

# Romania's anti-corruption crackdown echoes a darker past

By Daniel Dragomir

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

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

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

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

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

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

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

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

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

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

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

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

### ***Lingering shadow***

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

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

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

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

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

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

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

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

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

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

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

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

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

### ***Six months detention***

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

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

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

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

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

### ***EU response?***

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

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

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

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

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

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

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

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

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# ALBANIA: EU and leading NGO unite in calling for adoption of key judicial reform in Albania

Leading non-governmental organisation Human Rights Without Frontiers (HRWF) has joined forces with senior European Union political figures in urging members of Albania's opposition Democratic Party to back planned reforms seen as crucial in boosting the country's EU accession ambitions, writes Martin Banks.

By Martin Banks

EUReporter (24.02.2017) – <http://bit.ly/2mlq4t0> – HRWF, a respected, Brussels-based international advocacy group, called the reforms “essential to guarantee the independence of the judiciary” in the country.

Its intervention on Friday comes after leading German MEP Knut Fleckenstein, the European Parliament's rapporteur on Albania's EU accession, and the EU's enlargement commissioner Johannes Hahn, made a similar response to current protests by Albania's Democrat Party.

The Democrats (DP) have blocked the main boulevard in the capital Tirana for several days saying they do not trust the left-wing government to hold June 18 parliamentary elections fairly. DP plans to boycott parliament, a move which the EU fears could delay the planned implementation of a key justice system reform, which aims to create institutions for the

vetting of some 800 judges and prosecutors.

The judicial reform is the main step toward launching Albania's EU membership negotiations. It seeks to root out bribery and ensure that judges and prosecutors are independent from politics.

The DP, which also warns it may boycott parliamentary elections on June 18, has been pushing for electronic voting to allay fears of vote manipulation. But the government has said there is not enough time to implement this for the elections.

The EU wants a revamped judiciary tackling widespread corruption before it starts accession talks with Tirana. The reforms will exclude criminal offenders from public office, provide whistleblower protection and re-evaluate judges, prosecutors and legal advisors.

Hahn told *EU Reporter* he "very much regrets" the parliamentary boycott announced by the opposition.

Hahn said:

*"The political debate should not take place outside, but inside the parliament. Cooperation of government and opposition is crucial for the country's ambition to join the EU. In particular, it is of utmost importance to maintain parliamentary continuity in a time where substantial reforms are on the agenda of the parliament, such as the setting up of the vetting bodies in the framework of the justice reform and the electoral reform including the follow-up of the OSCE/ODIHR election observation recommendations which are essential for ensuring free and fair elections later this year. These reforms are crucial for Albania to move forward on its EU integration path."*

The Albanian PM Edi Rama and the country's ruling party have

been praised for pressing for the vetting law and justice reform and Hahn's comments are endorsed by Fleckenstein, a Socialist MEP who said it was up to Albania's politicians to implement the reform and start negotiations.

In a reference to the DP's parliamentary boycott, Fleckenstein, who is deputy leader of the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, said: "I really ask the colleagues and friends at the Democratic Party to come back to work."

Elsewhere, Willy Fautre, director of respected Brussels-based NGO Human Rights Without Frontiers, also called on DP to call off its boycott.

On Friday (24 February), Fautre told this website:

*"The place of Albania is in the EU family of democratic states. The political debate about free and fair elections in June should not block the justice reform process. The new legislation which has been drafted by the EU and the US but also endorsed by the CoE is essential to guarantee the independence of the judiciary and the non-interference of political and other actors in the administering of justice."*

Fautre said: "The opposition should stop boycotting the Parliament so that the democratic legislative process can be resumed and bring Albania closer to EU membership. The sooner the better for both parties."

The EU's ambassador to Tirana, Romana Vlahutin, agreed, saying: "We know there are some individuals that don't want this reform and we know why. But justice will come, despite the repeated attempts to postpone it. There is no time to vote for a new draft and the actual one has our full support. The European future of Albania is more important than the future of some corrupted people."



EU and US experts were directly involved in drafting the reform, which was verified by the Strasbourg-based Council of Europe. Though Albanian lawmakers, including the Democrats, unanimously voted in the reform last year, DP later abstained from voting on how to vet the judges.

Albania's ruling coalition has won all recent local elections and the government led by Rama has overseen a spell of steady economic growth. This is part of its transition to a market-oriented democracy.

Rama said: "True reforms are not easy at all, and often very painful operations. But there is no safe future for the country, our society and children if we do not operate with courage on the rotten parts of the state organisation."

MEPs from various parties have welcomed Albania's progress on EU-related reforms and further efforts to reform the judicial sector, which is a key demand of Albania's citizens and a factor in restoring trust in public institutions.

Fleckenstein, a foreign affairs committee member, adds, "Since summer 2014 Albania has been an EU accession candidate and since then it has been making constant progress. The adoption of a wide-ranging judicial reform is a milestone on Albania's path towards joining the EU and becoming a modern country. Less corruption, less organised crime is crucial for everyday life in Albania. However, we should not put off the decision on the start of accession negotiations again and again."

A European Parliament resolution on Albania was approved recently by 546 votes to 85, and notes that credible implementation of justice reform, good progress in fighting organized crime and corruption, and holding free and fair elections in June 2017 could prove to be a key to advancing the EU accession process and starting negotiations.

Albania, once an isolated country in the Balkans suffering under one of the most severe Communist dictatorships after

WWII, is now a member of NATO and a leading candidate for EU accession.

But adoption of the reform package last year, together with the constructive attitude that Albania has adopted in the context of the refugee crisis, serve as further examples of the strong national political momentum and desire to see the country advance on its EU membership path. While Albania hopes to be in a position now to be able to open accession negotiations soon, the EU is likely to first look for the proof of the pudding in the implementation of the reforms.

As Fleckenstein said: "It is important for Albania to maintain today's reform momentum and we must be ready to support it as much as possible in this process".

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