/eur/252891.htm>)
- De catre Avocatul Poporului din Romania in raportul din 2015 (http://www.avp.ro/index.php?option=com_content&view=article&id=51&Itemid=77&lang=en)
- De catre Comitetul Preventiei Torturii in cadrul Consiliului Europei in 2015 (<http://www.cpt.coe.int/documents/rom/2015-31-inf-fra.pdf>)

Raportul Departamentului de Stat al SUA 2015

In sectiunea intitulata "Tortura sau alte tratamente ori pedepse crude, inumane sau degradante", Departamentul de Stat al SUA a subliniat faptul ca "au fost rapoarte ale organizatiilor non-guvernamentale (ONG) si ale mass-media, conform carora, politisti sau jandarmi maltratau sau abuzau prizonieri, detinuti aflati în arest preventiv, romi si alti cetateni, in special prin utilizarea fortei excesive, inclusiv a batailor aplicate. Mass-media a semnalat astfel de cazuri in Bucuresti, Vinga, Botosani, Braila, Arad si alte localitati. In cele mai multe cazuri ofiterii de politie implicati au fost achitati".

De asemenea a fost evidentiata faptul ca o sesizare a Asociatiei pentru Apararea Drepturilor Helsinki Omului Comitetul (APADOR-CH), privind situatia din Racos - judetul Brasov, unde se afla o comunitate de romi cu peste 1200 membri, a fost sustinuta de Raportul din SUA, dupa cum urmeaza: "Membrii comunitatii au reclamat ca politia i-a terorizat si i-a batut in mod repetat in ultimii trei ani si ca procuratura Brasov a instrumentat plangerile lor in mod necorespunzator, inchizand toate cazurile. APADOR-CH a criticat esecul autoritatilor de impunere a legii, pentru a investiga in detaliu situatia din Racos si a lua masurile adecvate. Un raport ulterior al APADOR-CH din luna august a aratat ca din 3,034 plangeri depuse impotriva abuzurilor politiei intre 2012 si 2014, 14 au mers in instanta, iar numai 4 dintre aceste cazuri au condamnat ofiterii de politie pentru comportament abuziv.

In sectiunea "Penitenciarul si conditiile din centrele de detentie", raportul SUA relateaza:

Conditii din penitenciare au ramas aspre si nu au indeplinit standardele internationale. Abuzul detinutilor de catre autoritati si alti detinuti au continuat sa fie o problema.

Conditii fizice: conform cifrelor oficiale, suprapopularea a fost o problema iar unele inchisori nu au respectat standardul de 4mp pentru fiecare detinut, asa cum este stabilit de Comitetul pentru Prevenirea Torturii al Consiliului Europei.

Conform unui alt raport al Administratiei Nationale a Penitenciarelor, 502 persoane au murit in inchisori in perioada cuprinsa intre 2010 si 2014, dintre care 425 au murit din cauza unor conditii medicale, 73 s-au sinucis, 3 au fost ucisi iar unul a murit prin inecare cu mancare. Pana la sfarsitul lunii septembrie mai multe decese au avut loc in inchisori. La 7 septembrie un adolescent, aflat in detentie preventiva in cadrul penitenciarul Tichilesti, a murit dupa ce a fost batut sever de colegul sau de celula. De asemenea a fost raportata moartea a 2 prizonieri in penitenciarele din Craiova si Colibasi.

Potrivit mass-media si rapoartelor ONG-urilor, au existat acte de agresiune și de abuz ale unor prizonieri din partea gardienilor și chiar a colegilor de detentie.

Unele închisori au oferit ingrijiri medicale precare, produse alimentare de calitate inferioara, sau uneori în cantitati insuficiente. In unele penitenciare incalzirea si

ventilatia au fost inadecvate iar lumina insuficienta. APADOR-CH si Asociatia pentru Drepturile Omului si a Persoanelor Private de Libertate au raportat ca cele mai multe penitenciare au fost supra-aglomerate și, în unele, au observat conditii inadecvate, inclusiv îngrijire medicala precara, mancare de calitate proasta, mucegai in bucatarii și in celule, lipsa de personal, un numar insuficient de bai, igiena precara, insecte, un numar insuficient de medici (inclusiv lipsa psihologilor in unele unitati), lipsa activitatilor, precum si activitati educationale inadecvate. APADOR-CH a criticat, de asemenea, lipsa unui tratament adecvat, cu substante de substitutie, pentru fostii dependenti de droguri.

APADOR-CH a afirmat ca majoritatea centrelor de detentie preventiva din cadrul sectiilor de poliție aveau condiții inadecvate. Astfel de facilitati, adesea situate in subsoluri, nu aveau lumina naturala sau instalatii sanitare. In unele centre de detentie preventiva si inchisori nu exista nicio posibilitate pentru intrevederi confidentiale intre detinuti si familiile lor sau avocati.

Din luna mai CEDO a emis 16 hotarari impotriva statului roman, care a trebuit sa plateasca o compensatie de 85,540 euro (\$ 94,100) pentru conditiile de detentie precare si a tratamentului inuman si degradant din inchisori.

Administratia: Autoritatile independente nu au investigat intotdeauna acuzațiile credibile legate de conditiile inumane.

Pe 24 martie Curtea Europeana a Drepturilor Omului (CEDO) a emis o hotarare impotriva tarii pentru incapacitatea de a efectua o ancheta efectiva cu privire la moartea din 2007 a lui Ionel Garcea, un prizonier cu probleme psihice din inchisoarea spitalului Rahova. Dupa ce Garcea s-a plans in repetate randuri ca a fost agresat de gardieni, el si-a batut cuie in cap in semn de protest iar autoritatile l-au internat in spital de mai multe ori dupa ce a fost diagnosticat cu o boala psihiatrica si alte probleme medicale. De asemenea, el a incercat sa se sinucida si a refuzat sa ia medicamente. A murit la o luna dupa o interventie chirurgicala menita a-i inlatura un cui din cap. Investigatiile sunt inca in asteptare in acest caz.

Evaluare periodica universala (2013)

In 2013 un ONG a depus un raport la Evaluarea Periodica Universala, care acoperea, printre alte probleme, tratamentul si conditiile de detentie inumane si degradante:

1. Romania continua sa ofere măsuri inadecvate ca raspuns la eradicarea si prevenirea torturii. In conformitate cu angajamentele sale din 07.05.2012, ar fi trebuit sa fie instituit un mecanism național de prevenire, in colaborare cu avocatul poporului și a societatii civile, in concordanta cu OPCAT (Optional Protocol to the Convention against Torture). Mai mult decat atat, reforma destinata Ministerului Justitiei (prin "lovitura de stat data de catre Parlament", care a provocat demiterea politica a echipei PDL a guvernului), cu privire la punerea in aplicare a recomandarilor cuprinse in raportul Comitetului European pentru prevenirea torturii, puse la dispozitia publicului la data 24.11.2011 (CPT / INF (2011)31, precum si raspunsul la procedura emisa de către Curtea Europeana a Drepturilor Omului (CEDO), (cazul Jacob Stanciu 35972/05) la începutul anului 2010, vor sublinia disfuncțiile sistemului legate de suprapopularea în condiții de detentie, conditiile precare de igiena din penitenciare, absenta sau instabilitatea asistentei medicale (în cazurile Bragadireanu, Al-Agha, Marian Marinescu, Jiga, Ogica, Racareanu, Iamandi, Ciupercescu, Dimakos, Florea, Coman, Marcu, Cucolas, Grozavu, Ali, Porumb, Dobri, Colesnicov) etc., natura legilor privind intreruperea executarii sentintelor (cazul Ahron Schwarz).

Exista, de asemenea, lipsa de preocupare a puterii executive pentru construirea de unitati moderne si intarzierea includerii parteneriatul public-privat in mecanismul de externalizare a unora dintre serviciile si activitatile independente, destinate sa asigure detinutilor conditii care implinesc demnitatea umana. Se adauga problemele grave ale penitenciarelor si aplicarea unor masuri precare pentru protectia detinutilor la fumatul pasiv cu toate ca Romania a ratificat Conventia-cadru 2006 pentru controlul Tabacului OMS. Cu toate ca, in 2010, Statul Roman a fost pedepsit de catre Curtea Europeana, in cazul Florea (37186/03), privind fumatul pasiv in conditii de detentie, dupa care au urmat si alte pedepse, Parlamentul Romaniei a adoptat in 2011 un profil national de lege, care exclude sactionarea în cazul fumatului in camerele de detentie.

2. Camerele de arest ale poliției prezinta caracteristici care afecteaza demnitatea umana, avand conditii care pot fi asociate cu tortura: acestea sunt infiintate inca din timpul regimului comunist, in subsolul sectiilor de poliție, au o suprafata mica, grupuri sanitare fara diviziune, ferestre mici dublate de gratii de metal, ventilatie insuficienta iar in tuburile de instalatii sunt dispuse împreuna atat conductele pentru apa, gaz cat și cele de termoficare, prezentand un mare risc in caz de avarie.

Un raport intitulat "Copiii privati de libertate in Europa Centrala si de Est" [8], care a fost publicat de mai multe ONG-uri in 2014, a declarat urmatoarele despre centrele de detentie generale din Romania:

Principalele probleme identificate in institutiile de detentie: (...) centrele de detentie din Romania sunt inca afectate de probleme serioase. Ele nu se incadreaza in standardele Curtii Europene a Drepturilor Omului (CEDO), ale Comitetul European pentru Prevenirea Torturii si a Tratatelor Inumane sau Degradande (CPT), ceea ce duce in multe cazuri la grave incalcari ale drepturilor omului:

* Conditii de detentie: Una dintre cele mai grave probleme in ceea ce priveste conditiile de detentie este faptul ca inchisorile din Romania sunt grav supraaglomerate (putin peste 2mp pe persoana). O alta problema generala in ceea ce priveste conditiile de detentie este ca toate camerele sunt frecvent neigienizate si se afla intr-o stare deplorabila. (...)

* Ingrijirea sanatatii: Asistenta medicala este foarte problematica in institutiile de detentie din Romania. Una dintre principalele probleme este lipsa acuta a personalului de specialitate. Fondurile alocate (de la bugetul de stat si din asigurarile sociale) sunt insuficiente pentru nevoile sistemului penitenciar iar o problema majora o reprezintă si lipsa medicamentelor vitale. Problemele de sanatate mintala sunt presante, mai ales ca in cele mai multe penitenciare nu exista psihiatri. Atunci cand este nevoie de unul, penitenciarele trebuie sa se adreseze fie unei alte inchisori, fie in afara sistemului de detentie.

Cazurile lui Dan si Alexander Adamescu: Procese echitabile?

Dan Adamescu a fost un om de afaceri german, nascut in Romania, care in 1979 a emigrat in Germania si s-a intors in tara in anii '90. El a investit timp, bani si efort in sprijinirea ziarului 'Romania Libera', un ziar national de top, infiintat in 1877. Sub conducerea sa aceasta publicatie renumita a expus in mod constant actele de coruptie ale multor lideri aflati in pozitii de conducere la nivel national.

Aparator al valorilor democratice si al statului de drept, ziarul 'Romania Libera' a fost extrem de critic la adresa elitelor post-comuniste din Romania, serviciilor de securitate,

Partidului Social Democrat - PSD (partidul succesor al Partidului Comunist din epoca Ceausescu) si a liderului sau, premierul Victor Ponta - care a detinut functia din mai 2012 pana in noiembrie 2015. ‚Romania Libera’ a criticat in mod regulat PSD pentru actele de coruptie extinsa, nepotism si lacomie. Acest lucru a transformat atat ziarul cat si pe Dan Adamescu in tinte ale persecutiei membrilor puternici ai elitei conducatoare din PSD.

Ziarul a criticat, de asemenea, implicarea serviciilor de informatii din Romania in functionarea sistemului judiciar in 2015. Exista dovezi puternice ca, in timpul detinerii functiei de premier, Ponta a ordonat, personal, actiuni impotriva lui Dan Adamescu privind sanctionarea acestuia pentru luare de mita (în valoare de 20.000 euro), printre altele, ca pedeapsa pentru o prezentare in presa mai puțin flatanta. Dan Adamescu a fost arestat de catre politia mascata anti-terorista, care l-a pus sa isi arate catusel in fata camerelor TV, fiind tratat mai rau ca un criminal si a fost declarat vinovat de catre judecător încă din prima zi a procesului sau. Acesta a fost un proces spectaculos de rapid, care a dus la condamnarea lui Adamescu la o pedeapsa cu inchisoarea de patru ani si patru luni, pe baza unui singur denunt al unui martor corupt. In mod ironic, mai târziu, dupa ce se pare ca a cazut din gratiile atât a DNA cat si a SRI, insusi Ponta a fost urmarit penal de DNA, având la baza acuzatii de coruptie (fals, spalare de bani si evaziune fiscala). Dan Adamescu inainte sa moara in spital, isi ispasea pedeapsa in inchisoare in conditiile de detentie ingrozitoare care au fost descrise mai sus.

De la arestarea sa, Dan Adamescu a experimentat în mod direct brutalitatea inchisorilor din Romania. In mai multe randuri i-a fost refuzat tratamentul medical adecvat, de catre autoritatile romane, in ciuda solicitarilor repetate ale avocatul sau si a Societatii de Drept din Anglia si Wales. El s-a prabusit de doua ori de la incarcerarea sa din mai 2016. A avut un soc septic in ziua de Crăciun, la finalul anului 2016, si a fost sub terapie intensiva si dializa, iar medicii s-au luptat pentru viata lui. Cererea sa de eliberare conditionata a fost respinsa in mod repetat in instanta de judecata. In cele din urma a murit pe 24 ianuarie 2017.

Fiul lui Dan Adamescu, Alexander Adamescu, un cetatean german si dramaturg in devenire, traieste in Londra impreuna cu sotia sa si cei trei copii. El este acuzat de catre Directia Nationala Anticoruptie din Romania (DNA) cum ca ar fi comis exact aceleasi fapte pentru care tatal sau a fost condamnat, avand la baza exact aceleasi probe. Instantele din Romania au emis doua mandate de arestare nationale impotriva lui Alexander Adamescu: un prim mandat la 4 mai in 2016, care a fost anulat pe 19 mai si un al doilea mandat de arestare, care a fost emis in aceeasi zi de 19 mai 2016 si apoi transformat într-un mandat european de arestare la 06 iunie 2016. Alexander Adamescu a fost arestat la Londra, la data de 13 iunie si in prezent se confrunta cu extradarea in Romania.

Este semnificativ faptul ca un mandat european de arestare a fost emis numai dupa ce Alexandru a protestat in legatura cu modul in care tatal sau a fost tratat si după ce a angajat avocați, care sa inceapa procedurile de arbitraj împotriva guvernului roman care a confiscat și lichidat, din motive politice, încă una dintre companiile tatălui sau. Înainte de a-si prezenta criticile împotriva Guvernului Roman, Alexandru nu fusese cercetat în vederea arestarii.

Cazul lui Alexander Adamescu': incalcari ale legislatoei romanesti si internationale

Doua mandate de arestare, care contin incalcari grave ale principiilor de drept national si internațional, au fost emise pe numele lui Alexander Adamescu:

- DNA nu l-a acuzat pe Alexander Adamescu in iunie 2014, cand cazul a fost adus in fata instantei de judecată impotriva tatalui sau. Dosarul a fost reactivat abia in

septembrie 2015, după ce Alexander Adamescu a angajat avocați care au dat în judecata statul român.

- În ciuda unei lungi inactivități de aproape doi ani, la 25 martie 2016, procurorul-sef Laura Codruta Kovesi, a anunțat brusc, în direct la TV, intenția DNA de a-l aresta pe Alexandru Adamescu, numindu-l fugar și „o amenințare la adresa ordinii publice”, conform observațiilor DNA. Kovesi a mai declarat că agenția ei știa unde se afla, dar apoi, în aceeași zi, a solicitat instanței ca procedura de mandat de arestare să fie accelerată, deoarece locul acestuia nu era cunoscut.

- Pentru prima audiere în mandatul de arestare din 4 mai 2016, Alexandru Adamescu a fost citat prin intermediul unor adrese de e-mail, care nu îi aparțineau, și prin apel la numere telefonice, care, desigur, erau incorecte.

- În hotărârea emisă la 4 mai 2016, judecătorul Malaliu a copiat și inserat raportul DNA bazându-se decizia de a-l aresta Alexander Adamescu urmând rationamentul DNA, conform căruia acesta trebuie să fie vinovat pentru infracțiunile pentru care a fost acuzat.

- În apelul din 19 mai 2016, după ce judecătoarea Nita a făcut cunoscut faptul că a intenționează să anuleze primul mandat de arestare din motive procedurale, un al doilea judecător, Matei, a fost desemnat imediat pentru a re-judeca mandatul de arestare fără o alocare aleatorie, garantată de dreptul procedural român și înainte de a fi publicată hotărârea judecătorului Nita.

- Audierea a fost programată pentru 19 mai 2016, la ora 13:30. Actele au fost tipărite la ora 13:00, dar înregistrate ca fiind depuse la ora 11:00, de către un agent juridic.

- Alexander Adamescu a fost somat la ora 13:00, în fața sălii de judecată, având termen să apară în fața instanței în jumătate de ora.

- Audierea a început la 14:40 și s-a încheiat între 15:10-15:20. La 15:40 Curtea a trimis un fax Poliției Municipiului București cu ordinul de arest. Judecătorul Matei a avut mai puțin de o jumătate de ora pentru a citi dosarul, care conține mii de pagini, a delibera la argumentele ambelor părți și a trimite sentința Poliției București.

- Sentința judecătorului Matei a fost transmisă imediat mass-media de către autoritățile române. La 17:06 noul mandat de arestare lui Alexander Adamescu a apărut pe un site de știri.

- recursul lui Alexander Adamescu privind al doilea mandat de arestare, a fost respins la 25 mai în 2016 de către judecătorul Ghena, pe motiv că o măsură mai puțin severă ar determina o reacție negativă puternică în rândul opiniei publice.

Mandatul de arestare al lui Alexander Adamescu a fost emis cu o încălcare flagrantă a dreptului la un proces echitabil, fiind o acțiune împotriva statului de drept. În primul rând, DNA a creat imaginea unui fugar periculos, care ar fi în mod atât de evident vinovat, încât arestarea lui a fost necesară pentru a proteja publicul de persoana sa. Apoi, instanțele din România au acceptat această acțiune a DNA, necondiționat și în totalitate, fără a încerca nici măcar să dea aparența de desfășurare a unui proces echitabil.

Graba cu care Curtea de Apel a manevrat situația în ziua de 19 mai 2016 pare să indice faptul că întregul scop al procedurii a fost acela de a-l aresta neapărat pe Alexandru Adamescu. Într-o serie fără precedent de încălcări ale drepturilor sale fundamentale, i-a fost refuzat un judecător independent, nu a fost chemat la procesul său și i s-a dat un verdict, care a fost pus în executare atât de rapid, încât pare că a fost hotărât înainte de a fi început judecarea procesului. Scurgerea imediată a unor informații către mass media

cu privire la mandatul sau de arestare, a dovedit ca lui Alexandru Adamescu nu i s-a permis sa fie un om liber, chiar daca acest lucru a insemnat incalcarea legii.

Cazul lui Alexandru Adamescu arata discrepanta dintre progresul retoric al Romaniei de a deveni un stat democratic si liberal, angajat intr-un sistem judiciar independent, si realitatea cruda cu care se confrunta cetatenii sai. Este emblematic pentru adevarata natura a unora dintre cazurile anticoruptie laudate ale Romaniei, care confera acoperire pentru opresiunea vocilor disidente, stabilirea unor scoruri politice, a raidurilor economice și a asasinarii personajelor vociferante. Pentru o schimbare reala, atat comunitatea internationala, cat si cei cu puterea de a adopta reformele judiciare de urgenta, necesare in Romania, trebuie sa ia in considerare toate aceste probleme.

Cazul impotriva familiei Adamescu poarta toate semnele distincte ale urmaririi penale cu motivatie politica. New York Times clasifica relele tratamente din Romania impotriva lui Dan Adamescu, ca un exemplu al modului in care o "campanie anti-coruptie s-a transformat rapid intr-o cruciada ne-liberala". [9] Faptul ca exista amenintarea ca fiul acestuia sa se confrunte cu o soarta similara cu cea a tatalui sau, solicita o atentie imediata asupra mandatului european de arestare emis de statul roman.

Read this article in English below: UPDATED: Detention Conditions in Romania under fire

Updated: Detention conditions in Romania under fire

On the eve of Dan Adamescu's decease during his detention, a team of Human Rights Without Frontiers was on a fact-finding mission in Bucharest last week

HRWF (30.01.2017) - Despite a blossoming reputation as a rule of law country, Romania continues to be a prolific human rights abuser. In 2015 alone, the ECtHR delivered 72 judgments (each citing at least one violation) against Romania, the highest number of any EU member state. Among the 47 member states of the Council of Europe, Romania ranked the third highest human rights abuser after the Russian Federation (109 judgments) and Turkey (79 judgments). (1)

Worryingly, 27 of those violations in Romania were for inhumane or degrading treatment (Article 3), with many relating to the appalling conditions and treatment in Romanian prisons (2). In 13 cases, the violations were due to the lack of effective investigation and in 13 other cases to the lack of a fair trial.

Prisons are overcrowded in Romania: eight of them have an occupancy rate of over 200%, and the average occupancy rate in local prisons is of some 150%. If Romania doesn't solve this problem, the European Court of Human Rights may rule that the country must pay compensations to all inmates for each day of detention in improper conditions. These compensations would amount to some EUR 80 million per year.

Reports on detention conditions in Romania

The decease of Dan Adamescu (68) while in detention sheds once again some tragic light on the appalling prison conditions in Romania which have been denounced year after year:

- By the European Court of Human Rights at the UN Universal Periodic Review in 2013 (<https://www.upr-info.org/en/review/Romania/Session-15---January-2013/Civil-society-and-other-submissions#top>)
- In the US Department Report in 2015 (<https://www.state.gov/j/drl/rls/hrrpt/2015/eur/252891.htm>)
- By Romania's Ombudsman in his 2015 report (http://www.avp.ro/index.php?option=com_content&view=article&id=51&Itemid=77&lang=en)
- By the Committee of Prevention of Torture at the Council of Europe in 2015 (<http://www.cpt.coe.int/documents/rom/2015-31-inf-fra.pdf>)

U.S. Department of State Report 2015

In the section entitled "Torture and other cruel, inhuman, or degrading treatment or punishment", the U.S. Department of State stressed that "there were reports from nongovernmental organizations (NGOs) and the media that police and gendarmes mistreated and abused prisoners, pretrial detainees, Roma, and other citizens, primarily through the use of excessive force, including beatings. The media reported such cases in Bucharest, Vinga, Botosani, Braila, Arad, and other localities. In most cases the police officers involved were exonerated." And it also stated that:

A report of the Association for the Defense of Human Rights-Helsinki Committee (APADOR-CH) on the situation in Racos, Brasov County, where a Romani community of more than 1,200 persons was located was endorsed by the U.S. Report as follows: "Community members complained that police had terrorized and repeatedly beaten them over the previous three years and that the Brasov prosecutor's office had handled their complaints improperly, closing all cases. APADOR-CH criticized the failure of law enforcement authorities to investigate the situation thoroughly in Racos and take appropriate countermeasures. A subsequent report by APADOR-CH in August revealed that, of the 3,034 abuse complaints filed against police between 2012 and 2014, 14 went to court and the courts convicted police officers for abusive behavior in four of these cases.

In the section "Prison and detention center conditions", the U.S. Report reads as follows:

Prison conditions remained harsh and did not meet international standards. The abuse of prisoners by authorities and other prisoners reportedly continued to be a problem.

Physical Conditions: According to official figures, overcrowding was a problem, and some prisons did not meet the standard of 43 square feet per prisoner, as set by the Council of Europe's Committee for the Prevention of Torture.

According to a report by the National Administration of Penitentiaries, 502 persons died in prisons in between 2010 and 2014, of whom 425 died due to medical conditions, 73 committed suicide, three were killed, and one died from choking on

food. As of the end of September, several deaths had occurred in prisons. On September 7, a teenager died after his cellmate severely beat him in pretrial detention in Tichilesti penitentiary. The deaths of two prisoners in the penitentiaries in Craiova and Colibasi were also reported.

According to media and NGO reports, guards assaulted prisoners and at times prisoners assaulted and abused fellow inmates.

Some prisons provided insufficient medical care, and food quality was poor and sometimes insufficient in quantity. In some prisons the heating and ventilation were inadequate, and there was poor lighting. APADOR-CH and the Association for Human Rights and People Deprived of Freedom reported that most prisons were overcrowded and noted inadequate conditions in some prisons, including insufficient medical care, poor food quality, mold in kitchens and cells, understaffing, an insufficient number of bathrooms, poor hygiene, insects, an insufficient number of doctors (including no psychologists in some prisons), lack of work, and inadequate educational activities. APADOR-CH also criticized the lack of adequate treatment with substitute substances for former drug addicts.

APADOR-CH stated that most police pretrial detention facilities had inadequate conditions. Such facilities were often located in basements and had no natural light or sanitary installations. In some pretrial facilities and prisons, there was no possibility for confidential meetings between detainees and their families or attorneys.

As of May the ECHR issued 16 rulings against the state, which had to pay compensation of 85,540 euros (\$94,100) for poor prison conditions and inhuman and degrading treatment in prisons.

Administration: Independent authorities did not always investigate credible allegations of inhuman conditions.

On March 24, the European Court of Human Rights (ECHR) issued a ruling against the country for failing to conduct an effective investigation into the 2007 death of Ionel Garcea, a prisoner with psychiatric problems in the Rahova hospital prison. After Garcea repeatedly complained that prison guards assaulted him, he hammered nails into his own head in protest, and authorities hospitalized him several times after he was diagnosed with a psychiatric disease and other medical problems. He also tried to commit suicide and refused to take medicine. He died a month after surgery to remove a nail from his head. Investigations are still pending in the case.

Universal Periodic Review (2013)

In 2013, a NGO made a submission to the Universal Periodic Review covering, among other issues, inhuman and degrading treatment and detention conditions:

1. Romania continues to offer an inadequate response measures in the eradication and prevention torture. In accordance with its commitments from the date of 07.05.2012, should have been instated national prevention mechanism in

accordance with OPCAT in collaboration between the Ombudsman and civil society. More than that, Reform aimed at the Ministry of Justice (by "coup d'etat by the parliament" which has caused political dismissal of PDL team of the government) on the implementation of recommendations contained in the report of the Committee for the prevention of torture european released to the public on the date of 24.11.2011 (CPT/INF(2011)31, and the reply to the procedure whether asserted by legal proceedings issued by the European Court of Human Rights (ECHR (the case Jacob Stanciu 35972/05) at the beginning of the year 2010 will emphasize the system dysfunctions related to overpopulation in detention, precarious conditions of hygiene, absence or unsteadiness medical care (the cases Bragadireanu, Al-Agha, Marian Marinescu, Jiga, Ogica, Racareanu, Iamandi, Ciupercescu, Dimakos, Florea, Coman, Marcu, Cucolas, grozavu, Ali, Porumb, Dobri, Colesnicov) etc., the nature of the laws in the field of disruption of execution of the sentence (cause Ahron Schwarz). There is also the lack of concern of executive power for the construction of modern establishments and delaying inclusion public-private partnership in the mechanism of outsourcing some of the services and independent activities intended to ensure detainees' conditions that satisfy human dignity. Serious problems of penitentiaries are added and the application of precarious measures for the protection of detainees to the no smoking active with all that Romania has ratified the 2006 framework Convention for the control of OMS tabacului. With all that Romania was condemned in 2010 by the European Court in the case Florea (37186/03) to passive smoking in conditions of detention, after which they followed and other sentences, the Parliament of Romania has adopted in 2011 national law profile, being exempted for the penalties no smoking in the rooms of the detention.

2. Police lock-ups have characteristics which affect human dignity by conditions which may be assimilated with torture: police lock-ups are so arranged during the communist regime in the basement of the police headquarters, the rooms are small, with group health without division, with small windows which are doubled with metal site to access natural light and ventilation with insufficient ventilation, by the route aisles are arranged the pipes to transport water, gas, heat which present a hazard in the event of damage.

A report entitled "Children deprived of liberty in Central and Eastern Europe"[\[8\]](#) which was published by several NGOs in 2014 said the following about the general detention facilities in Romania:

Main issues identified in criminal justice detention facilities: (...) Romanian detention facilities are still plagued with serious problems. They fall short of the European Court of Human Rights (ECtHR) and European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) standards, leading in many instances to serious human rights violations:

* *Detention conditions:* One of the most serious problems regarding detention conditions is that Romanian prisons are severely overcrowded (a little over two square metres per person). Another general problem regarding detention conditions is that rooms are frequently unhygienic and in a deplorable condition. (...)

* *Health care*: Access to health care is very problematic in Romanian detention facilities. One of the main issues is the severe understaffing in health care units. Assigned funds (state budget and social insurance) are insufficient for the needs of the prison system, and a major problem in many penitentiaries is the lack of vital medication. Mental health issues are particularly pressing because in most penitentiaries, there is no psychiatrist. In practice, when a psychiatrist is needed, penitentiaries have to refer to a psychiatrist either from another penitentiary or from outside the prison system.

The cases of Dan and Alexander Adamescu: Fair trials?

Dan Adamescu, a German businessman of Romanian birth who emigrated to Germany in 1979 and went back to Romania in the 1990s. He invested time, money and effort in supporting *România Liberă*, a leading national newspaper originally established in 1877. Under his stewardship, this popular outlet consistently uncovered and exposed the corruption of many in national positions of authority.

Championing democratic values and the rule of law, *România Liberă* was highly critical of Romania's post-Communist elites, the security services, the Social Democratic Party, or "PSD" (the successor party to the Communist Party of the Ceaușescu era), and its leader, the Romanian Prime Minister Victor Ponta who held office from May 2012 to November 2015. *România Liberă* regularly criticized the PSD for the extensive corruption, nepotism and greed that plagued its ranks. This rendered both the newspaper and Dan Adamescu a target for persecution by powerful members of the ruling elite and the PSD.

The newspaper also criticized the involvement of the Romanian Intelligence Services in the functioning of the judiciary in 2015. There is strong evidence that, during his time in office, Ponta personally ordered the proceedings against Dan Adamescu on bribery charges of 20.000 Euros, amongst other things, as retribution for the paper's unflattering press coverage. Dan Adamescu was arrested by masked anti-terror police, paraded in handcuffs in front of TV cameras, brandished a criminal on TV, and declared guilty by the sitting judge on the first day of his trial. A swift show trial resulted in Adamescu being sentenced to a prison term of four years and four months on the basis of a single denunciation by a tainted witness. Ironically, Ponta himself was later prosecuted by the DNA on unrelated corruption charges (forgery, money laundering and tax evasion) after he apparently fell out of favor with both the DNA and the SRI. Dan Adamescu, before dying in hospital, was serving his prison term in the appalling detention conditions that have been described above.

Since his arrest, Dan Adamescu experienced the brutality of Romanian prisons first-hand. On multiple occasions he was refused adequate medical treatment by the Romanian authorities despite repeated requests from his counsel, and the Law Society of England and Wales¹⁶. He collapsed twice since his incarceration in May 2016. He had a septic shock on Christmas Day 2016 and was under intensive care and dialysis, with doctors fighting for his life. His request for conditional release was repeatedly refused in court. He finally died on 24th January 2017.

The son of Dan Adamescu, **Alexander Adamescu**, a German citizen and budding playwright, lives in London with his wife and three young children. He is accused by Romania's National Anticorruption Directorate (DNA) of committing precisely the same

crimes for which his father was convicted and based on exactly the same evidence, i.e. one tainted prosecution witness. Romanian courts issued two national arrest warrants against Alexander Adamescu: a first warrant on 4 May 2016 which was cancelled on 19 May and a second arrest warrant that was issued on the very same day, 19 May 2016 and then converted into a European Arrest Warrant on 6 June 2016. Alexander Adamescu was arrested in London on 13 June and faces extradition to Romania.

It is significant that an EAW was issued only after Alexander protested at the treatment of his father and instructed lawyers to file arbitration proceedings against the Romanian government for the politically motivated seizure and liquidation of another one of his father's companies. Prior to raising his vocal criticism of the Romanian government, Alexander was not actively pursued for arrest.

Alexander Adamescu's case: Violations of Romanian and international law

Alexander Adamescu's two arrest warrants were issued in gross violations of key tenets of Romanian and international law:

- The DNA did not charge Alexander Adamescu in June 2014 when the case was brought to trial against his father, but reactivated the file only in September 2015 after Alexander Adamescu engaged lawyers who sued Romania.
- Despite an almost two-year long inactivity, Chief-prosecutor Laura Kovesi suddenly announced the DNA's intention to arrest Alexander Adamescu on live TV on 25 March 2016 calling him a fugitive and a threat to public order in the DNA's submissions. Kovesi also declared that her agency knew where he was, but then on the same day wrote to the court to demand that the arrest warrant procedure be speeded up since his whereabouts were not known.
- For the first arrest warrant hearing on 4 May 2016, Alexander Adamescu was summoned via e-mail addresses that were not his and by calling phone numbers that were admittedly incorrect.
- In his judgement issued on 4 May 2016, Judge Malaliu copied and pasted the DNA report, grounding his decision to arrest Alexander Adamescu on the DNA reasoning that he must be guilty for the offences for which he was charged.
- On appeal on 19 May 2016, after Judge Nita made it known that she intended to cancel the first arrest warrant on procedural grounds, a second judge, Judge Matei, was immediately assigned to re-judge the arrest warrant without the safeguard of random allocation as guaranteed by Romanian procedural law and before Judge Nita's judgement had been published.
- The hearing was scheduled for 1.30 pm on 19 May 2016. The paper was printed at 1pm but pre-dated by a court agent to have been filled out at 11 am.
- Alexander Adamescu was summoned at 1pm on the court door to appear in half an hour in front of the court.
- The hearing began at 2.40 pm and closed at between 3.10-3.20 pm. At 3.40 pm, the Court sent a fax of the arrest order to the Municipal Police of Bucharest. Judge Matei had no more than half an hour to read the case file containing thousands of pages, deliberate on the arguments of the parties, write down his sentence and have it sent to the Bucharest Police.

- Judge Matei's sentence was immediately leaked to the media by the Romanian authorities. At 5.06 pm Alexander Adamescu's new arrest warrant appeared on a news website.
- Alexander Adamescu's appeal on the second arrest warrant was rejected on 25 May 2016 by Judge Ghena on the grounds that a more lenient measure would determine a strong negative reaction among the public opinion.

Alexander Adamescu's arrest warrant was issued with a blatant disregard for due process and the rule of law. First, the DNA created the image of a dangerous fugitive at large who is so obviously guilty that his arrest was needed to protect the public from his person. Then the Courts in Romania unconditionally, and in full, accepted this account of the DNA, without even trying to give the semblance of granting him a fair trial.

The haste with which the Court of Appeals, on 19 May 2016 turned the matters around would appear to show that the whole purpose of the exercise was to arrest Alexander Adamescu no matter what. In an unprecedented series of breaches of his fundamental rights, he was denied an independent judge, not summoned to his trial, and handed a decision that was implemented so rapidly that it could only have been taken before his trial had started. The immediate leaking of his arrest warrant to the Romanian media showed that Alexander Adamescu was not allowed to be a free man even if this meant dispensing with the law altogether.

Alexander Adamescu's case is totemic of the vast gulf between Romania's rhetoric on its progress towards becoming a liberal democracy committed to an independent judiciary and the stark reality faced by its citizens. It is emblematic for the true nature of some of Romania's praised anti-corruption cases which provide cover for the oppression of dissenting voices, political score settling, economic raids and outright character assassinations. For there to be real change, both the international community and those with the power to enact the urgently needed judicial reforms in Romania must finally take heed of this.

The case against the Adamescus bears all the hallmarks of a politically motivated prosecution. The New York Times cites Romania's treatment of Dan Adamescu as an example of how the state's "anti-corruption campaign has rapidly metastasized into an illiberal crusade". [9] The added threat of his son facing a similar fate, calls for immediate attention to the bogus EAWs put forth by Romania.

Leading businessman Dan Adamescu dies in prison

Leading Romanian businessman Dan Adamescu has become the latest victim of Romania's "failing" penal and judicial system.

By Martin Banks

Eurereporter (25.01.2017) - <http://bit.ly/2kvVWX2> - Adamescu was serving a four year sentence for alleged bribery but had been seriously ill for some time and died in a hospital in Bucharest, aged 68.

A leading campaign group says Adamescu should have been released from prison both on health and age grounds and the case highlights a "total breakdown in the rule of law" in the country.

Willy Fautre, director of the Brussels-based NGO Human Rights Without Frontiers (HRWF), says the EU has an important role in such matters and should "closely monitor" the situation in Romania.

He told this website: "This is not an isolated case. I was in Romania last week and personally saw the huge public demonstrations about this issue."

Adamescu, whose fortune was estimated by Forbes at €550m, had asked judges in late 2016 to let him get out of jail sooner because of his age and due to the fact that he was already investigated while in preventive arrest. However, the court rejected his request.

A German citizen of Romanian origin, he founded the Nova Group (TNG), which holds stakes in Romanian real estate like the InterContinental Hotel Bucharest and Unirea Shopping Centre.

In May 2014, he was imprisoned and sentenced to four years and four months on charges of bribery and corruption after what is widely seen as a show trial in February 2015. He vehemently denied the accusation and his family now say that the conditions in which he was held, and lack of medical care afforded to him, contributed to his death.

His son, Alexander Adamescu, has been fighting to clear his father's name, says he has also become a target for the Romanian authorities who are requesting his extradition and incarceration.

London-based Alexander said: "My sadness at this time is tinged with anger directed towards the Romanian state, whose persecution of my father caused his death. My father was vilified, haunted and assassinated to satisfy Romania's thirst for trophies in its ill-conceived anti-corruption mania. Now my turn has come to face the same fate. The trial and imprisonment on trumped-up charges left my father facing not only a justice system which blatantly failed to guarantee him a fair trial but also a prison system which is in breach of fundamental human rights."

Fautre, whose organization highlights human rights abuses around the world, said Adamescu's death while in detention "sheds once again some tragic light on the appalling prison conditions" in Romania which, he says, have been denounced "year after year" by the European Court of Human Rights.

He said "negative reports" on the state of the penal and judicial system in Romania have also been issued since 2013 by the Strasbourg-based Council of Europe's Committee of Prevention of Torture and the U.S State Department.

Similar concern has been expressed by Romania's Ombudsman in his 2015 report.

Fautre added: "Adamescu was known to be in very bad health but his requests for an early release were disregarded by the authorities. Prisons are overcrowded in Romania: eight of them have an occupancy rate of over 200%, and the average occupancy rate in local prisons is of some 150%."

If Romania does not solve the problems, the European Court of Human Rights has said it will rule that the country – a member of the European Union – must pay compensations to all inmates for each day of detention in improper conditions.

These compensations would amount to some € 80 million per year.

Fautre went on: "Given his condition, Adamescu should not have been kept in detention and our NGO considers that the EU should closely monitor the respect of fundamental human rights in Romania."

According to research, Romania is the European country with the highest number of its expats in prison in the EU (11,511).

In July 2016, prison protests spread across Romania as inmates expressed their dissatisfaction with poor conditions.

Romanian jails still fall below European standards, with overcrowding, inadequate medical attention and poor diet remain the main problems, according to activists. Its jails are said to still have inadequate hygiene conditions, with insufficient access to warm water, insufficient sanitary facilities, insufficient natural lighting and ventilation, and poor food quality.

A Council of Europe source said: "The Adamescu case illustrates the failing penal and judicial system in Romania."

Alexander Adamescu says that, despite his failing health, his father fought "injustices to the end".

He added: "As a family, we are determined to continue the fight to make the truth know, restore his legacy and bring an end to the oppression of basic freedoms in Romania."

Businessman and newspaper owner, Dan Adamescu aged 68, dies during his detention in Romania



Press release by Adamescu family

(24.01.2017) Businessman and owner of the *Romania Libera* newspaper Dan Adamescu has died in a hospital in Bucharest following mistreatment by the Romanian state. He was 68.

A German citizen of Romanian origin, Dan Adamescu was the founder of The Nova Group (TNG), which holds stakes in prized Romanian real estate like the InterContinental Hotel Bucharest and Unirea Shopping Center.

Dan Adamescu financed *Romania Libera* after its relaunch as independent newspaper in 1990. The newspaper is one of the oldest in Romania, founded in 1877. Since the fall of communism, it has been a staunch supporter of democracy, the rule of law and has continually exposed corruption in Romanian politics and bureaucracy.

In May 2014, Mr Adamescu was imprisoned in Romania, and sentenced to four years and four months on charges of bribery and corruption after a swift show trial in February 2015, which he and his family vehemently denied. His family say that the conditions in which he was held, and the lack of medical care afforded to him, contributed to his early death.

The Adamescu family contends that Dan was falsely convicted on trumped up charges because the Romanian state wants to control the newspaper and expropriate TNG's businesses.

His son, Alexander Adamescu, has been fighting for justice for his father and has also become a target for the Romanian authorities who are requesting his extradition and incarceration.

Speaking from his London home, from which he faces extradition to Romania on precisely the same corruption charges for which his father was wrongly convicted, a devastated Alexander Adamescu says:

"My sadness at this time is tinged with anger directed towards the Romanian state, whose persecution of my father caused his death. He has been vilified, haunted and assassinated to satisfy Romania's thirst for trophies in its ill-conceived anti-corruption mania. And now my turn has come to face the same fate.

"Romania's attempts to control the *Romania Libera* newspaper, the coordinated destruction of the Astra insurance business which he built and his arrest, trial and imprisonment on trumped-up charges, left my father facing not only a justice system which blatantly failed to guarantee him a fair trial but also a prison system which is in breach of fundamental human rights.

"Despite his failing health, he fought these injustices to the end. As a family, we are determined to continue the fight to make the truth known, restore his legacy and bring an end to the oppression of basic freedoms in Romania."

In conclusion, Alexander Adamescu said:

"The appalling treatment of my father demonstrates the total breakdown of the rule of law and due process in Romania, and the vindictive persecution that its government authorities have inflicted upon him. Should the UK ignore my, and many others' warnings, about the parlous state of justice in Romania and fail to prevent my unlawful extradition, it is inevitable that I will be subject to the same persecution and abuse that claimed my father's life."

Detention conditions in Romania under fire

HRWF (25.01.2017) - Despite a blossoming reputation as a rule of law country, Romania continues to be a prolific human rights abuser. In 2015 alone, the ECtHR delivered 72 judgments (each citing at least one violation) against Romania, the highest number of any EU member state. Among the 47 member states of the Council of Europe, Romania ranked the third highest human rights abuser after the Russian Federation (109 judgments) and Turkey (79 judgments). (1)

Worryingly, 27 of those violations in Romania were for inhumane or degrading treatment (Article 3), with many relating to the appalling conditions and treatment in Romanian prisons (2). In 13 cases, the violations were due to the lack of effective investigation and in 13 other cases to the lack of a fair trial.

Prisons are overcrowded in Romania: eight of them have an occupancy rate of over 200%, and the average occupancy rate in local prisons is of some 150%. If Romania doesn't solve this problem, the European Court of Human Rights may rule that the country must pay compensations to all inmates for each day of detention in improper conditions. These compensations would amount to some EUR 80 million per year.

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The death of Dan Adamescu (68) while in detention sheds once again some tragic light on the appalling prison conditions in Romania, of which have been denounced year after year:

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U.S. Department of State Report 2015

In the section entitled "Torture and other cruel, inhuman, or degrading treatment or punishment", the U.S. Department of State stressed that "there were reports from nongovernmental organizations (NGOs) and the media that police and gendarmes mistreated and abused prisoners, pretrial detainees, Roma, and other citizens, primarily through the use of excessive force, including beatings. The media reported such cases in Bucharest, Vinga, Botosani, Braila, Arad, and other localities. In most cases the police officers involved were exonerated."

Romania's Ombudsman Report

This report comprises several hundreds of pages.

In Chapter V "Medical assistance provided to detainees in prisons and detention and remand centres", the People's Advocate of Romania states "In certain prisons, there was a deficit of medical staff, either through lack of general practitioners, dentists, psychiatrists, psychologists or by the shortage of general practitioners or the shortage of nurses."

In Chapter VII devoted to death, suicide and physical assaults, the report states:

"The investigations conducted by the representatives of the People's Advocate institution revealed that one of the causes of death was suicide, usually by hanging. Three cases were registered at Galati Penitentiary, one case on Craiova, Codlea, Aiud, Bacau, Tulcea Penitentiaries.

Regarding the medical conditions in prisons, there was a predominance of deaths from cardiorespiratory insufficiency, heart attack while other deaths were caused by hepatitis, infection diseases, pneumonia, HIV/AIDS, decompensated cirrhosis, broncho-pneumonia, etc."

UN Universal Periodic Review: NGO submission (2013)

"Police lock-ups have characteristics which affect human dignity by conditions which may be assimilated with torture: police lock-ups are so arranged during the communist regime in the basement of the police headquarters, the rooms are small, with group health without division, with small windows which are doubled with metal site to access natural light and ventilation with insufficient ventilation, by the route aisles are arranged the pipes to transport water, gas, heat which present a hazard in the event of damage...

...Access to health care is very problematic in Romanian detention facilities. One of the main issues is the severe understaffing in health care units. Assigned funds (state budget and social insurance) are insufficient for the needs of the prison system, and a major problem in many penitentiaries is the lack of vital medication."

- (1) European Court of Human Rights, Statistics: "Violations by Article and by State 2015", [echr.coe.int](http://www.echr.coe.int), Accessed 08 November 2016, http://www.echr.coe.int/Documents/Stats_violation_2015_ENG.pdf
- (2) Ibid.

The European Arrest Warrant and Human Rights in Romania

HRWF (17.01.2017) - The European Arrest Warrant (EAW) is an important tool in combating serious cross-border crime. An efficient system of extradition within the European Union is needed, especially to fight terrorism successfully. However, functioning inter-state cooperation in judicial matters inside the EU must not be at the expense of basic principles of fairness and justice. Currently there are a number of flaws in the EAW system that need to be remedied if we want to avoid future cases of injustice and increased mistrust in the EAW. Such injustice and denunciation can be a result of a state failure to protect the basic rights of individuals when issuing EAWs. To ensure operational judicial cooperation, it is our responsibility as a collective group to be the watchdog for such cases that threaten this system. Regrettably, there are currently cases in which EAWs are being respected despite serious and well-founded human rights concerns. Such circumstances put the unifying judicial system in Europe at grave risk.

Romania is one of the countries that is problematic in this regard. The persistent lack of independence of the judiciary and the appalling detention conditions in Romania should be taken into consideration for the possible implementation of Recital 13 of the Preamble of the Framework Decision regulating the European judicial cooperation, which reads: **"No person should be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment."**

Apart from the mandatory and optional grounds for refusing to execute a warrant outlined in the EU Framework Decision (2002), many member states have enacted additional reasons related to human rights when refusing to respect a warrant, such as the risk of an unfair trial. That was the case a few years ago when Sweden refused to surrender a Romanian citizen to Bucharest. Now, it is the turn of the UK to take or not a similar decision concerning a Romanian request to extradite Alexander Adamescu, a German citizen living and working in London as a playwright. Concerns about fair trials and detention conditions in Romania are indeed based on solid facts.

Interference of the Romanian Intelligence Service in the judiciary

The interference in the work of the judiciary by some powerful external powers is a chronic disease that has expanded unabated over the years despite the resistance of some judges. One of the actors currently in the dock is the Romanian Intelligence Service (SRI).

Dana Girbovan, a judge at the Court of Appeal in Cluj-Napoca and president of the National Union of the Romanian Judges (UNJR), is spearheading the campaign of Romanian judges against the covert involvement of the SRI in the judiciary. Under the pretext of fighting corruption, the SRI has increased its influence to a point where the independence of the judiciary and the rule of law have become strongly questionable.

The scandal of the SRI's involvement in the judicial process became public in April of 2015. General Dumitru Dumbrava, the head of SRI's legal department, then stated in an interview¹ that the SRI would not "withdraw from the tactical field once the indictment was presented to the court" and that the SRI maintained its "(...) interest/attention until the final resolution of every case is reached". He also stated the SRI was profiling judges to detect patterns of criminal behavior, regardless of reported suspicion. This raised serious concerns about the independence of the whole Romanian judiciary as the SRI is prohibited by law to interfere with courts and prosecution.

At the SRI's 25th anniversary, Eduard Hellvig, the current SRI Director, made matters worse, by explaining² that magistrates had to be monitored "to avoid situations like in the past when the judges and prosecutors forgot on the road that they serve the Romanian State and had other preoccupations than to serve the Romanian State". The guest of honor at this event was General Iulian Vlad, the last head of Securitate, the former communist secret police.³

1 <http://www.juridice.ro/373666/dumitru-dumbrava-sri-este-unul-dintre-anticorpii-bine-dezvoltati-si-echipati-pentru-insanatosirea-societatii-si-eliminarea-coruptiei.html>

2 <http://www.evz.ro/hellvig-despre-implicarea-sri-in-justitie-serviciul-lucreaza-bine-dar-din-pacate-comunica-prost.html>

http://www.dcnews.ro/directorul-sri-eduard-hellvig-lamure-te-declara-ia-gen-dumbrava_476395.html

3 <http://www.flux24.ro/seful-securitatii-comuniste-invitat-special-la-aniversarea-sri/>

http://www.stiripesurse.ro/eduard-hellvig-noul-ef-al-sri-da-ordine-in-serviciu-de-fa-a-cu-florian-coldea_956664.html

<http://www.ziaristionline.ro/2015/05/24/monografia-sri-25-de-ani-lansare-extraordinara-la-bookfest-2015-cu-gen-iulian-vlad-virgil-magureanu-george-maior-florian-coldea-si-eduard-hellvig-foto/>

This affair has led to a variety of concerned comments by Romanian and foreign judges' organizations⁴ while the European Union seems hesitant to intervene in favor of the Romanian judiciary, fearing it would restrain the combat against corruption which was perceived as a success story until now.

In light of these statements and considering Romania's totalitarian history, **the National Union of the Romanian Judges (UNJR)** raised concerns about the independence of the judiciary system in Romania and asked the state institutions to clarify in a transparent manner the involvement of the SRI in the judiciary. However, for over a year the government has refused to publish the decisions of the Supreme Council of National Defense (CSAT) because they are classified as "state secret".

In parallel, the UNJR along with hundreds of individual judges petitioned **the Superior Council of the Magistracy (CSM)** - the judicial body with a constitutional duty to "guarantee the independence of the judiciary" - to defend the autonomy of the judiciary by clarifying publicly what General Dumbrava meant when he referred to the courts as a "tactical field" for the SRI. Unfortunately, the CSM failed to do so. The CSM received a classified reply from the SRI that it did not share with the UNJR, thereby further undermining people's confidence in courts and judges.

On 11 August 2015, **Romania Libera** revealed that magistrates in key positions had obtained doctoral degrees at the SRI Academy.⁵ This Academy is not only under the jurisdiction of the SRI but it is the school where future SRI officers and spies are trained. In the summer of 2015 the academy initiated a program with European funds to "train" a targeted group of 1,000 magistrates, out of which 500 had to be in leadership positions in courts or prosecutors' offices. Enrolling magistrates had to provide their personal information to the academy and at the end of the training they were evaluated by SRI Officers.

There are about 4,700 civil, criminal and administrative judges and 2,800 prosecutors in total in Romania. Therefore, having 1,000 judges and prosecutors trained by the SRI has an enormous impact on the judiciary. In order to understand the extent of the SRI's influence over Romanian judges and prosecutors, the UNJR asked the SRI Academy to provide the names of all magistrates that took part in any of its classes and trainings. The request was based on the law on access to public information but was ultimately rejected. Consequently, UNJR filed a lawsuit which is currently pending.

On 16 March 2016, the Paris-based Magistrates Association **MEDEL (Magistrats européens pour la Démocratie et les Libertés)** published a declaration entitled « Is Europe under Siege? », in which it stated:

⁴<http://www.unjr.ro/stiri/55-europeanmagistratesconcernedabouttheinfluenceofintelligenceagencyoverthejudiciaryprocessinromania.html> (May 23, 2015)

<http://unjr.ro/75-europeanmagistratesconcernedthattheinvolvementofthesecretservicesintheromanianjudiciaryprocesshasnotbeenclarifiedyet.html> (November 21, 2015)

<http://www.unjr.ro/comunicate-de-presa/90-medeldeclaratie-iseuropeundersiege.html> (March 12, 2016)

⁵ <http://www.romanalibera.ro/politica/institutii/magistrati-si-sefi-de-institutii-au-fost-facuti-doctori-de-generalul-politician-gabriel-oprea-388840>

In Romania, a general of the Romanian Intelligence Service (SRI) has admitted that the courts became "tactical fields" for this secret service, that all the judges are profiled using behavioural patterns and that this secret intelligence agency is currently "maintaining its interest/attention until a final court decision has been reached in each case".

This raises serious concerns about the integrity of the judiciary system as a whole, as well as the independence of the judges. In almost a year since this scandal erupted, the Romanian authorities have failed to clarify the involvement of SRI in the judiciary process. The SRI director stated publicly that this secret service agency is in partnership with the prosecutors to conduct criminal investigations, an activity that it is forbidden by the law. At the same time, invoking classified procedures and secret protocols, the Romanian authorities have failed to explain in a transparent way how they conducted the investigation to conclude that there are no undercover agents of any intelligence agencies among the magistrates.

In the context that SRI is part of the criminal investigation and it is also involved in the courts, corroborated with the failure of authorities to clarify transparently these matters, this raises serious doubts about the respect for basic human rights and the guarantee of a fair and just trial of any person accused by the state. The most recent attacks to the Romanian Constitutional Court, for ruling unconstitutional the article used by prosecutors to delegate SRI to conduct acts of penal investigation, confirms that there is an unhealthy involvement of SRI in the judiciary process.

The solution of the Romanian Government to fix this unconstitutional article in the law, by passing an emergency ordinance making SRI a "special organ" to conduct penal investigations, legalizes actually the involvement of a secret intelligence agency in the judiciary process which is undermining its independence. With SRI legally participating now in the penal investigation, and with SRI transforming the courts as their "tactical fields", profiling judges and "maintaining their interest/attention until a final court decision is been reached in each case", Romania is violating the human rights, independence of the judiciary, rule of law and separation of power principles.

Romania: Unfair trials and inhumane detention conditions

Despite a blossoming reputation as a rule of law country, Romania continues to be a prolific human rights abuser. In 2015 alone, the ECtHR delivered 72 judgments (each citing at least one violation) against Romania, the highest number of any EU member state⁶. Among the 47 member states of the Council of Europe, Romania ranked the third highest human rights abuser after the Russian Federation (109 judgments) and Turkey (79 judgments).

Worryingly, 27 of those violations in Romania were for inhumane or degrading treatment (Article 3), with many relating to the appalling conditions and treatment in Romanian prisons⁷. In 13 cases, the violations were due to the lack of effective investigation and in 13 other cases to the lack of a fair trial.

U.S. Department of State Report 2015

⁶ European Court of Human Rights, Statistics: "Violations by Article and by State 2015", [echr.coe.int](http://www.echr.coe.int), Accessed 08 November 2016, http://www.echr.coe.int/Documents/Stats_violation_2015_ENG.pdf

⁷ Ibid.

In the section entitled "Torture and other cruel, inhuman, or degrading treatment or punishment", the U.S. Department of State stressed that "there were reports from nongovernmental organizations (NGOs) and the media that police and gendarmes mistreated and abused prisoners, pretrial detainees, Roma, and other citizens, primarily through the use of excessive force, including beatings. The media reported such cases in Bucharest, Vinga, Botosani, Braila, Arad, and other localities. In most cases the police officers involved were exonerated." And it also stated that:

A report of the Association for the Defense of Human Rights-Helsinki Committee (APADOR-CH) on the situation in Racos, Brasov County, where a Romani community of more than 1,200 persons was located was endorsed by the U.S. Report as follows: "Community members complained that police had terrorized and repeatedly beaten them over the previous three years and that the Brasov prosecutor's office had handled their complaints improperly, closing all cases. APADOR-CH criticized the failure of law enforcement authorities to investigate the situation thoroughly in Racos and take appropriate countermeasures. A subsequent report by APADOR-CH in August revealed that, of the 3,034 abuse complaints filed against police between 2012 and 2014, 14 went to court and the courts convicted police officers for abusive behavior in four of these cases.

In the section "Prison and detention center conditions", the U.S. Report reads as follows:

Prison conditions remained harsh and did not meet international standards. The abuse of prisoners by authorities and other prisoners reportedly continued to be a problem.

Physical Conditions: According to official figures, overcrowding was a problem, and some prisons did not meet the standard of 43 square feet per prisoner, as set by the Council of Europe's Committee for the Prevention of Torture.

According to a report by the National Administration of Penitentiaries, 502 persons died in prisons in between 2010 and 2014, of whom 425 died due to medical conditions, 73 committed suicide, three were killed, and one died from choking on food. As of the end of September, several deaths had occurred in prisons. On September 7, a teenager died after his cellmate severely beat him in pretrial detention in Tichilesti penitentiary. The deaths of two prisoners in the penitentiaries in Craiova and Colibasi were also reported.

According to media and NGO reports, guards assaulted prisoners and at times prisoners assaulted and abused fellow inmates.

Some prisons provided insufficient medical care, and food quality was poor and sometimes insufficient in quantity. In some prisons the heating and ventilation were inadequate, and there was poor lighting. APADOR-CH and the Association for Human Rights and People Deprived of Freedom reported that most prisons were overcrowded and noted inadequate conditions in some prisons, including insufficient medical care, poor food quality, mold in kitchens and cells, understaffing, an insufficient number of bathrooms, poor hygiene, insects, an insufficient number of doctors (including no psychologists in some prisons), lack of work, and inadequate educational activities. APADOR-CH also criticized the lack of adequate treatment with substitute substances for former drug addicts.

APADOR-CH stated that most police pretrial detention facilities had inadequate conditions. Such facilities were often located in basements and had no natural light or sanitary installations. In some pretrial facilities and prisons, there was no possibility for confidential meetings between detainees and their families or attorneys.

As of May the ECHR issued 16 rulings against the state, which had to pay compensation of 85,540 euros (\$94,100) for poor prison conditions and inhuman and degrading treatment in prisons.

Administration: Independent authorities did not always investigate credible allegations of inhuman conditions.

On March 24, the European Court of Human Rights (ECHR) issued a ruling against the country for failing to conduct an effective investigation into the 2007 death of Ionel Garcea, a prisoner with psychiatric problems in the Rahova hospital prison. After Garcea repeatedly complained that prison guards assaulted him, he hammered nails into his own head in protest, and authorities hospitalized him several times after he was diagnosed with a psychiatric disease and other medical problems. He also tried to commit suicide and refused to take medicine. He died a month after surgery to remove a nail from his head. Investigations are still pending in the case.

Universal Periodic Review (2013)

In 2013, a NGO made a submission to the Universal Periodic Review covering, among other issues, inhuman and degrading treatment and detention conditions:

"1. Romania continues to offer an inadequate response measures in the eradication and prevention torture. In accordance with its commitments from the date of 07.05.2012, should have been instated national prevention mechanism in accordance with OPCAT in collaboration between the Ombudsman and civil society. More than that, Reform aimed at the Ministry of Justice (by "coup d'etat by the parliament" which has caused political dismissal of PDL team of the government) on the implementation of recommendations contained in the report of the Committee for the prevention of torture european released to the public on the date of 24.11.2011 (CPT/INF(2011)31, and the reply to the procedure whether asserted by legal proceedings issued by the European Court of Human Rights (ECHR (the case Jacob Stanciu 35972/05) at the beginning of the year 2010 will emphasize the system dysfunctions related to overpopulation in detention, precarious conditions of hygiene, absence or unsteadiness medical care (the cases Bragadireanu, Al-Agha, Marian Marinescu, Jiga, Ogica, Racareanu, Iamandi, Ciupercescu, Dimakos, Florea, Coman, Marcu, Cucolas, grozavu, Ali, Porumb, Dobri, Colesnicov) etc., the nature of the laws in the field of disruption of execution of the sentence (cause Ahron Schwarz). There is also the lack of concern of executive power for the construction of modern establishments and delaying inclusion public-private partnership in the mechanism of outsourcing some of the services and independent activities intended to ensure detainees' conditions that satisfy human dignity. Serious problems of penitentiaries are added and the application of precarious measures for the protection of detainees to the no smoking active with all that Romania has ratified the 2006 framework Convention for the control of OMS tabacului. With all that Romania was condemned in 2010 by the European Court in the case Florea (37186/03) to passive smoking in conditions of detention, after which they followed and other sentences, the Parliament of Romania has adopted in 2011 national law profile, being exempted for the penalties no smoking in the rooms of the detention.

2. Police lock-ups have characteristics which affect human dignity by conditions which may be assimilated with torture: police lock-ups are so arranged during the communist regime in the basement of the police headquarters, the rooms are small, with group health without division, with small windows which are doubled with metal site to access natural light and ventilation with insufficient ventilation,

by the route aisles are arranged the pipes to transport water, gas, heat which present a hazard in the event of damage.”

A report entitled “Children deprived of liberty in Central and Eastern Europe”⁸ which was published by several NGOs in 2014 said the following about the general detention facilities in Romania:

Main issues identified in criminal justice detention facilities: (...) Romanian detention facilities are still plagued with serious problems. They fall short of the European Court of Human Rights (ECtHR) and European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) standards, leading in many instances to serious human rights violations:

- *Detention conditions:* One of the most serious problems regarding detention conditions is that Romanian prisons are severely overcrowded (a little over two square metres per person). Another general problem regarding detention conditions is that rooms are frequently unhygienic and in a deplorable condition. (...)

- *Health care:* Access to health care is very problematic in Romanian detention facilities. One of the main issues is the severe understaffing in health care units. Assigned funds (state budget and social insurance) are insufficient for the needs of the prison system, and a major problem in many penitentiaries is the lack of vital medication. Mental health issues are particularly pressing because in most penitentiaries, there is no psychiatrist. In practice, when a psychiatrist is needed, penitentiaries have to refer to a psychiatrist either from another penitentiary or from outside the prison system.

The cases of Dan and Alexander Adamescu: Fair trials?

Dan Adamescu, a German businessman of Romanian birth who emigrated to Germany in 1979 and went back to Romania in the 1990s. He invested time, money and effort in supporting *România Liberă*, a leading national newspaper originally established in 1877. Under his stewardship, this popular outlet consistently uncovered and exposed the corruption of many in national positions of authority.

Championing democratic values and the rule of law, *România Liberă* was highly critical of Romania’s post-Communist elites, the security services, the Social Democratic Party, or “PSD” (the successor party to the Communist Party of the Ceaușescu era), and its leader, the Romanian Prime Minister Victor Ponta who held office from May 2012 to November 2015. *România Liberă* regularly criticized the PSD for the extensive corruption, nepotism and greed that plagued its ranks. This rendered both the newspaper and Dan Adamescu a target for persecution by powerful members of the ruling elite and the PSD.

As previously mentioned, the newspaper criticized the involvement of the Romanian Intelligence Services in the functioning of the judiciary in 2015. There is strong evidence that, during his time in office, Ponta personally ordered the proceedings against Dan Adamescu on bribery charges of 20.000 Euros, amongst other things, as retribution for the paper’s unflattering press coverage. Dan Adamescu was arrested by masked anti-terror police, paraded in handcuffs in front of TV cameras, brandished a criminal on TV, and declared guilty by the sitting judge on the first day of his trial. A swift show trial resulted in Adamescu being sentenced to a prison term of four years and four months on the basis of a single denunciation by a tainted witness. Ironically, Ponta himself was later

⁸[http://www.bghelsinki.org/en/media/uploads/documents/reports/special/bhc_\(2014\)_children_deprived_from_liberty_en.pdf](http://www.bghelsinki.org/en/media/uploads/documents/reports/special/bhc_(2014)_children_deprived_from_liberty_en.pdf)

prosecuted by the DNA on unrelated corruption charges (forgery, money laundering and tax evasion) after he apparently fell out of favor with both the DNA and the SRI. Dan Adamescu is currently serving his prison term in the appalling detention conditions that have been described above.

Since his arrest, Dan Adamescu has experienced the brutality of Romanian prisons first-hand. On multiple occasions he's been refused adequate medical treatment by the Romanian authorities despite repeated requests from his counsel, and the Law Society of England and Wales¹⁶. He's collapsed twice since his incarceration in May 2016. He's had a septic shock on Christmas Day 2016 and is now under intensive care and dialysis, with doctors fighting for his life. Only a few days earlier, his request for conditional release was refused in court on the request of the DNA which argued that he had spent too much time in hospital instead of prison.

The son of Dan Adamescu, **Alexander Adamescu**, a German citizen and budding playwright, lives in London with his wife and three young children. He is accused by Romania's National Anticorruption Directorate (DNA) of committing precisely the same crimes for which his father was convicted and based on exactly the same evidence, i.e. one tainted prosecution witness. Romanian courts issued two national arrest warrants against Alexander Adamescu: a first warrant on 4 May 2016 which was cancelled on 19 May and a second arrest warrant that was issued on the very same day, 19 May 2016 and then converted into a European Arrest Warrant on 6 June 2016. Alexander Adamescu was arrested in London on 13 June and faces extradition to Romania.

It is significant that an EAW was issued only after Alexander protested at the treatment of his father and instructed lawyers to file arbitration proceedings against the Romanian government for the politically motivated seizure and liquidation of another one of his father's companies. Prior to raising his vocal criticism of the Romanian government, Alexander was not actively pursued for arrest.

Alexander Adamescu's case: Violations of Romanian and international law

Alexander Adamescu's two arrest warrants were issued in gross violations of key tenets of Romanian and international law:

- The DNA did not charge Alexander Adamescu in June 2014 when the case was brought to trial against his father, but reactivated the file only in September 2015 after Alexander Adamescu engaged lawyers who sued Romania.
- Despite an almost two-year long inactivity, Chief-prosecutor Laura Kovesi suddenly announced the DNA's intention to arrest Alexander Adamescu on live TV on 25 March 2016 calling him a fugitive and a threat to public order in the DNA's submissions. Kovesi also declared that her agency knew where he was, but then on the same day wrote to the court to demand that the arrest warrant procedure be speeded up since his whereabouts were not known.
- For the first arrest warrant hearing on 4 May 2016, Alexander Adamescu was summoned via e-mail addresses that were not his and by calling phone numbers that were admittedly incorrect.
- In his judgement issued on 4 May 2016, Judge Malaliu copied and pasted the DNA report, grounding his decision to arrest Alexander Adamescu on the DNA reasoning that he must be guilty for the offences for which he was charged.
- On appeal on 19 May 2016, after Judge Nita made it known that she intended to cancel the first arrest warrant on procedural grounds, a second judge, Judge Matei, was immediately assigned to re-judge the arrest warrant without the

safeguard of random allocation as guaranteed by Romanian procedural law and before Judge Nita's judgement had been published.

- The hearing was scheduled for 1.30 pm on 19 May 2016. The paper was printed at 1pm but pre-dated by a court agent to have been filled out at 11 am.
- Alexander Adamescu was summoned at 1pm on the court door to appear in half an hour in front of the court.
- The hearing began at 2.40 pm and closed at between 3.10-3.20 pm. At 3.40 pm, the Court sent a fax of the arrest order to the Municipal Police of Bucharest. Judge Matei had no more than half an hour to read the case file containing thousands of pages, deliberate on the arguments of the parties, write down his sentence and have it sent to the Bucharest Police.
- Judge Matei's sentence was immediately leaked to the media by the Romanian authorities. At 5.06 pm Alexander Adamescu's new arrest warrant appeared on a news website.
- Alexander Adamescu's appeal on the second arrest warrant was rejected on 25 May 2016 by Judge Ghena on the grounds that a more lenient measure would determine a strong negative reaction among the public opinion.

Alexander Adamescu's arrest warrant was issued with a blatant disregard for due process and the rule of law. First, the DNA created the image of a dangerous fugitive at large who is so obviously guilty that his arrest was needed to protect the public from his person. Then the Courts in Romania unconditionally, and in full, accepted this account of the DNA, without even trying to give the semblance of granting him a fair trial.

The haste with which the Court of Appeals, on 19 May 2016 turned the matters around would appear to show that the whole purpose of the exercise was to arrest Alexander Adamescu no matter what. In an unprecedented series of breaches of his fundamental rights, he was denied an independent judge, not summoned to his trial, and handed a decision that was implemented so rapidly that it could only have been taken before his trial had started. The immediate leaking of his arrest warrant to the Romanian media showed that Alexander Adamescu was not allowed to be a free man even if this meant dispensing with the law altogether.

Alexander Adamescu's case is totemic of the vast gulf between Romania's rhetoric on its progress towards becoming a liberal democracy committed to an independent judiciary and the stark reality faced by its citizens. It is emblematic for the true nature of some of Romania's praised anti-corruption cases which provide cover for the oppression of dissenting voices, political score settling, economic raids and outright character assassinations. For there to be real change, both the international community and those with the power to enact the urgently needed judicial reforms in Romania must finally take heed of this.

The case against the Adamescus bears all the hallmarks of a politically motivated prosecution. The New York Times cites Romania's treatment of Dan Adamescu as an example of how the state's "anti-corruption campaign has rapidly metastasized into an illiberal crusade".⁹ The added threat of his son facing a similar fate, calls for immediate attention to the bogus EAWs put forth by Romania.

⁹ See Patrick Basham: "Romania's Anti-Corruption Mania", New York Times, 4 March 2015

