

ROMANIA: Fighting Corruption with Con Tricks: Romania's Assault on the Rule of Law

Henry Jackson Society (04.01.17) – <http://bit.ly/2iccFlg> – A new report from The Henry Jackson Society, *Fighting Corruption with Con Tricks: Romania's Assault on the Rule of Law*, has found that Romanian politicians are engaged in political score-settling and serious violations of human rights which are dressed up as anti-corruption efforts. The report warns that practices which show considerable continuity with the communist era are taking place. The National Anti-corruption Directorate (DNA), for example, is an active participant in political struggles, and there is a strong correlation between those targeted for prosecution and the interests of those in power. Politicians are able to exert influence over the DNA using their control of key appointments, and by directing high-profile investigations. There is growing concern that the intelligence services are also involved, and with the DNA they are believed to be undermining judicial independence. All of this has the effect of weakening of the rule of law.

The report's key findings include:

- There are concerns that the intelligence services are covertly directing anti-corruption prosecutions. However, the government has refused to investigate allegations that the intelligence services have infiltrated the judiciary and prosecution services.
- There have been numerous abuses of process. Arrested individuals have been paraded before the media in handcuffs, relatives of suspects have been threatened with indictment, suspects have been offered immunity for implicating someone more newsworthy, and evidence has been systematically leaked to the media.

- Crucial principles of justice enshrined in the European Convention on Human Rights, as well as the European Union's Charter of Fundamental Rights, are being routinely violated. This includes the right to a fair trial and the presumption of innocence.

Romania's international partners should consider these as matters of serious concern, and should act. The report recommends a range of measures through existing mechanisms on the part of the UK, the EU, and the US State Department. In particular, the European Commission should trigger its Rule of Law Mechanism, which is designed to deal with emerging systemic threats to the rule of law within the EU. Additionally, the UK should either reform or replace the European Arrest Warrant (EAW) to include stronger human rights safeguards; there have been two recent cases where the Romanian authorities were able to use the EAW to pursue politically motivated legal actions through UK courts.

David Clark, the report author, said;

"Europe's leaders have been exceptionally naïve in accepting Romania's claim to be cracking down on corruption, Romania's anti-corruption drive has itself become a tool of political corruption.

There is considerable evidence that investigations are used to settle political scores, that prosecutors collude with government, that judges are improperly influenced to maintain high conviction rates, that the domestic intelligence service plays a covert role in manipulating the criminal justice system and that abuses of due process are routine.

The result is that basic standards of human rights are being regularly infringed, including the right to a fair trial and the right to a presumption of innocence.

The EU's complacency about Romania creates the very real risk of creeping authoritarianism as other countries realise that

anti-corruption campaigns provide convenient cover for bypassing the democratic standards that are supposed to bind together all European countries."

See the full report here.

For additional information, see The Guardian's article "Romania's corruption fight is a smokescreen to weaken its democracy": <https://www.theguardian.com/world/2017/jan/10/romania-corruption-fight-is-a-smokescreen-to-weaken-its-democracy>

.....

If you want to be regularly informed about different violations of human rights in the world, click here for a free subscription to our newsletters!

Also:

HRWF database of news and information on over 70 countries: <http://hrwf.eu/newsletters/human-rights-in-the-world/>

List of hundreds of documented cases of believers of various faiths in 20 countries: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list/>