

ROMANIA: 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.



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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.pd>)

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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 in 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 evidentiat 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:

Conditiiile 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 penintenciarul 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 îngrijiri 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 politie aveau conditii 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 acuzatiile 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 Europeană a Drepturilor Omului (CEDO), (cazul Jacob Stanciu 35972/05) la începutul anului 2010, vor sublinia disfunctiile 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 Tratamentelor Inumane sau Degradande (CPT), ceea ce duce in multe cazuri la grave incalcari ale drepturilor omului:

** Conditiiile 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 succes 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 catuselile in fata camerelor TV, fiind tratat mai rau ca un criminal si a fost declarat vinovat de catre judecator 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 intr-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 arestării.

Cazul lui Alexander Adamescu': incalcarile ale legislatiei romanesti si internationale

Doua mandate de arestare, care contin incalcarile grave ale principiilor de drept national si international, 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 judecata impotriva tatalui sau. Dosarul a fost reactivat abia in septembrie 2015, dupa ce Alexander Adamescu a angajat avocati care au dat in judecata statul roman.

- In ciuda unei lungi inactivitati de aproape doi ani, la 25 martie 2016, procurorul-sef Laura Codruta Kovesi, a anuntat brusc, in direct la TV, intentia DNA de a-l aresta pe Alexandru Adamescu, numindu-l fugar si ,o amenintare la adresa ordinii publice', conform observatiilor DNA. Kovesi a mai declarat ca agentia ei stia unde se afla, dar apoi, in aceeasi zi, a solicitat instantei ca procedura de mandat de arestare sa fie accelerata, deoarece locul acestuia nu era cunoscut.
- Pentru prima audiere in mandatul de arestare din 4 mai 2016, Alexandru Adamescu a fost citat prin intermediul unor adrese de e-mail, care nu ii apartineau, si prin apel la numere telefonice, care, desigur, erau incorecte.
- In hotararea emisa la 4 mai 2016, judecatorul Malaliu a copiat si inserat raportul DNA bazandu-si decizia de a-l aresta Alexander Adamescu urmand rationamentul DNA, conform caruia acesta trebuie sa fie vinovat pentru infractiunile pentru care a fost acuzat.
- In apelul din 19 mai 2016, dupa ce judecatoarea Nita a facut cunoscut faptul ca a intentioneaza sa anuleze primul mandat de arestare din motive procedurale, un al doilea judecator, Matei, a fost desemnat imediat pentru a re-judeca mandatul de arestare fara o alocare aleatorie, garantata de dreptul procedural roman și înainte de a fi publicata hotararea judecatorului Nita.
- Audierea a fost programata pentru 19 mai 2016, la ora 13:30. Actele au fost tiparite 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 fata sălii de judecata, avand termen sa apara in fata instantei in jumatate de ora.
- Audierea a inceput la 14:40 si s-a incheiat intre 15:10-15:20. La 15:40 Curtea a trimis un fax Politiei Municipiului Bucuresti cu ordinul de arest. Judecatorul Matei a avut mai putin de o jumatate de ora pentru a

citi dosarul, care contine mii de pagini, a delibera la argumentele ambelor parti și a trimite sentinta Politiei Bucuresti.

- sentinta judecatorului Matei a fost transmisa imediat mass-media de catre autoritatile romane. La 17:06 noul mandat de arestare lui Alexander Adamescu a aparut pe un site de stiri.
- recursul lui Alexander Adamescu privind al doilea mandat de arestare, a fost respins la 25 mai in 2016 de catre judecatorul Ghena, pe motiv ca o masura mai putin severa ar determina o reactie negativa puternica in randul opiniei publice.

Mandatul de arestare al lui Alexander Adamescu a fost emis cu o incalcare flagranta a dreptului la un proces echitabil, fiind o actiune impotriva statul de drept. In primul rand, DNA a creat imaginea unui fugar periculos, care ar fi in mod atat de evident vinovat, incat arestarea lui a fost necesara pentru a proteja publicul de persoana sa. Apoi, instantele din Romania au acceptat aceasta actiune a DNA, neconditionat si in totalitate, fara a incerca nici macar sa dea aparenta de desfasurare a unui proces echitabil.

Graba cu care Curtea de Apel a manevrat situatia în ziua de 19 mai 2016 pare sa indice faptul ca întregul scop al procedurii a fost acela de a-l aresta neaparat pe Alexandru Adamescu. Intr-o serie fara precedent de incalcari ale drepturilor sale fundamentale, i-a fost refuzat un judecator independent, nu a fost chemat la procesul sau si i s-a dat un verdict, care a fost pus in executare atat de rapid, încât pare ca a fost hotărât înainte de a fi început judecarea procesului. Scurgerea imediata a unor informatii catre 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 incalcare a 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.

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

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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 known, restore his legacy and bring an end to the oppression of basic freedoms in Romania."

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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 illconceived 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."

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ROMANIA: Romanian state 'blamed' for attempted kidnap of businessman's wife on London street



Adriana Constantinescu and Alexander Adamescu at their North London home

By Patrick Sawyer

Telegraph (08.01.2017) – <http://bit.ly/2i9fBgR> – The wife of a British resident fighting plans to extradite him to Romania on “unfounded” corruption charges has accused its government of attempting to kidnap her from a London street.

Adriana Constantinescu has spoken for the first time of the moment two masked men tried to drag her into a car outside her St John’s Wood home.

Speaking ahead of her husband Alexander Adamescu appearing in court to answer a European Arrest Warrant demanding his removal to Romania, she said the kidnap attempt was part of a state-sponsored campaign to intimidate him and his family.

She said: "There was nothing random about this kidnap attempt – it is symptomatic of the attempts by the Romanian prosecutors and intelligence agents to intimidate us and show us what they are capable of doing."

MPs and justice campaigners have called for urgent reforms to the controversial EAW system, saying it is being used by corrupt officials to target Mr Adamescu on "unfounded" bribery charges and that the case has highlighted serious flaws in the system.

Mr Adamescu, 38, who is a German citizen, was arrested last June and locked up in Wandsworth Prison for two nights before being released on bail pending a hearing into his case in April.

The Romanian authorities are demanding his extradition as part of a wider case against Mr Adamescu's father Dan, a businessman and proprietor of the opposition newspaper Romania Libera, which has long been a thorn in the side of the Government.

Mrs Constantinescu described the attack on her by two masked men in March last year as "terrifying".

She said: "They were both wearing bandanas and gloves. They drove a Mini cooper with fake number plates – as I was later told by the police. And they didn't steal anything despite the fact that I was wearing diamond earrings, and had my car keys in my hand.

"When they approached me, I threw myself on the ground, and fought with them until a neighbour heard my screaming and came running out to me. At the same time, a cab driver with a passenger in the back seat pulled over next to me and called the police. That was the moment I was saved. The two men ran to their car and quickly drove away. I was lucky."

Mrs Constantinescu added: "Although the kidnappers didn't

speak, I knew they had been engaged by the Romanians because they specifically targeted me and did not have any intent to rob me. We are a normal family in London and don't show off at all. You don't go to kidnap somebody randomly in front of a nursery where two toddlers have been dropped off.

"It is the typical Romanian neo-Communist fashion to go after the entire family, wife, children, babies, when you want to destroy a person."

Scotland Yard said the incident was still subject to an ongoing investigation, but that no arrests had been made and there had been few leads to pursue.

Mr Adamescu's father was recently moved from his prison cell to a hospital ward to receive treatment for sepsis, leading to fears for his long-term well-being.

Mrs Constantinescu, a marketing specialist, said: "Dan is in a life-threatening condition and held in intensive care after a septic shock. We don't know if he'll survive. His health has been ruined by the intentional mistreatment he's received at the hands of the Romanian state. Alexander will be similarly tortured. I fear for his life if he's to be returned."

She added: "As a wife and mother, I try to remain positive about the outcome of the extradition attempt, but fear greatly for Alexander and our children who will potentially be separated from both their father and grandfather in the future. I do hope that the new Romanian government who has promised to uphold the rule of law will keep its promise."

The family's supporters claim former-Communist elements within Romania's security services fabricated a bribery case against the Astra insurance company run by Mr Adamescu Snr, which had grown to become the country's largest.

They claim that in February 2014 the then-Romanian Prime Minister Victor Ponta instructed market regulators to take

control of the firm, which was subsequently liquidated.

The EU routinely labels the country as one of the most corrupt in Europe and has placed it, along with neighbouring Bulgaria, under a corruption monitoring scheme. A European parliament study estimated Romania lost about 15 per cent of its GDP to corruption.

However, observers say the Romanian authorities have put significant effort into prosecuting corrupt businessmen and politicians as part of their bid to win closer European integration, including accession to the Eurozone.

Under the campaign some of the country's most powerful businessmen have been brought down, along with a string of high-profile government ministers. They include Mr Ponta, who is currently battling corruption charges of his own, including tax evasion and money laundering.

The Romanian National Anti-corruption Directorate (DNA) denied conspiring to seize the Adamescus' business holdings and said Mr Adamescu Snr had received a fair trial.

The DNA did not comment on Mrs Constantinescu's kidnap allegations, but the agency repeated its claim that it had only used the EAW because Alexander Adamescu had refused to appear before prosecutors.

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