

## **Letter to ambassadors in Romania of some EU and (or) NATO member countries**

The perpetuated high level corruption and the severe consequences thereof, the continued conspiracy of communist political police agents and the large control performed by the agents from Securitate, in particular within the political power structure, secret services, justice, economic and banking environment, the corruption and other severe deficiencies related to the justice system represent, for more than twenty years, the main reasons why Romania has been and still is far from being a authentic rule of law, democratic, with a functional market economy. Due to my opinion according to which the abovementioned *status quo* has also been encouraged by the fact that the European Union and NATO, in particular themain Euro-Atlantic States that are Romania's „partners”, have been far from appropriately managing the Romanian situation, on February 19th, 2010 I have sent the letter below to the ambassadors to Bucharest of certain EU and /or NATO Member States.

On March 24, 2010, I sent the letter to the Romanian newspapers from the United States, New York Magazin and Curentul Internațional, which published it integrally. In Romania, I sent it to the Mediafax Agency, but she refused to publish it. cotidianul.ro published on May 27, 2010.

## Letter to the Ambassadors of UE and NATO member states in Romania

Your Excellency,

On January 21<sup>st</sup> 2010, the Bucharest media has mentioned<sup>1</sup> the intention of one of the EU Member States' ambassadors in Romania to ask the Romanian Minister of Foreign Affairs regarding his public statement according to which Romania would have „*a sad figure, in case this pedagogical burden*” (of the *European Commission Mechanism for Cooperation and Verification*) „*will be maintained on our shoulders* ". The European ambassador has also expressed his concern regarding the fact that Romania is the only EU Member State that has failed to sign the European Code of conduct on military procurements. On the following day, January 22<sup>nd</sup>, the same media has mentioned that US Ambassador in Romania have thanked the same Minister of Foreign Affairs „*for the Supreme Council of National Defense (CSAT) resolution to supplement the forces acting at Afghanistan operations theater by 600 soldiers*” (the number thereof being able, according to CSAT resolution, to reach 1798 soldiers).

What happened recently gave me the opportunity (which I am not going to lose this time) the refer to You regarding two of the matters related to Romania's relations with the EU and NATO, in particular with Romania's most important Euro-Atlantic allies – matters which, in my opinion, have had and still have a special impact on the destiny of this country.

Of course, the international relations logics is complex, even at the level of organizations as those referred above, of the „Euro-Atlantic” area, where such relations are often subject to a detailed regulation – thus being less susceptible of different and unilateral approaches. However, it is understandable, the countries and their governments sometimes have, even within such areas, different interests in their relations with each of the other countries. In the specific case of relations with Romania, for instance, five years ago this country has been placed by its Euro-Atlantic allies between the devil and the deep sea: while the EU was requesting it to forbid international adoptions, Bush Administration was putting a high pressure to the contrary. Seven years ago, as one more example, the facts have been quite similar regarding the Iraq war and Romania's participation to such war.

And in January 2010, while the European allies declare themselves concerned that the Bucharest Government might waive its commitments undertaken upon Romania's accession to EU regarding justice reform and fight against corruption, aggravating the already problematic internal evolution, the US allies warmly congratulate the same Government for a higher involvement in the Afghanistan war, as an ally.

In my opinion, beyond the historical benefits brought after the '90s, the Western allies' attitude towards Romania has had and continues to have a problematic side. I will try to

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<sup>1</sup> „Cotidianul” newspaper, „*The Ambassador of Sweden is surprised by Romania's position regarding justice monitoring process*”, January 21<sup>st</sup>, 2010

briefly refer to two of these issues. What I would like to say in particular regarding the two issues raised below is that, **for reasons that seem to be connected inclusively to private interests of certain important Romania's Western allies, a non-democratic and profoundly corrupted political elite has been encouraged to acquire and maintain the power in this country – mainly generating from “Frontul Salvării Nationale” and the resulting parties, from the second echelon of the communist regime, massively controlled by the Securitate.**

**With respect to the first issue, due to political and geopolitical reasons, related to the cold war end – which, at a certain moment, seemed more like a pretext – Romania's “Euro-Atlantic integration” strategy has relativised down to annulment the EU and NATO accession criteria – in particular the „political” ones, but also the „economical” ones (without pursuing the arrears recovery in a real, consistent and coherent manner, even following the accession date). This explains why even now – six years following its accession to NATO and three years following its accession to the EU – Romania continues to face serious problems regarding the authentic democratic operation, high level corruption, justice, severe shortages in the public administration reform and the vulnerabilities of a market economy still far from being functional. Furthermore, it has been and still is prejudicial for everyone that a country facing Romania's problems to be placed by its Western allies between the devil and the deep sea. It is excessive to force an ally such as Romania to perform important privatizations flagrantly to its detriment or to perform procurements (from your market and often by means of non-transparent procedures<sup>2</sup>) for goods and services – including military technique, missiles-related facilities etc, up to million of Euro, amount fully disproportionate compared to the costs it can afford in the benefit of its own citizens for education or health, for example. In my opinion, it has been and still seems excessive for the US to request Romania for a higher involvement in Afghanistan war (a war more and more rejected even by the American people), while the Romanian soldiers just got back from what it turned to be an adventure with severe consequences for everyone, the war of Iraq. I am one of those who have considered – and still consider – the President Barack Obama's victory of one year ago as the historical opportunity of a fresh start for America and its allies (motivated by this great hope, I have also made a donation for the current President's elections campaign – more likely a symbolic one, of course, and in compliance with the US laws). I am convinced that the American President maintains all the great premises required for the success of a winning vision for America, for its allies and for the entire world. At the**

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<sup>2</sup>An example of many others is the one related to the agreement under which the Romanian Government has granted to the USD company Bechtel, with no tender, a work of approximately Euro 2.3 billion (the highway Brasov-Bors). In an article published in „Cotidianul”, in May 2004 („*A doubtful indulgence*”) I have criticized the above and wondered whether that was a new intervention from the US Administration at that date. Shortly after my article, the US ambassador to Bucharest, Michael Guest, has answered in a few lines, disclaiming, with no enthusiasm or more likely obliged by the rules of his position, that his Government might have intervened and that anything could have been wrong regarding the agreement granting. And after almost six years, in the summer of 2009, the Minister of Transports at that date, Radu Berceanu, has confirmed that the agreement has been granted by breaching the legal procedures and that „*Bechtel has represented a sort of requirement for Romania to join NATO*” (see „Ziua” newspaper dated June 2<sup>nd</sup>, 2009: „*Radu Berceanu: The agreement with Bechtel has been a requirement for Romania's accession to NATO*”).

same time, parenthetically, I find hard to understand the two decades indifference of Romania's current allies (including Germany) regarding the continued consequences Romanians still have to endure due to the odious Hitler-Stalin Pact. Indubitably, Romania must represent not only a beneficiary of its NATO and EU affiliation, but also a contributor to the appropriate operation and consolidation thereof. But the said contribution would have been even more substantial if Romania itself – treated and supported as an ally, but also constrained, if required to fulfill the undertaken obligations – would have been economically and democratically consolidated up to the standards its own statute required. And for this, as the two “post-communist” decades have shown, in their relations with Romania, its most important Western allies should have harmonized their strategies, should have made these consistent and coherent. Most likely the deviations from the accession criteria have been welcomed by many Romanians who have finally become, isn't it, „Europeans with proper documents”. But most likely the political class of Bucharest has been thrilled by such deviations (and most likely the most grateful) – because history will inevitably connect the country's Euro-Atlantic accession to their names (names otherwise connected in particular to mediocre and corrupted governance). But the same deviations have as main consequence the fact that Romanians will have to pay – upon maturity, on deadlines and in non-derogatory amounts (as all their large and rich allies) – all subscriptions and other contributions (and even more than that) undertaken by their leaders towards their organizations. Another consequence consists, of course, on the fact that this country became a market for their goods and services (of a market economy operational exclusively on the Brussels and Washington politicians' papers), with more and more goods and services of the Western allies, of long time operational market economies – for which the „deviations” would be completely unacceptable. But the accession with exceptions also has many other consequences, and I will only mention those generated by Romania's acceptance as EU Member State, despite the severe problems it was facing and still faces regarding the „administrative capacity”, the severe bureaucracy and systemic administration corruption. Due to these problems, the Romanians – contributors with no exemptions, the same as the British and Germans, for instance, whose countries are, just like Romania, EU Member States, but, fortunately for them, with no exemptions at “functional market economy”, „administrative capacity” chapters, etc. – succeed to „absorb” not even the tenth part of the extremely large structural funds theoretically assigned to them<sup>3</sup>. And the chance that Brussels will ever consider an exemption from the accessing requirements and procedures related to these funds (requirements and procedures often extremely complicated, bureaucratic and apparently willingly discouraging) are mostly theoretical– although, at least for logical consistency, such exemptions would have been required, upon Romania's EU accession, at least due to the exemptions accepted at chapters such as „administrative capacity” or „public integrity”. If nothing will change in this area, one would be free to consider that the above mentioned exemptions have been and are accepted exclusively with respect to the Romanians' obligations and burdens related to their country's status as EU and

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<sup>3</sup> Also see, as example, „Cotidianul” newspaper, *„Romania has only used 8% of the funds assigned by EU / European funds spend during one century”*, November 15<sup>th</sup>, 2009

NATO Member State, and not also related to their rights and benefits they should have under the same status.

**The second issue which I consider had a major impact on the evolution of post-communist Romania consists of the fact that Romania's Western partners have accepted the *Securitate* to play an unacceptable important and fatal role in the referred evolutions.** From the first transition years, the communist political police agents have held and still hold control of an important part of the political life, economy, justice, information services, public and private media, etc<sup>4</sup>. A specific fatal Romanian issue that has allowed this consisted of an almost full conspiracy, during all years following the '90s, of the *Securitate* agents and the mechanism thereof. Although through their extremely well substantiated surveys, analysts aware of this phenomenon have constantly triggered – although perfectly useless – the alarm systems that needed to be triggered, there is a large perception according to which the public authority set up under the law (although very late) in order to unveil the communist political police (CNSAS) has mostly operated in order to continue the conspiracy and not to unveil an institution that has added to the communism evil an even higher evil during the last twenty years. One of the most authorized experts in this area, he himself a high governmental officer in charge with the research of the „communism crimes” in Romania, has publicly deplored, recently, the fact that CNSAS refuses to make public the names of thousand of *Securitate* officers, although the law requires it to do so<sup>5</sup>. And the failure to enforce the law, including in this instance, has represented the violation of one of the most important criteria (of „law supremacy”) any European Union Member State should meet. Not being a democratically consolidated society (and where, in addition, the political police people have held and still hold some of the most important positions), the Romanian society was unable to show an appropriate response. This has been unfortunately backed up by the indifference, which I find difficult to explain, of the Western political officers, partners of their Romanian counterparts. Clarifying the past of those who held and hold in such large extent the destiny of an ally country would have represented an issue of ethics or of (required) historical justice only in the long run. This has been and remains a matter that mostly refers to Romania's present and future and not to its past. It would have been an essential condition precedent of a true democratic society, of an operational justice, of mitigating the corruption phenomenon and the huge consequences thereof etc.

Justice works as problematical also due to the fact that so many judges have been involved in the political police (only during the last four or five years the media has mentioned hundreds of such cases<sup>6</sup>) and the cost of hiding the compromising past of each

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<sup>4</sup> A person with deep insights of Romanian relevant reality, the German written with Romanian origins, Herta Müller, recently awarded with the Nobel Prize for literature, was considering that „approximately 40% of those who currently hold the power in Romania come from the former *Securitate* and they protect each other” („Cotidianul” newspaper, „Herta Müller has criticized the Romanian corruption in Frankfurt”, October 16<sup>th</sup>, 2009)

<sup>5</sup> „Adevarul” newspaper, „Marius Oprea: “We are governed by approximately 10,000 villains”, January 21<sup>st</sup>, 2010

<sup>6</sup> Also see, as examples: “Romania libera” newspaper, “At least 129 current judges have been on *Securitate* payroll”, October 28<sup>th</sup>, 2005; „Romania libera” newspaper “The Court of Cassation,

of them can be found in the passed resolutions – including in dockets of certain important politicians, large corruption files, etc. And when the past of some of them is revealed, the reaction of judges and of their colleagues is almost defiant. Two such examples, the most recent ones, consist of the reelection of judge Florica Bejinaru as Chairperson of the Superior Council of Magistracy (CSM), although well-known that she has been a collaborator of the political police (she even acknowledged that), and the fact that the claim filed in court by the former anti-communist, Vasile Paraschiv (victim of the political police abuses for almost 25 years), in order to bring to account those who have abusively tortured, arrested and investigated him, has been judged and rejected, obviously in an abusive manner, by the High Court of Cassation and Justice, nu the judge Nicolae Jidovu (who, years ago, has been unveiled as collaborator of the political police, and further on has been promoted from Sector 1 Local Court to the supreme court). Considering the fact that there were severe suspicions regarding certain judges' capacity as agents or collaborators of the current information services, during 2005, the Law on judges and prosecutors' status has been supplemented with an express interdiction to this end and the magistrates' obligation to fill-in annual statements acknowledging the compliance with such interdictions, and also setting out CSAT obligation to verify the accuracy of all such statements. Wishing to be informed regarding CSAT actions related to the implementation of the above mentioned regulation, on December 8<sup>th</sup>, 2009, I have filed an application in this respect with the said authority (enclosed). Although, under the Law on access to information, CSAT was bound to answer to my application within 10 days (namely until December 19<sup>th</sup>, 2009), I still haven't receive any answer. Also, in 2005 the same law has also been supplemented with the magistrates' obligation to set out in writing whether they held the capacity as *Securitate* agents or collaborators, and with CNSAS obligation to verify these statements and to provide the results to CSM (in order to be attached to the magistrates' professional files held by CSM). Under these legal provisions, on December 15<sup>th</sup>, 2009, I have filed a written application with CSM, requesting to be informed on the names of those magistrates who have been subject to such verifications, as well as on the outcome of each such verification. On January 19<sup>th</sup>, 2010 CSM has sent a written response, avoiding, by means of a large introduction related to legal provisions and proceedings well-known by me, the precise answer I have requested (please find enclosed the correspondence with CSM). The total non-transparency of these two authorities with extremely important legal powers strengthens even more the suspicions according to which between the magistrates and the former and current information services (but also between these and the politicians and the economic interests' area etc) still exist non-transparent relations, in conflict with the constitutional and democratic society principles.

A fact that under the above mentioned circumstances, also impairs the judges' independence constitutional status, consists of the „censure” exercised by the Romanian Information Service, SRI (together with another authority in the area of „national security” – the National State secret Information Register Office, ORNISS), by means of

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*assaulted by Dalmatian judges*", December 8<sup>th</sup>, 2005; "Ziua" newspaper, „Judges trained by Securitate", April 10<sup>th</sup>, 2006. It is also significant that even the former judge of Romania to the European Court of Human Rights, Marin Voicu, has been discovered as a former Securitate collaborator.

accepting or rejecting the endorsement of the security certificate (regarding the access to classified information). Such „censure”, exercised against the judges, prior to being admitted as magistrates and prior to being appointed by the President of Romania (upon CSM recommendation), is not only inopportune with respect to the normal and legal course of magistrates’ professional career, but also represents a requirement of an arbitrary and abusive decision passed by SRI officers (and ORNISS officers), also impairing the judges’ independence and the justice appropriate operation. The issuance of the „ ORNISS certificate” should be set out by the law as one of the conditions precedent related to magistracy admission and in case, further on, the institutions in charge with classified information protection, will find that the „ORNISS certificate” should be withdrawn with respect to a judge or another (under a proceeding subject to judicial control), such judge should be expelled from magistracy. Although, as parenthetically, we should note also that the cases random distribution (reported by CSM as „*implemented at all courts of law between August 2004 – March 2005, in line with the provisions of the action plan regarding the judicial system reforming strategy*”) is far from being implemented and complied with by many courts of law – this reality representing Polichinelle’s secret, carefully avoided by almost the entire judicial system, but which also significantly impairs the independence and objectivity of the act of justice and, consequently, the citizens’ fundamental right to a fair trial.

In fact, during all years following the ‘90s there were several information that the “new” secret services personnel mostly consisted and still consists of the communist political police agents and that this has had an proportional impact on the operation of such institutions, including as a result of their non-transparent and non-democratic involvement in influencing the political life, in the economic interests area or by means of non-constitutional and illegitimate intromissions in the justice activities. The high ratio of former *Securitate* employees in the new information services has been a direct consequence of the fact that the organization laws thereof, passed shortly after 1990 (and still in force) have allowed such continuity regarding the former political police officers – while the same regulations, through a paragraph showing a cynical irony, were setting out such interdiction exclusively regarding the „*informers and collaborators*” of such officers (art. 27 of Law no. 14/1992 on SRI organization and operation). The massive presence of *Securitate* officers in the new information services, criticized by part of the civil society and media, has also been facilitated by the full secrecy ensured by such services management in this respect<sup>7</sup>. Unveiling, according to the law, the former communist political police agents continues to represent an unacceptable shortage, full of consequences, despite the current Romanian President’s highly optimistic repeated statements, who has repeatedly insisted on the high number of *Securitate* files (approximately 2 million) delivered to CNSAS. The chief of state’s statements also raise certain concerns due to the inconsistencies thereof. Thus, further to the repeated statements regarding the delivery of a high number of files to CNSAS, in the summer of

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<sup>7</sup> One of the several examples to this end consists of a written application addressed by me, during 2002, to the Romanian Information Service (SRI) management, in order to inform me regarding the ratio (percentage) of *Securitate* officers in the entire personnel of this service. SRI has refused to disclose this information “substantiating” that such number cannot be made public because it represents an “information useful for a potential enemy”.

2009, the President was stating that, at that moment, the “*files of political police officers of the ‘50s*” just began<sup>8</sup>. A certain importance in this respect has the fact that, in the *Securitate* files delivered to CNSAS, one cannot find several files of certain persons who, according to reliable sources, have been investigated to the former political police (I am included in this category), but also of certain important public figures who, according to reliable sources, have been agents or collaborators of the former political police. One such case is the current President of Romania who, during the communist regime years, has held the position as Head of a governmental agency in a Western country (and the Ministry of Defense has files that officially prove the current President’s connections with the former political police).

The current information services – exercising a fully excessive, illegitimate and non-democratic influence in the political and economic, business and justice areas, etc. – are the institutions that have practically avoided the reforming processes. Among many others, it is relevant that Law no. 51/1991 on Romania’s national security, master regulation for the information services organization, has been passed prior to Romania’s post-communist Constitution, and has not been amended at all during the 19 years lapsed since its effective date. In particular during the last 8 – 10 years, mainly the human rights organizations have expressed repeated critics regarding the „national security laws”: Law no. 51/1991, Law no. 14/1992 on SRI organization and operation, Law no. 1/1998 on the External Information Service organization and operation (SIE). The President of Romania and the governments in office after 2004 have announced several „national security bills”, mainly referring to the information services reorganization. But none of the said projects have materialized, and we have reliable information that this is due mainly to the secret services opposition. And the following represent consequences of this issue:

- the information services are still organized as military structures (despite the Council of Europe’s Parliamentary Assembly Recommendation 1402 (1999) on the control on internal security services, according to which “ *Internal security services should preferably not be organized within a military structure. Nor should civilian security services be organized in a military or semi-military way*”);

- is maintained the secret services right to carry out own financial-economic activities, practically avoiding any external control (this fact also contravenes recommendation 1402/1999 of the Council of Europe’s Parliamentary Assembly, which requests the secret services exclusive financing from the state budget); art. 42 of SRI Act expressly sets out that the funds required for SRI activities shall be ensured both from the „*state budget*” and from „*off-balance incomes*” and art. 21 of SIE Act sets out that this Service „*carries out economic activities*”; The European Recommendation also sets out that the internal secret services can no longer be used as „*political instruments*”;

- the secret services personnel fully evade the provisions on interdictions, incompatibilities and conflicts of interests applicable to the entire personnel holding public positions (the “Anticorruption” Act no. 161/2003);

- the set out laws include unconstitutional provisions, some of these being manifestly unconstitutional (e.g., art. 6 of SIE Act sets out that the Head of the Service

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<sup>8</sup> See, as example, „Gandul” newspaper, „*Tinker and philosopher. Basescu, uncensored confessions to Liiceanu*”, June 18<sup>th</sup>, 2009



shall be appointed by CSAT, upon the Romanian President's recommendation, while the Romanian Constitution (art. 65) sets out that this power is vested in the Parliament).

The fact that the above mentioned laws are obsolete, inconsistent with the status of a country member of the Council of Europe, EU and NATO, has been and still is used by the secret services (and by certain interested politicians) for actions and attitudes contrary to a democratic society principles. An example included in the area of the same unconstitutional and non-democratic relation with the judicial authority – an example which, unlike several similar others, became public only due to certain SRI officers' incompetence – was the one when SRI officers have required explanations from a County Tribunal management because the judges of such court have referred to the European Commission, European Parliament and Council of Europe in order to notify what the judges have called "*the pressures and denigration against the justice in Romania*". SRI management has answered to the generalized protests caused the facts by stating that its action has been fully lawful, whereas the appropriate operation of justice represents „*one of the values SRI is bound to protect under the provisions of Laws no. 51/1991 and 14/1992*” (see SRI PR Office press release dated May 29<sup>th</sup>, 2009, at <http://www.sri.ro/subpagini/356/precizare-de-presa.html>). There are also reliable information, acquired from the judicial environment, that SRI performs such actions based on a resolution, also classified, passed by CSAT.

Despite a full lack of transparence in this respect, the domestic and international media has succeeded to obtain information also proving the excessive structural-institutional development of the secret services and of the organization and operation costs thereof<sup>9</sup>. The human rights organizations analysts and experts have also constantly criticized the excessively high number of secret services, showing that it is unjustified to have such institutions at the Ministry of Internal Affairs and Ministry of Justice level, as well as other secret services, such as the Protection and Guard Service (SPP) and the Special Telecommunications Service (STS). The issue of extremely high state budget funds assigned to the secret services has also represented a topic of repeated critics. Thus, most recently, during the approval of 2010 state budget, the media has criticized the extremely high funds granted to the secret services, under severe austerity conditions due to the

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<sup>9</sup> In the spring of 2006, „Adevarul” newspaper has published a series, also grounded on a review performed by the international organization "European Digital Rights" which, among others, was showing that for the phone taping activities in Romania "*the costs are absurdly high compared to the country budget*". Only in 2005, Euro 118 million have been spent for such activities. Romania, a country with "blue" (cautious) code regarding terrorist activities, was surpassing the US with respect to phone interceptions (country which, after 9/11 2001, continues to be under the terrorism threat). Reported to the population of these two countries, in Romania have taken place 14 times more phone interceptions than in the United States. An article of the same newspaper (suggestively called "*Romania, world champion of secret services / The highest number of <Securitate agents> per capita*") was informing that SRI has 6 times more officers per one million inhabitants than the corresponding US service, FBI (and that it has 571 SRI officers per one million inhabitants, while Germany only has 89, and France 98). A more recent review published in "La Repubblica" newspaper and quoted by "Gandul" newspaper (February 8<sup>th</sup>, 2010, "*We became world espionage leaders / The country of all services*") shows that out of the statements of certain former head of the secret Romanian services it results that Romania has "*at least 60 Securitate agents per one thousand capita, while the British have 6, and the Americans 9*".

economic crisis. The budget assigned to the main four secret services exceeds the budget assigned to the Ministries of Communications, Culture and Foreign Affairs altogether (and the STS budget, regarding which we had information that during the recent presidential elections has supported the candidate of the current governing party, is by approximately 40% higher than in 2009)<sup>10</sup>.

The corruption in Romania, whose costs accrued following 1990 amount to several dozens of Euro millions, has as one of its main reasons the massive, non-transparent and illegitimate influence exercised by the political police people and structures. The politicians in charge have almost even renounced to the rhetoric of „fight against corruption” (in a country where corruption phenomenon is, for almost one and a half decade, a systemic one, with extremely severe consequences, but where no high officials have been convicted for corruption). An example of the full lack of credibility of our high governmental officials’ public speech on the „fight against corruption” consists of the speech of the current Romanian President (he himself charged, including in court, for severe corruption actions). In his attempt to make his public speech more credible, and in particular in order to attract election capital, during all years following 2004, during his President office, Traian Basescu has repeatedly expressed severe critics regarding the manner in which three „businessmen” (Sorin Ovidiu Vantu, Dinu Patriciu and Dan Voiculescu, explicitly called „oligarchs”, „moguls” etc.) have used or attempted to use their influence against politicians, governmental officials or representatives of other governmental authorities, in order to obtain illegitimate benefits in conflict with the public interests. But except for these vituperations, we are not aware of any action performed by the President in order to support his public statements, although, according to the Romanian Constitution, he had and has the obligation to pursue the compliance with the fundamental law and the governmental authorities appropriate operation, including in the sense of complying with the constitutional principle of „*equal treatment of all citizens, with no privileges and discriminations in front of the law and of the governmental authorities*”. Or the President was and is well aware of the fact that (and I will only give this example) important media institutions belonging to the said three „businessmen” operate, in Bucharest, in extremely large dwelling premises, public property – premises in consideration of which the said three persons pay rents dozens of time lower compared to those of Bucharest free market (thus acquiring, year by year, in the detriment of public budget revenues, illegitimate financial benefits of tens of millions Euro). On December 18<sup>th</sup>, 2009, based on the Law on access to information, I have sent a written application to the President (also attached hereto), requesting information on the actions performed by him in order to stop the privileged treatment granted to these three „businessmen” for almost ten years, by the public authorities. Although the legal term has expired on December 19<sup>th</sup>, 2009, the Presidential Administration has failed to provide an answer. Please also note that the said three businessmen are charged for severe corruption deeds (the judgment thereof dragging on for a very long time) and/or are charged for connections with the former political police (regarding one of them such charge being already proved with documents from *Securitate* files).

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<sup>10</sup> „Evenimentul zilei” newspaper, “*The secret services do not tighten their belt during crisis times*”, January 4<sup>th</sup>, 2010

Your Excellency,

To the extent my arguments above have convinced you, even partially, please consider these, both you and your Government, in the meaning I have raised these to your attention. There are no doubts regarding Romanian people's gratitude for the generous support received during the last two decades from your country. At the same time, I am convinced that this gratitude will become much higher when it will become even more obvious that your Government and country have done everything possible for an ally whose historical destiny has faced and is still facing an essential challenge.

Please accept, your Excellency, the expression of my high consideration.

February 18, 2010

----- Original Message -----

**From:** Valerian Stan

**To:** [procetatean@presidency.ro](mailto:procetatean@presidency.ro)

**Sent:** Tuesday, December 08, 2009 5:03 PM

**Subject:** Cerere de informatii publice

Domnului General Ion Oprisor  
Secretarul Consiliului Suprem de Apărare a Țării

Domnule General,

În luna iulie 2005, prin Legea nr 247/2005, Legea nr 303/2004 privind statutul judecătorilor și procurorilor a fost completată cu următoarele dispoziții:

"Art. 7 - (1) Judecătorii, procurorii, magistrații-asistenți, personalul de specialitate juridică asimilat acestora și personalul auxiliar de specialitate al instanțelor judecătorești și parchetelor nu pot fi lucrători operativi, inclusiv acoperiți, informatori sau colaboratori ai serviciilor de informații.

(2) Persoanele prevăzute la alin. (1) completează, anual, o declarație autentică, pe propria răspundere potrivit legii penale, din care să rezulte că nu sunt lucrători operativi, inclusiv acoperiți, informatori sau colaboratori ai serviciilor de informații.

(3) Consiliul Suprem de Apărare a Țării verifică, din oficiu sau la sesizarea Consiliului Superior al Magistraturii ori a ministrului Justiției, realitatea declarațiilor prevăzute la alin. (2)."

Va rog să-mi comunicați următoarele informații de interes public:

1. numele, prenumele, calitatea persoanelor prevăzute la alin 1 și institutia din care fac parte în legătura cu care CSAT a făcut verificări în conformitate cu prevederile alin 3
2. din inițiativa cui și la ce dată a fost făcută fiecare dintre aceste verificări
3. care a fost rezultatul fiecăreia dintre aceste verificări.

Va multumesc,  
Valerian Stan

----- Original Message -----

**From:** Valerian Stan

**To:** informarepublica@csm1909.ro

**Sent:** Tuesday, December 15, 2009 7:56 PM

**Subject:** Valerian Stan - Cerere de informatii publice

Catre Consiliul Superior al Magistraturii

In luna iulie 2005, prin Legea nr 247/2005, Legea nr 303/2004 privind statutul judecătorilor și procurorilor a fost completată cu următoarele dispoziții:

"Art. 6 - (1) Judecătorii, procurorii, magistrații-asistenți, personalul de specialitate juridică asimilat magistraților și personalul auxiliar de specialitate sunt obligați să facă o declarație autentică, pe propria răspundere potrivit legii penale, privind apartenența sau neapartenența ca agent sau colaborator al organelor de securitate, ca poliție politică.

(2) Consiliul Național pentru Studierea Arhivelor Securității verifică declarațiile prevăzute la alin. (1). Rezultatele verificărilor se atașează la dosarul profesional.

(3) Dispozițiile Legii nr. 187/1999 privind accesul la propriul dosar și deconspirarea securității ca poliție politică se aplică în mod corespunzător."

Va rog sa-mi comunicati urmatoarele informatii de interes public:

1. cate verificari au fost facute in baza art 6 din Legea nr 303/2004, cu privire la judecatori si procurori, si care au fost rezultatele acestora
2. numele, prenumele si institutia din care fac parte judecatorii si procurorii in legatura cu care s-au facut verificari si care a fost rezultatul in cazul fiecareia dintre aceste verificari.

Va multumesc,

Valerian Stan

Bucuresti

Str Tolbei nr 2, Bl C59, Sc 1, Ap 23, Sector 6



*"Consiliul Superior al Magistraturii  
este garantul independenței justiției"  
(art. 133 alin. 1 din Constituție,  
republicată)*

## **BIROUL DE INFORMARE PUBLICĂ ȘI RELATII CU MASS MEDIA**

NR:4/37509/1154/BIPRMM

Data:19.01.2010

*Domnului Valerian Stan*

*Stimate domn,*

Ca urmare a cererii dumneavoastră formulată în temeiul Legii nr. 544/2001 privind liberul acces la informațiile de interes public, înregistrată la Biroul de Informare Publică și Relații cu Mass Media sub nr.37509/1154/2009, vă comunicăm următoarele:

Până în prezent Consiliul Național pentru Studierea Arhivelor Securității a comunicat Consiliului Superior al Magistraturii un număr de 1728 decizii și adeverințe pronunțate sub imperiul *Legii nr. 187/1999 privind accesul la propriul dosar și deconspirarea securității ca poliție politică*, precum și sub imperiul Ordonanței de Urgență a Guvernului nr. 24/2008, privitoare la verificarea declarațiilor depuse de judecători, procurori, magistrați asistenți, personal de specialitate juridică asimilat judecătorilor și procurorilor, în conformitate cu prevederile art. 6 alin. 1 din Legea nr. 303/2004 privind statutul judecătorilor și procurorilor, republicată, cu modificările și completările ulterioare.

Adeverințele prevăzute la art.8 lit.b și art. 9 din OUG nr. 24/2008 se publică potrivit art.10 pe pagina de internet a CNSAS.

"... Art. 8 - Colegiul Consiliului Național pentru Studierea Arhivelor Securității ia în discuție nota de constatare și, după caz: ...

b) infirmă nota de constatare și dispune Direcției juridice eliberarea unei adeverințe din care să rezulte că persoana verificată nu a avut calitatea de lucrător al Securității sau de colaborator al acesteia.

Art. 9 - În cazul în care din nota de constatare rezultă că nu există date sau documente privind calitatea de lucrător al Securității sau de colaborator al acesteia pentru persoana care a făcut obiectul verificării, Colegiul Consiliului Național pentru Studierea Arhivelor Securității dispune eliberarea unei adeverințe în acest sens.

Art. 10 ... alin. (2) Adeverințele prevăzute la art. 8 lit. b) și art. 9 se publică de îndată pe pagina proprie de internet a Consiliului Național pentru Studierea

Adresa: București, Str. Calea Plevnei, Nr.141, Sector 6,

Fax: 3116950

Web: www.csm1909.ro



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## **BIROUL DE INFORMARE PUBLICĂ ȘI RELATII CU MASS MEDIA**

Arhivelor Securității și pot fi contestate la Secția de contencios administrativ și fiscal a Curții de Apel București de către orice persoană interesată, în termen de 30 de zile de la publicarea lor. ”

Consiliul Superior al Magistraturii a solicitat CNSAS încă din 7 octombrie 2005 verificarea declarațiilor date de 6138 magistrați cu privire la apartenența sau neapartenența acestora ca agent sau colaborator al organelor de securitate, ca poliție politică, soluționarea unora dintre acestea fiind încă în curs. Și în prezent, datorită fluctuațiilor existente în sistemul judiciar Consiliul Superior al Magistraturii continuă să transmită CNSAS datele de stare civilă ale magistraților, necesare efectuării verificărilor.

Din totalul deciziilor și adeverințelor remise până în prezent Consiliului Superior al Magistraturii, **2 decizii nedefinitive** atestă colaborarea cu organele de securitate, ca poliție politică, a **doi judecători în funcție**.

Consiliul Superior al Magistraturii nu deține date cu privire la identitatea persoanelor în legătură cu care aceste hotărâri definitive au fost pronunțate deoarece nu este parte în proces. CSM a luat la cunoștință de existența celor două decizii ca urmare a comunicatelor de presă întocmite de către CNSAS.

Decizia irevocabilă, pronunțată potrivit OUG nr. 24/2008, se publică în Partea a-III-a a Monitorul Oficial și în acest mod ea este adusă la cunoștința opiniei publice, inclusiv a Consiliului Superior al Magistraturii.

*Practica C.S.M. este constantă în sensul că, în situația pronunțării unei hotărâri irevocabile în sensul admiterii acțiunii în constatare formulată de CNSAS, transmite organelor de urmărire penală documentele necesare în vederea efectuării de cercetări sub aspectul săvârșirii infracțiunii de fals în declarații.*

În privința procurorilor, precizăm că există un număr de **2 decizii definitive** care atestă colaborarea cu organele de securitate, ca poliție politică, respectiv Erdos Andrei de la Parchetul de pe lângă Judecătoria Odorheiu Secuiesc și Bostan Teodoru de la Parchetul de pe lângă Judecătoria Buhuși, ambii fiind, în prezent, pensionați.

Consiliul Superior al Magistraturii a transmis organelor de urmărire penală documentele necesare în vederea efectuării de cercetări penale împrejurarea ce rezultă și din comunicatul de presă din data de 15.05.2009 care poate fi accesat urmând link-ul: [http://www.csm1909.ro/csm/linkuri/14\\_05\\_2009\\_23422\\_ro.doc](http://www.csm1909.ro/csm/linkuri/14_05_2009_23422_ro.doc).



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## **BIROUL DE INFORMARE PUBLICĂ ȘI RELATII CU MASS MEDIA**

Legea nr.303/2004 prevede că:

“ ... Art. 6 - (1) Judecătorii, procurorii, magistrații-asistenți, personalul de specialitate juridică asimilat magistraților și personalul auxiliar de specialitate sunt obligați să facă o declarație autentică, pe propria răspundere potrivit legii penale, privind apartenența sau neapartenența ca agent sau colaborator al organelor de securitate, ca poliție politică.

(2) Consiliul Național pentru Studiarea Arhivelor Securității verifică declarațiile prevăzute la alin. (1). Rezultatele verificărilor se atașează la dosarul profesional.

(3) Dispozițiile Legii nr. 187/1999 privind accesul la propriul dosar și deconspirarea securității ca poliție politică se aplică în mod corespunzător.

Art. 7 - (1) Judecătorii, procurorii, magistrații-asistenți, personalul de specialitate juridică asimilat acestora și personalul auxiliar de specialitate al instanțelor judecătorești și parchetelor nu pot fi lucrători operativi, inclusiv acoperiți, informatori sau colaboratori ai serviciilor de informații.

(2) Persoanele prevăzute la alin. (1) completează, **anual**, o declarație autentică, pe propria răspundere potrivit legii penale, din care să rezulte că nu sunt lucrători operativi, inclusiv acoperiți, informatori sau colaboratori ai serviciilor de informații.

(3) Consiliul Suprem de Apărare a Țării verifică, din oficiu sau la sesizarea Consiliului Superior al Magistraturii ori a ministrului justiției, realitatea declarațiilor prevăzute la alin. (2).

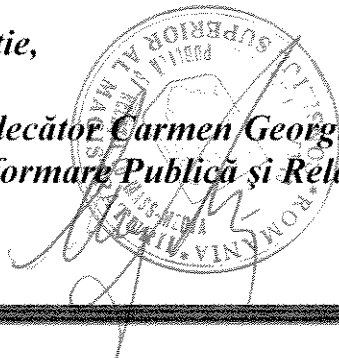
(4) Încălcarea dispozițiilor alin. (1) conduce la eliberarea din funcția deținută, inclusiv cea de judecător sau procuror.”

Articolul 48 din Legea 303/2004 prevede în aliniatul 10 următoarele:

“10) Nu pot fi numiți în funcții de conducere judecătorii care au făcut parte din serviciile de informații înainte de 1990 sau au colaborat cu acestea ori judecătorii care au un interes personal, ce influențează sau ar putea influența îndeplinirea cu obiectivitate și imparțialitate a atribuțiilor prevăzute de lege.”

*Cu deosebită considerație,*

*Judecător Carmen Georgică  
Biroul de Informare Publică și Relații cu Mass Media*



Adresa: București, Str. Calea Plevnei, Nr.141, Sector 6,

Fax: 3116950

Web: www.csm1909.ro



--- On **Fri, 12/18/09**, **Dragos Stan <sdragos2007@yahoo.com>** wrote:

From: Dragos Stan <sdragos2007@yahoo.com>

Subject: Solicitare de informatii

To: procetatean@presidency.ro

Date: Friday, December 18, 2009, 12:19 PM

**Domnului Traian Băsescu  
Președintele României**

Domnule Președinte,

Așa cum vă este cunoscut, instituții importante de presă aparținând trusturilor oamenilor de afaceri Sorin-Ovidiu Vântu, Dinu Patriciu și Dan Voiculescu își au sediile, de circa opt ani, în clădirea Casei Presei Libere, proprietate de stat, aflată în administrarea Regiei Autonome - Administrația Patrimoniului Protocolului de Stat (RA-APPS). Pentru spațiile foarte mari închiriate, trusturile celor trei oameni de afaceri plătesc chirii de câteva zeci de ori mai mici în comparație cu cele practicate pe piața liberă din București – obținând astfel, multianual, în detrimentul veniturilor bugetare publice, beneficii financiare injuste de ordinul zecilor de milioane de euro. Tratatamentul de care beneficiază cei trei oameni de afaceri din partea Guvernului este unul în mod evident privilegiat, în dezacord flagrant cu principiul egalității cetățenilor, fără privilegii și discriminări, în fața legii și a autorităților publice, principiu statuat prin Constituția României.

În perioada de după 2004, în care ați îndeplinit funcția de Președinte, ați exprimat în repetate rânduri critici cu privire la modul în care cei trei oameni de afaceri (pe care i-ați numit explicit „oligarhi” și „moguli”) s-au folosit ori au încercat să se folosească de influența lor în raport cu oamenii politici, responsabilii guvernamentali ori reprezentanții altor autorități publice pentru a obține privilegii nelegitime în detrimentul interesului public.

În considerarea rolului care v-a revenit prin Constituția României, acela de a veghea la respectarea Constituției și la buna funcționare a autorităților publice, vă rog să mi se comunice demersurile pe care le-ați întreprins în perioada 20 decembrie 2004 – 18 decembrie 2009 pentru ca să înceteze tratamentul privilegiat de care cei trei oameni de afaceri au beneficiat din partea autorităților publice.

Cu stimă,  
Dragoș Stan  
București, str Tolbei nr 2, bl C59, sc 1, ap 23, sector 6