

CASE FILE No. 3762/2/2014

ROMANIA

BUCHAREST COURT OF APPEAL, PENAL SECTION I
REPORT

Meeting held in the Council Chambers on 06 June 2014

RIGHTS AND FREEDOMS JUDGE: CRISTINA-CARMEN CRAIU

COURT CLERK: CONSTANTA MIRELA SBIRCIOB

Public Ministry – Public Prosecutor’s Office attached to the High Court of Cassation and Justice - National Anticorruption Directorate, was represented by Prosecutor Carmen Tundrea.

The case pending before the Court is the proposal submitted by the Public Prosecutor’s Office attached to the High Court of Cassation and Justice - National Anticorruption Directorate to remand in custody the defendant **ADAMESCU GRIGORE DAN**, investigated for committing the offence of bribery, as stipulated by Art. 290, para. 1, Penal Code, reported to Art. 6 of Law No. 78/2000, namely for giving 15,000 Euros to Judge Stanciu Ion as a bribe and for committing the offence of bribery, as stipulated by Art. 290, para. 1, Penal Code, reported to Art. 6 of Law No. 78/2000, namely for giving 5,000 Euros to Judge Roventa Elena as a bribe.

The roll was called at the meeting held in the Council Chambers and the following persons were present: the defendant Adamescu Grigore Dan in person, being detained, assisted by the chosen solicitors Marian Nazat with the power of attorney No. 1584315/2014 and Viorel Pascu with the power of attorney No. 0983840/2014 submitted to the case file.

The legal requirements of the summoning procedure were fulfilled. The report of the case was made by the court clerk and then, at the request of the Court, the defendant Adamescu Grigore Dan said that he wanted to give a statement. Under Art. 225, para. (7), Criminal Procedure Code (CPC), the defendant Adamescu Grigore Dan is heard, his statement being recorded, read, signed and attached to the file. Finding that there are no other requests, the Court opens the floor to the debate for the proposal to remand the defendant Adamescu Grigore Dan in custody.

The Public Ministry representative shows that the defendant Adamescu Grigore Dan is accused of committing two offences of bribery in real situations, retaining the fact that as a representative of SC Bausmeister Utilaje si Echipamente and SC Baumeister Prestari Servicii. In the months of May and December 2013, he accepted and ordered the bribes through Onuta Daniel, Borza Monica Angela and solicitor George Dumitru in the amount of 15,000 Euros to Judge Stanciu Ion and the amount of 5,000 Euros to Judge Roventa Elena with the purpose of obtaining favourable outcomes in the trials regarding the insolvency of Baumeister company and in the trial regarding the company Activ Constructii Industriale belonging to Mr. Adamescu Grigore Ion. The offence results from the fact that the defendant owns a group of offshore companies having Nova Group as a central pillar and he coordinates this group together with the suspect Adamescu Bogdan Alexander. The interest in obtaining favourable outcomes was for the defendant to gain control over the company’s patrimony Beimeister SA, which became SC Sigur Industrial Construct,

for asset recovery based on fictitious conventions concluded with other companies in the group. The amounts of money that form the offences of giving bribes and accepting bribes were transferred from the accounts of the companies Baumeister Prestari Servicii and Bausmeister Utilaje si Echipamente, without legal justification, in order to be given to the judges as payment for contracts for legal assistance that stipulated much higher fees than the usual ones, somewhere between 10,000 and 20,000 lei. The witnesses Onuta Daniel and Firestien Daniela as well as the suspect Borza Monica Angela confirmed the fact that the defendant knew and agreed with corrupting the magistrates.

In the case file there are also recordings of the dialogues between Onuta Daniel and Firestien Daniela and between Onuta Daniel and Borza Monica Angela, which prove that the defendant knew about the activity of corrupting the magistrates. The success fees stipulated in the contracts for legal assistance concluded with solicitor George Dumitru were not paid although some favourable decisions had already been made in the case files that were judged by Judge Roventa Elena. Although the defendant said that solicitor George Dumitru acted in his own interest to corrupt the magistrates, it is found that his interest in obtaining favourable outcomes from the Bucharest Court was much higher than the interest of this solicitor in obtaining the success fee, which was not paid. Given the seriousness of the defendant's incriminating deeds and the manner and circumstances in which he acted for committing the offense as well as the reasonable indications based on evidence administered to date and the fact that he tried to influence one of the witnesses heard in the case, the admission of the proposal is requested by the National Anticorruption Directorate and to order the arrest of the defendant for a period of 30 days in accordance with the stipulations of Art. 223 para. 1, letter b, and para. 2 of Art. 224 CPC and 202 para. 1 and 2 CPC.

The chosen solicitor of the defendant, Nazat Marian, shows that beginning from 22 May 2014, a moment that clarifies many of the allegations that the Prosecution makes at this hearing. On 22 May 2014, the defendant was summoned to the National Anticorruption Directorate headquarters and there he was informed that he is a suspect, consequently only on 22 May, the defendant learned that criminal charges were brought against him. On this occasion, in the report drafted on that day, he was informed that he had two obligations that result from Art. 108 CPC. At the time, the Prosecutor considered that it was enough to consider Adamescu a suspect and did not take any preventive measures against him, nor did he set in motion the criminal proceedings.

On grounds set out in Art. 223, para. 1, letter b, CPC and from reading the text referred to by the Prosecution, it appears that there are some conditions that are not met in the case. The first one requires that the person be accused when he commits one of the offences mentioned at letter b. Also, all these actions refer to actions of destruction, alteration, concealment, hiding material evidence and nowhere does the text talk about influencing a witness. We show that at that time, Mr. Adamescu was not accused. We also refer to the phone conversations from 19 May which refer to actions prior to the moment Mr. Adamescu found out that he was a suspect; these would have been relevant if they had been done after 22 May 2014 when Mr. Adamescu was officially informed by the Prosecution that he was a suspect. Also, the obligations mentioned in the report on 22 May by which he was informed that he

was a suspect were not breached in this interval of time, therefore from this perspective the remand on custody of the defendant cannot be requested.

We inform the Court that after 22 May he did not attempt to influence any witnesses, respectively Daniela Firestein, and there is no indication in the file showing such unlawful action of the defendant which would aim to divert the trial from its purpose.

Furthermore, on the 19th, when it is alleged that he had tried to influence her, the defendant did not know that he was under investigation and it was natural as a representative of the board for employees to be summoned when investigations were carried out and it was natural to inquire about their progress because all these investigations were targeting companies he represented. Thus, we consider that the conditions for remand on custody set out in Art. 23, para. 1, letter b CPC were not met.

Para. 2 of the same text, talks about the existence of evidence from which reasonable suspicion arises. The defence appreciates that this evidence existed on 22 May 2014, and these could not convince the Prosecutor to initiate the criminal proceedings. In other words, the Prosecutor considered that the evidence was insufficient to make a reasonable and plausible assumption; there was no new evidence to this end after 22 May. Thus, the references to the three statements of Borza, Onute and Firestien have many gaps or inaccuracies.

First of all, Borza and Onute are denouncers; they made denouncements on 13 and 14 May, with their interest being obvious; they are the ones who remitted the sums of money and their interest is obvious because by making this denouncement their legal situation becomes easier. We request that passages from the recordings of witness Borza be taken into account as this proves that she insisted that witness Onute introduce her to Mr. Adamescu's office to be able to talk and Mr. Adamescu refused.

We also request that the other witness be considered as Dumitru George, did not make any references to the involvement of Mr. Adamescu in the criminal activity of corrupting the two judges. It is obvious that at the moment there is no evidence that would lead to a reasonable assumption that Mr. Adamescu was aware that the two of them were giving money as bribes to the two judges.

We request consideration that there is no personal telephone conversation in the file recorded with Mr. Adamescu which show that he was aware of the two witnesses' practices. We show that after 22 May there was no new evidence that could change the facts existing at that moment. Moreover, the condition stipulated in para 2 of Art. 223 is not met, and the personal circumstances of the defendant, namely his situation and the absence of a criminal record, support him.

The Public Ministry representative shows that after 22 May it was necessary to clarify the financial circuit of the amounts of money that were the subject of the offences of giving bribes and accepting bribes respectively. For this reason, on the 21st of May, several premises searches were performed at the offices run by the defendant and at his house, and subsequently these documents were unsealed and on the basis of these documents, information was sought from the banking

institutions in order to accurately establish which was the financial circuit, especially because these amounts of money were not transferred from the company's accounts which were in the insolvency procedure, thus they were not coming from the accounts of Baumeister SA, which later became Industrial Construct, nor did they come from the accounts of Activ Constructii Industriale.

In addition, although Borza Monica formulated a self-denunciation addressed to the National Anticorruption Directorate, she is considered a suspect and was indicted for two offences of complicity to the offense of accepting bribes, both regarding the defendant Stanciu Ion and the defendant Roventa Elena, with several persons being heard after 22 May in order to elucidate this financial circuit.

The chosen solicitor of the defendant, Nazat Marian, considers that these circumstances had to occur after that moment, and the fact that the prosecution did not do what they should have done from the beginning because these financial circuits are from the months of May and December 2013, and the documents submitted to the case file volume 4 by Onute, all the additional acts and the contracts for legal assistance concluded with Dumitru and considers that from that moment on the Prosecutor's Office could have established these financial circuits, but these financial circuits do not reveal in any way the involvement of Mr. Adamescu, on the contrary, they prove that there is that complicity between those two who succeed to take sums of money out of the Baumeister company's patrimony through financial circuits, which include false documents.

The chosen solicitor of the defendant, Virgil Pascu, shows that the measure of remand on custody cannot be taken because the stipulation of Art. 223 CPC are not met nor are those stipulated in para. 1 in which are set out in a limitative and express manner where the conditions that can lead to such a measure, being simple allegations that have no support, none of the express situations of this text of law exist because this witness was heard on 14 May 2014, and the influence would have been consumed after 20 May.

The defendant **ADAMESCU GRIGORE DAN**, being the last to take the floor, shows that he is 66 years of age and has led an immaculate life, he lived in Germany for 20 years as a German citizen and from there he acquired a certain lifestyle by which his companies were not allowed to work with cash. There were specifically no cashier's offices to prevent this type of thing. He shows that this problem was a shock for him, some rascals did these tricks, and his companies remitted the fee to Dumitru's company.

RIGHTS AND FREEDOMS JUDGE

On 06 June 2014, the Public Prosecutor's Office attached to the High Court of Cassation and Justice - National Anticorruption Directorate, Anticorruption Department submitted, in accordance with Art. 224 CPC, the report with the proposal to remand in custody the defendant ADAMESCU GRIGORE DAN, investigated in the case file 316/P/2013 for committing the offence of bribery, stipulated by Art. 290, para. 1, Penal Code, reported to Art. 6 of Law No. 78/2000 (namely for giving 15,000 Euros to Judge Stanciu Ion as bribe), and Art. 290, para. 1, Penal Code, reported to

Art. 6 of Law No. 78/2000 (namely for giving 5,000 Euros to Judge Roventa Elena as bribe).

In the report with the proposal to remand in custody it was showed that:

On **18 November 2013**, the National Anticorruption Directorate - Anticorruption Department **was notified ex officio** that some judges from Bucharest Court, Civil Section VII, personally or through intermediaries, requested and received amounts of money or goods with the purpose to either perform, not perform, or delay an act relating to official duties or to exercise their influence on various court judges or magistrates from different courts in Bucharest and around the country. They used information obtained from insolvency judges whilst working on insolvency cases through which they then put at the disposal of administrators.

It was ordered on the 4th of February 2014 to begin prosecution regarding the offences of: using, in any way, directly or indirectly, information that is not public domain or allowing access to this information to unauthorised persons, if this is done with the purpose of obtaining for oneself or for another person money, goods or other undue benefits, stipulated by Art. 12, letter b of Law No. 78/2000; accepting bribes, stipulated by art. 289, para. 1, Penal Code, reported to Art. 6 and 7 of Law No. 78/2000; giving bribes, stipulated by Art. 290, para. 1, Penal Code, reported to Art. 6 of Law No. 78/2000; traffic of influence stipulated by Art. 291, para. 1, Penal Code, reported to Art. 6 of Law No. 78/2000; buying influence, stipulated by Art. 292, para. 1, Penal Code, reported to Art. 6 of Law No. 78/2000; and abuse of office if the public servant obtained for himself or for another person undue benefits, stipulated by Art 13² of Law No. 78/2000 reported to Art. 297, para. 1, Penal Code.

On **13 May 2014**, Onute Daniel formulated a **self-denunciation** in which he said that in June 2013, he remitted to the representative of ACTIV LICHIDATOR IPURL, Borza Monica Angela, an amount between 30,000 and 45,000 Euros to be given to Judge Stanciu Ion in exchange for him giving a decision favourable to SC BAUMEISTER SA, in the insolvency case file No. 33293/3/2012 instrumented by him.

At the same time, the denouncer showed that in December 2013, he remitted to the suspect Borza Monica Angela – insolvency practitioner – an amount of 20,000 to 30,000 Euros, after having discussed in advance with Adamescu Grigore Dan and Adamescu Bogdan Alexander, who agreed to remit the money and told the denouncer that Firestain Daniela is to make the payment to solicitor Dumitru George Claudiu, following that the solicitor to transfer the money in one of the denouncer's accounts. The money was given to the judges Stanciu Ion and Roventa Elena (10,000 Euros each) with the purpose of having them pronounce favourable decisions in the case file No. 41848/3/2012 regarding the insolvency of SC ACTIV CONSTRUCTII INDUSTRIALE SRL (ex SC BAUMEISTER CONSTRUCTII CIVILE), case file in which complaints were made to the receivables by SC BAUMEISTER SA and was instrumented by Judge Roventa Elena.

In December 2013, after the remittance of money, two decisions were pronounced, which were, in essence, favourable to SC BAUMEISTER SA.

At the beginning of 2014, Borza Monica Angela told the denouncer that he must submit two applications to supplement the decisions of the judgments concerned following that the court will reopen and resolve pending requests for intervention in these cases to avoid the annulment by a superior court.

After the remittance of money, the denouncer, Onute Daniel, mentioned that he knows that Firestain Daniela from NOVA company group, who sanctioned the payment, and Adamescu Grigore Dan and Adamescu Bogdan Alexander agreed to corrupt the magistrates.

By **Order issued on 13 May 2014**, the **National Anticorruption Directorate decided to extend the criminal prosecution** with regard to the offences of **accepting bribes** stipulated by Art. 289, para. 1, Penal Code, reported to Art. 6 and 7 letter b of Law No. 78/2000, in connection with the case files No. 41848/3/2012/al and No. 19950/3/2013 of Bucharest Court; **accepting bribes**, stipulated by Art. 289, para. 1, Penal Code, reported to Art. 6 and 7 letter b of Law No. 78/2000 in connection with the case file No. 33293/3/2012/a8; **complicity to the offence of accepting bribes**, stipulated by Art. 48 Penal Code reported to Art. 289 para. 1 Penal Code reported to Art. 6 and 7 letter b of Law No. 78/2000, in connection with the case files No. 41848/3/2012/al and No. 19950/3/2013; **complicity to the offence of accepting bribes**, stipulated by Art. 48 Penal Code reported to Art. 289 para. 1 Penal Code reported to Art. 6 and 7 letter b of Law No. 78/2000, in connection with the case file No. 33293/3/2012/a8; **giving bribes**, stipulated by Art. 290, para. 1, Penal Code, reported to Art. 6 of Law No. 78/2000, in connection with the case files No. 41848/3/2012/al and No. 19950/3/2013; **giving bribes**, stipulated by Art. 290, para. 1, Penal Code, reported to Art. 6 of Law No. 78/2000, in connection with the case file No. 33293/3/2012/a8, described in the denouncement made by ONUTE DANIEL on 13 May 2014.

On **14 May 2014**, Borza Monica Angela formulated a **self-denunciation** in which she said that in order to open the insolvency procedure of SC BAUMEISTER SA, the debtor's representative, Onute Daniel, gave her initially 5,000 Euros and then 10,000 Euros, which she gave, in person, to Judge Stanciu Ion. From the discussions with him, she understood that the money came from Adamescu Grigore Dan and Adamescu Bogdan Alexander, who were aware of the destination of money.

The denouncer also showed that in the same manner, she received 5,000 Euros from Onute Daniel to give to Judge Roventa Elena to reject the complaints made by other creditors to the debt of SC BAUMEISTER SA.

By **Order issued on 14 May 2014**, it was ordered to continue the criminal prosecution against Adamescu Grigore Dan, representative of SC SIGUR INDUSTRIAL CONSTRUCT SRL company group (ex SC BAUMEISTER SA) and SC ACTIV CONSTRUCTII INDUSTRIALE SRL for committing two offences of giving bribes stipulated by Art. 290, para. 1, Penal Code, reported to Art. 6 and 7 letter b of Law No. 78/2000, facts that constitute multiple offences, under the stipulations of Art. 38, para. 1, Penal Code.

De facto was established that ADAMESCU GRIGORE DAN, in December 2013, gave, through the witness ONUTE DANIEL and the liquidator BORZA MONICA

ANGELA, to judge STANCIU ION – the amount of 15,000 Euros and to judge ROVENTA ELENA – the amount of 5,000 Euros, judges from Bucharest Court – Civil Section VII – for favourable resolutions of the case files No. 41848/3/2012/al, No. 19950/3/2013 and No. 33293/3/2012.

By Order issued on **4 June 2014**, it was ordered to change the legal classification of the offences of giving bribes of which the defendants ADAMESCU GRIGORE DAN and ADAMESCU BOGDAN ALEXANDER are accused namely to change from Art. 290, para. 1, Penal Code, reported to Art. 6 and 7 letter b of Law No. 78/2000, with the application of Art. 38 Para. 1, Penal Code (2 offences of giving bribes), to Art. 290, para. 1, Penal Code, reported to Art. 6 Law No. 78/2000, facts that constitute multiple offences, under the stipulations of Art. 38, para. 1, Penal Code (2 offences of giving bribes).

In order to clarify all the facts resulting from the denunciations made, the National Anticorruption Directorate administered the following evidence:

- Report of the dialogue between FIRENSTAIN DANIELA and ONUTE DANIEL, vol. 4, pages 114-125;
- Report of the dialogue between BORZA MONICA ANGELA and ONUTE DANIEL, vol. 4, pages 126-144;
- Report of the dialogue between BORZA MONICA ANGELA and STANCIU ION, vol. 4, pages 145-152;
- Report of the dialogue between BORZA MONICA ANGELA and ROVENTA ELENA, vol. 4, pages 182-252;
- Statement of suspect ROVENTA ELENA from 19 May 2014, pages 65-73, Vol. 7;
- BCR bank statements on the names of ROVENTA ELENA and MOLDOVAN MIRCEA for the period 1 September 2012 – 4 March 2014, pages 49-69, Vol. 8;
- ANAF information regarding accounts open on the names of STANCIU ION, HANGANU MIHNEA-IOAN, ROVENTA ELENA, ONUTE ALINA-STEFANIA, DUMITRU GEORGE CLAUDIU, Vol. 8;
- Witness statement DRAGOI VALERIA from 22 May 2014 – pages 18-22, Vol. 9;
- Witness statement OGREZEANU CONSTANTIN from 28 May 2014 – pages 32-34, Vol. 9;
- Statement of suspect ADAMESCU GRIGORE DAN from 22 May 2014, pages 52-57, Vol. 9;
- Report from 28 May 2014 regarding the receipt from the said OGREZEANU CONSTANTIN of 14 pages in copy representing the convention concluded between SC BAUMEISTER SA and SC ACTIV CONSTRUCTII INDUSTRIALE SRL and of a number of 91 pages in copy representing documents in connection with the case file No. 33293/3/2012 – pages 228-333, Vol. 9;
- Statement of suspect BORZA MONICA ANGELA from 2 June 2014, pages 375-380, Vol. 9;
- Witness statement ONUTE DANIEL from 2 June 2014 – pages 381-385, Vol. 9;

- BCR bank statements on the name of STANCIU ION for the period 1 December 2013 – 31 January 2014, pages 5-8, Vol. 10;
- Report from 21 May 2014 regarding the premises search at the Bucharest address Nerva Traian St., No. 3, Bl. M101, 9th Floor, Sector 3, headquarters of SC MEDIAEN HOLDING SRL, pages 39-50, Vol. 10;
- Report from 21 May 2014 regarding the premises search at the Bucharest address Piata Unirii, Magazin Unirea, No. 1, 5th and 6th Floors, Sector 3, headquarters of SC THE NOVA GROUP INVESTMENTS ROMANIA SA, pages 95-98, Vol. 10;
- Report from 21 May 2014 regarding the premises search at the Bucharest address Piata Unirii, Magazin Unirea, No. 1, Calarasi Building, 5th Floor, Sector 3, headquarters of SC TNG REAL ESTATE MANAGEMENT SRL, pages 101-104, Vol. 10;
- Report from 21 May 2014 regarding the premises search at the Bucharest address Piata Unirii, Magazin Unirea, No. 1, Calarasi Building, 5th Floor, Sector 3, headquarters of SC SIGUR INDUSTRIAL CONSTRUCT SRL, pages 107-109, Vol. 10;
- Report from 27 May 2014 regarding the unsealing of documents and acts seized in accordance with the premises search report performed on 21 May 2014 at the headquarters of SC TNG REAL ESTATE MANAGEMENT SRL, pages 110-112, Vol. 10;
- Report from 27 May 2014 regarding the unsealing of goods, documents and acts seized in accordance with the premises search report performed on 21 May 2014 at the headquarters of SC THE NOVA GROUP INVESTMENTS ROMANIA SA, pages 113-123, Vol. 10;
- Report from 27 May 2014 regarding the unsealing of documents and acts seized in accordance with the premises search report performed on 21 May 2014 at the headquarters of SC SIGUR INDUSTRIAL CONSTRUCT SRL, pages 124-128, Vol. 10;
- Report from 21 May 2014 regarding the premises search at the Bucharest address Aviatorilor Bld., No. 104, Sector 1, where Adamescu Grigore Dan lives - pages 143-150, Vol. 10;
- Report from 21 May 2014 regarding the premises search at the building SC COMPANIA HOTELIERA INTERCONTINENTAL ROMANIA - pages 154-160, Vol. 10;
- Report from 23 May 2014 regarding the unsealing of a part of the files that contain acts seized at the premises search performed on 21 May 2014, in the building situated in Bucharest, Aviatorilor Bld., No. 104, Sector 1, pages 162-164, Vol. 10;
- Report from 27 May 2014 regarding the unsealing of files that were unsealed at the search performed on 23 May 2014 and which contain acts seized at the premises search performed on 21 May 2014, in the building situated in Bucharest Municipality, Aviatorilor Bld., No. 104, Sector 1, Vol. 10;
- The communication from Transilvania Bank from 26 May 2014 regarding the accounts of ONUTE DANIEL and ONUTE ALINA-STEFANIA – page 220, Vol. 10;
- Documents from the National Trade Registry regarding BAUMEISTER PRESTARI SERVICII SRL and BAUMEISTER UTILAJE ECHIPAMENTE SRL – pages 1-166, Vol. 11;

- Witness statement MOROSAN MARIA, from 4 June 2014, pages 1-4, Vol. 12;
- Witness statement BALAN DUMITRU, from 4 June 2014, pages 8-10, Vol. 12;
- Witness statement COLCERIU IONUT, from 3 June 2014, pages 16-17, Vol. 12;
- Witness statement STOICAN LUCIAN, from 3 June 2014, pages 18-19, Vol. 12;
- Witness statement KIMM MIHAI, from 3 June 2014, pages 20-21, Vol. 12;
- Witness statement DUSA GRUIA SMARANDA, from 3 June 2014, pages 22-23, Vol. 12;
- ONRC documents regarding MEDIEN HOLDING SRL, pages 39-59, Vol. 12;
- Report from 21 May 2014 regarding the premises search at the Bucharest address Aviatorilor Bld., No. 104, Sector 1, where Adamescu Grigore Dan lives - pages 60-67, Vol. 12;
- Documents from the Ministry of Public Finance regarding BAUMEISTER UTILAJE ECHIPAMENTE SRL, "DUMITRU GEORGE CLAUDIU" LAW PRACTICE, BAUMEISTER PRESTARI SERVICII SRL, DUMITRU MIHALA, PEDA FLORENTINA, PEDA IOANA RODICA IULIA, STANCIU ION, HANGANU MIHNEA IOAN, ROVENTA ELENA, ONUTE ALINA STEFANIA, DUMITRU GEORGE CLAUDIU, pages 80-90, Vol. 12;
- Photos having as object the searches performed on 21 May 2014 at the headquarters of SC THE NOVA GROUP INVESTMENTS ROMANIA SA, headquarters of SC SIGUR INDUSTRIAL CONSTRUCT SRL, headquarters of SC TNG REAL ESTATE MANAGEMENT SRL, at the address of ADAMESCU GRIGORE DAN; photos with the most important moments caught on camera during the search performed at the headquarters of SC MEDIEN HOLDING SRL; photos having as object the main operative moments of the meeting between the said BORZA MONICA ANGELA and STANCIU ION from 11 December 2013; photos having as object the main operative moments of the meeting between the said BORZA MONICA ANGELA and ROVENTA ELENA from 10 December 2013, pages 147-197, Vol. 12;
- Documents from UNICREDIT TIRIAC BANK regarding the account of solicitor DUMITRU GEORGE CLAUDIU, pages 87-116, Vol. 13;
- Documents seized at the search performed on 21 May 2014 at the headquarters of SC THE NOVA GROUP INVESTMENTS ROMANIA SA, pages 117-152, Vol. 13;
- Report from 27 May 2014 regarding the transcription of the content of twelve phone conversations, pages 164-178, Vol. 13;
- Report from 2 June 2014 regarding the receipt of some documents from the Chief Commissioner HARUTA ALIN, pages 193-194, Vol. 13;
- Copy of the report made when seizing documents from DUMITRU MIHAELA – pages 195-198, Vol. 13;
- Report from 5 June 2014 regarding the photo-copying from the Court case files No. 41848/3/2012/al, No. 19950/3/2013 and No. 33293/3/2012 pending before Bucharest Court of the rulings pronounced and their copies, pages 199-309;
- Report from 4 June 2014 regarding the transcription of the content of eleven phone conversations, pages 310-318;

- Accounting documents belonging to the Law Practice of solicitor DUMITRU GEORGE CLAUDIU, pages 319-367, Vol. 13;
- Contracts for legal assistance belonging to the Law Practice of solicitor Dumitru George Claudiu, pages 368-385, Vol. 13;
- accounting ledgers belonging to the solicitor office of DUMITRU GEORGE CLAUDIU – pages 386-409, volume 13;
- witness statements: DUMITRU GEORGE-CLAUDIU from 15.05.2014, vol. 4, pages 56-58; FIRESTAIN ELENA-DANIELA from 15.05.2014, vol. 4, pages 60-65; ONUȚE DANIEL from 15.05.2014, vol. 4, pages 76-84;

- Written statements of the following: BORZA MONICA-ANGELA from 14.05.2014 – vol. 1 pages 20-22; ONUȚE DANIEL from 13.05.2014 – vol. 1, pages 23-30;

- statements of the suspects ROVENȚA ELENA from 19.05.2014 – vol. 7, pages 65 – protocol of playback from 13.05.2014, pages 120-137; vol. 2:
 - protocol of playback from 29.04.2014, pages 138-150, vol. 2;
 - protocol of playback from 11.04.2014, pages 151-164, vol. 2;
 - protocol of playback from 13.04.2014, pages 166-178;
 - protocol of playback from 15.04.2014, pages 73-75, vol. 3;
 - protocol of playback from 18.05.2014, pages 76-77, vol. 3;
 - protocol of playback from 11.04.2014, pages 79-96, vol. 3;
 - protocol of playback from 11.04.2014, pages 97-113, vol. 3;
 - protocols of playback of a telephonic call vol. 5, pages 1-514.
 - protocol from 29.04.2014 of checking the courts' portal, vol. 4, page 28;
 - protocols of playback of a telephonic conversation performed in the ambient, vol. 4, pages 114-170, pages 182-252, pages 280-282, pages 288-296;
 - protocol of playback from 11.04.2014, pages 226-245, vol. 2;
 - charts with general information of the files on the docket of Bucharest Court, pages 347-362, vol. 2;
 - charts with general information of the files on the docket of Bucharest Court, pages 143-165, vol. 3;

The evidence showed the involvement in the criminal activity of bribing judges Stanciu Ion and Roventă Elena, by the defendant, Adamescu Grigore Dan and his son, Adamescu Bogdan Alexander, as follows:

- the defendant, ADAMESCU GRIGORE-DAN and suspect ADAMESCU BOGDAN ALEXANDER coordinates, de facto and de jure, a group of companies made of: S.C. SIGUR INDUSTRIAL CONSTRUCT S.R.L (formerly known as S.C. BAUMEISTER S.A.), S.C. ASTRA ACTIV IMOB S.R.L., S.C. ASTRA TRAINING S.R.L, S.C. NOVACUART S.R.L., S.C. TNG REAL ESTATE MANAGEMENT S.R.L., S.C. MEDIEN - HOLDING S.R.L., S.C. COMPANIA HOTELIERĂ INTERCONTINENTAL ROMÂNIA S.A., S.C. THE NOVA GROUP INVESTMENTS ROMÂNIA S.A. and S.C. SOCIETATEA ASIGURA RE-REASIGURARE ASTRA S.A., including **S.C. BAUMEISTER UTILAJE ECHIPAMENTE S.R.L. and S.C. BAUMEISTER PRESTĂRI SERVICII S.R.L;**

- suspects, ADAMESCU GRIGORE-DAN and ADAMESCU BOGDAN ALEXANDER agreed, during previous meetings (May-June 2013, namely December 2013) held with ONUȚE DANIEL and FIRESTAIN DANIELA, to withdrawing the necessary amount of cash from S.C. BAUMEISTER UTILAJE ECHIPAMENTE S.R.L. and S.C. BAUMEISTER PRESTĂRI SERVICII S.R.L. in order to be provided

to the judges presiding on the insolvency cases, by means of signing fictitious contracts of legal assistance by solicitor, DUMITRU GEORGE-CLAUDIU; the defendant, ADAMESCU GRIGORE-DAN and suspect, ADAMESCU BOGDAN ALEXANDER were pursuing a singular and personal interest of achieving favourable judicial decisions, as confirmed, mainly, by acceptance of receivables with which S.C. SIGUR INDUSTRIAL CONSTRUCT S.R.L. had enrolled, together with other creditors, in the statement of affairs of S.C. ACTIV CONSTRUCȚII INDUSTRIALE S.R.L. with the purpose to become main creditors, fact which would have allowed them, amongst others, changing the liquidator RTZ SPRL – Alba branch (related to the cases allocated to judge ROVENȚA ELENA), namely opening the insolvency procedure and naming of ACTIV LICHIDATOR IPURL as temporary judicial administrator and enrolment of receivables S.C. ASIGURARE-REASIGURARE ASTRA S.A. and S.C. EAST BUCHAREST COMMERCIAL PARK S.A. in the permanent table of receivables (related to the insolvency case allocated to judge STANCIU ION);

- the cash amounts necessary for bribing judges STANCIU ION and ROVENȚA ELENA were transferred from S.C. BAUMEISTER UTILAJE ECHIPAMENTE S.R.L. and S.C. BAUMEISTER PRESTĂRI SERVICII S.R.L.'s bank account, without a legal reason (evidence of any debts or compensations of these) and without a relation of these two commercial companies with the insolvency case;

- witnesses ONUȚE DANIEL and FIRESTAIN DANIELA, on one hand and suspect BORZA MONICA-ANGELA, on the other hand, confirmed the agreement of the defendant, ADAMESCU GRIGORE-DAN and of suspect ADAMESCU BOGDAN ALEXANDER, to provide the cash amounts to the judges and the conversations between these with the purpose mentioned above;

From the accounting ledgers of the solicitor GEORGE DUMITRU, of S.C. BAUMEISTER UTILAJE ECHIPAMENTE S.R.L. and of S.C. BAUMEISTER PRESTĂRI SERVICII S.R.L., namely the bank statements of the bank units where the bank accounts were opened, including the ones regarding the bank account of ONUȚE DANIEL's spouse, it shows the transfer method from S.C. BAUMEISTER PRESTĂRI SERVICII S.R.L.'s bank account to the bank account of solicitor GEORGE DUMITRU, furthermore, the cash being transferred in the personal account of the solicitor from where it was transferred into his spouses bank account, opened at Transilvania Bank, as well as the transfer method of the cash amounts from S.C. BAUMEISTER UTILAJE ECHIPAMENTE S.R.L.'a bank account into the bank account of Attorney Practice GEORGE DUMITRU and further, its remittance by ONUȚE DANIEL

On 22.05.2014, Adamescu Grigore Dan was examined as a suspect and in the statement he agreed to show he did not bribe the judges and he doesn't know them, admitted that both he and his son, were coordinating the activity of the entire group of companies, that the attorneys signing the legal assistance contracts were presenting him written or oral reports, that he was aware that attorney DUMITRU GEORGE-CLAUDIU and ONUȚE DANIEL were handling the insolvency cases of S.C. BAUMEISTER S.A., that during 2013 he had a meeting in which DUMITRU GEORGE-CLAUDIU, ONUȚE DANIEL, administrator IONESCU and FIRESTAIN DANIELA participated, when there were debates on the insolvency procedures, that the meetings took place at his office in 3 Nerva Traian Str., bl. MI01, at Astra headquarters and that in May 2014, he summoned ONUȚE DANIEL, DUMITRU GEORGE-CLAUDIU and FIRESTAIN DANIELA to a meeting where the subject of

signing the legal assistance contracts and the related fees was to be approached, namely the stage of the insolvency law suit.

On 05.06.2014 through Order 316/P/2014 it was ruled to proceed with the criminal action for Adamescu Grigore Dan for committing the offences of bribery, as per art. 290 para. 1, Penal Code, related to the Article 6 of the Law no. 78/2000, as multiple offences, according to Article 38 para. 1, Penal Code.

Through ordinance no. **316/P/2014** it was decided **that Adamescu Grigore Dan is to be on remand for 24 hours from 05.06.2014 13:30 to 06.06.2014 13:30.**

The National Anticorruption Directorate – Department of Fighting Corruption showed the fulfilment of the conditions provided in Article 223 Criminal Procedure Code for adopting the provisional arrest measure, and that the defendant, Adamescu Grigore Dan finds himself in the situation provided in Article 223 para. 1 let. b Criminal Procedure Code, first thesis (influence of another participant to committing the offence, of a witness) and namely para. 2 of the same Article, since from the evidence, a reasonable suspicion results that the defendant has committed corruption offences for which the law provides the sanction of imprisonment for 5 years or more and based on the gravity of the offence, of the method and the circumstances of its performance, of the entourage and environment of origin, of other circumstances regarding the defendant, it is noted that deprivation of liberty is necessary to remove a danger to the public.

In the rationale of the case provided in Article 223 para. 1 let. b Criminal Procedure Code it was claimed that the defendant did not limit himself only to conceive and perform some actions destined to reach the final purpose – achievement of some convened judicial decisions – but he also made steps to preserve them and cover the tracks of the offences even after these were discovered by the investigation bodies.

Thus, the defendant, Adamescu Grigore Dan, updated on the investigations performed by Firestain Daniela on behalf of the National Anticorruption Directorate – executive manager of SC THE NOVA GROUP INVESTMENT ROMÂNIA SA, company owned, in fact, by the defendant, tried to influence the course of the investigation, taking advantage of the authority he has on the witness and the financial dependence of his subordinate towards him.

These aspects result unequivocally from the content of the debates the defendant had on 19.05.2014, 09:20:59, with several individuals among who the witness, FIRENSTAIN DANIELA. Thus, the latter informed ADAMESCU GRIGORE DAN she was invited at 10 o'clock to the headquarters of National Anticorruption Directorate. The immediate reaction of the defendant was to prevent her from presenting herself at the hearing without an attorney, of whose presence he personally took care of: "Wait! But someone must go with you..I mean...Wait a minute, I will call you back, I have just spoken with..!"

DAMESCU GRIGORE DAN immediately called a female speaker (09:22:00) and explained that an employee is requested to go again to DNA and that the employee "must be provided with a solicitor", putting pressure on her to contact "Ovidiu" who is considered extremely capable "To call me or something...Yes. Please, ok?". Because the speaker did not resolve the situation, at 09:29:31, ADAMESCU GRIGORE DAN personally got involved and was extremely preoccupied and worried: "Give me his number, I don't have it...Give me his as well and I will keep trying, yes. I have to send someone, because she... She must be there at ten". Since he was unable to contact the desired solicitor, the defendant

asked for help from PASCU VIOREL, solicitor: "Mister Pascu, I have a problem...I couldn't find....I didn't succeed in reaching mister Budușan, at Ovidiu...and Mrs. Firenstein was invited again today at ten at...DNA. And I wanted to ask if you could go with her? Offering to send him a car to make sure he will accompany the witness "No, I will send...She will come with a car at your place, will give you a lift and you will go at DNA...She will come to give a lift. She comes...I don't know, I will see, with a boy...We'll see who...From our company" (09:30:42)

The decision to hire attorney PASCU VIOREL was also communicated to the witness, Firenstein, who was instructed on how she should behave, at 09:33:57:

ADAMESCU GRIGORE DAN: "Look, I couldn't reach that man I told you about, at..."

FIRENSTAIN DANIELA: "Yes."

ADAMESCU GRIGORE DAN: "Budușan. But you will take a car now."

FIRENSTAIN DANIELA: "Yes."

ADAMESCU GRIGORE DAN: "One of ours. And you will go to mister Pascu's house."

FIRENSTAIN DANIELA: "Yes."

ADAMESCU GRIGORE DAN: "The boys must know. You know. The boys know where he is."

ADAMESCU GRIGORE DAN: "yes. Yes. Ok. I don't know if it is alright for you to show up with that car, but he will come to take you, to solve... We will see, I will organise everything. Alright."

According to the role he assumed, the defendant was the one to find a driver, a car, and to arrange the transport of the witness and the attorney to DNA. Discussing several times with a subordinate named DOREL who was displaying an accentuated nervous state because the driver did not accomplish the tasks he was assigned quickly and that he did not understand he should not present himself at DNA with the vehicle belonging to his companies (11:08:22):

ADAMESCU GRIGORE DAN: "You morons, what the hell did you do?"

DOREL: "Mister Adamescu, I am waiting for him/her to come, but if I knew..."

ADAMESCU GRIGORE DAN: "Well I told you, can't you go there? Are you so stupid? I told you clearly: you will go there and will order for the boy to come to Mr Pascu."

DOREL: "well, yes, but he is on the way and it is traffic. You do realise, now I cannot leave Dana..."

ADAMESCU GRIGORE DAN: "You should have mentioned that an hour ago, you moron, not now. You cannot leave that place!"

From the summary of the text presented above, the real reason of the defendant's actions surfaces by hiding the tracks of this offence and the method chosen to reach that purpose. Thus, the first stringent objective was to control the witness, FIRENSTAIN DANIELA with regards to her depositions at the National Anticorruption Directorate and this was to be accomplished by naming an attorney to assist her and update him on the data of the criminal cause he is involved in. It is superfluous to reveal that the defendant had no intention to hire a solicitor for the witness to help her during the judicial procedures, but he aimed to find information about the investigation and also to put a limit on the information disclosure from

inside the group of companies he manages regarding the corruption of the magistrates. It is in this line that the defendant's behaviour may be interpreted as he was keen to personally manage this issue by calling the attorneys, assigning the drivers to transport the witness and also being extremely cautious regarding the conspiracy of the "help" and expressing his discontent and nervousness when he thought his driver wished to bring the witness to DNA which would have disclosed his involvement.

Obviously, in the morning of 19.05.2014, the defendant had already been informed by the investigations DNA performed relating to the corruption aimed directly at him as well, because at nine o'clock, before the witness' telephone call, he had started the process of hiring a solicitor "I have just spoken with..." (NN for the attorney), he stated he "will call her again", so he was aware of the previous hearing of the witness, "I didn't succeed to reach that man I told you about, at..." and all these in the context where FIRENSTAIN DANIELA, on Monday, 19.05.2014, when discussing with the defendant, hadn't arrived at work yet, and these aspects had not been initiated during the phone call.

When he asked the attorney PASCU VIOREL to assist the witness, the formulation used by the defendant for approaching the subject was "I have a problem" and not that an employee of his has a problem, as would have been natural if he hadn't been included in the situation. As a matter of fact, he was preoccupied by the legal situation of his subordinate who would not normally generate such a disturbance since she was a witness and she did not require any state of emergency, the defendant's attitude might be justified only by the fear she might incriminate him in her deposition.

On 21.05.2014, at the headquarters of the companies which belong to the group managed by the defendant, there were several searches performed. In this context, the defendant contacted FIRENSTAIN DANIELA telephonically at 20:56:34 who provided a full description of the documents taken by DNA, a fact which was appreciated by the defendant, because "this is what I wanted to know, because tomorrow I must be there as well." and he had to design his defence.

Within the same dialogue, FIRENSTAIN DANIELA asked to be informed regarding what she should do "And how do we proceed?" and the defendant asked a question "Nothing changed in your situation, did it remain the same?" suggesting she should reconsider her deposition. The suggestion was understood by the witness who stated "I should change my statement" and justified herself in front of the defendant she didn't proceed that way because the investigation bodies did not wish to, a completely untrue aspect, because in front of the chosen attorney, Pascu Viorel, she refused to make a statement. This attitude discloses the fact she was asked this, but the witness chose to avoid it and state untrue declarations during the investigation and to have a justification in front of her superior or that she did not change her opinion. The series of "cover ups" from the witness continued in front of the defendant and with that she warned him that "I was told exactly that: *"There are dev...devices including in the Board Room"*" and she stated that she wasn't provided the statement for reading before signing it.

The only reason the witness felt compelled to present a parallel reality and for which ADAMESCU GRIGORE DAN was so interested to find details about, was that she was afraid of her superior's reaction who was about to find out of her contribution to finding the truth and that she was intimidated by him and that the two

of them were involved together in the corruption of the magistrates from Bucharest Court, because if none of them had nothing to fear, this dialogue was meaningless.

On 21.05.2014 as well, 22:46:17, the defendant called the witness to ask for information which further contributed to the base of his defence, related to ONUȚE DANIEL, DUMITRU GEORGE and the contracts of legal assistance between the latter and his companies and found the core around which he would be able to build his defence, namely that Dumitru George, in order to gain the success fee, he proceeded at his own initiative to corrupt the judges, succeeding, obviously, in an “affiliate” and “insignificant” way and ruling of convenient solutions for the defendant.

By examining the evidence of criminal prosecution held in the file 316/P/2014 of the Public Prosecutor’s Office attached to the High Court of Cassation and Justice – National Anticorruption Directorate – Department of Fighting the Corruption, taking into account the Criminal Procedure Code Article 223, Article 224 and the following, the Criminal Procedure Code, **the judge of rights and liberties considers the conditions provided by the law are fulfilled regarding the prosecutor’s proposal and for the decision to remand the defendant Adamescu Grigore Dan**, considering the following arguments:

It notices there is evidence from which it results the reasonable suspicion that the defendant, Adamescu Grigore Dan, as representative of the group of companies he coordinates, de facto and de jure, made of: SC SIGUR INDUSTRIAL CONSTRUCT SRL (former SC BAUMEISTER SA), SC ASTRA ACTIV IMOB SRL, SC ASTRA TRANING SRL, SC NOVA CUART SRL, SC TNG REAL ESTATE MANAGEMENT SRL, SC MEDIEN HOLDING SRL, SC COMPANIA HOTELIERĂ INTERCONTINENTAL ROMÂNIA SA, SC THE NOVA GROUP INVESTMENTS ROMÂNIA SA, SC ASIGURARE - REASIGURARE ASTRA SA, including **SC BAUMEISTER UTILAJE ECHIPANENTE SRL and SC BAUMEISTER PRESTĂRI SERVICII SRL**, accepted and indicated in May 2013 and December 2013, the remittance as bribe, of 15.000 EUR and 5.000 EUR amounts – through witness, **Onuț Daniel – representative of SC SIGUR INDUSTRIAL**, (with the help of witnesses Dumitru George Claudiu, solicitor and Firestain Daniela, manager of The Nova Group and the person who made the payment) **and of suspect Borza Monica Angela**, practitioner in insolvency and sole shareholder of SC ACTIV LICHIDATOR IUPRL to judges Stanciu Ion and Rovența Elena from Bucharest Court – Section VII, Civil, **with the purpose of achieving favourable solutions in files 33293/3/2012, 41848/3/2012 and 19950/3/2013 regarding the insolvency procedures of SC SIGUR INDUSTRIAL CONSTRUCT SRL (former SC BAUMEISTER SA) and SC ACTIV CONSTRUCȚII INDUSTRIALE SRL.**

Regarding the insolvency files of SC ACTIV CONSTRUCȚII INDUSTRIALE SRL (allocated to syndic judge Rovența Elena), the inquiries performed revealed the mechanism conceived by the defendant Adamescu Grigore Dan (together with Adamescu Bogdan Alexander) to put down fictitious loans belonging to some of the companies he controlled with the purpose of achieving the control of the insolvent company’s assets with the odds of achieving favourable solutions being extremely high.

Thus, an unfavourable solution adopted in file no. 19950/3/2013 would have meant the annulment of convention no. 479/23.11.2012, which was considered as completed in a fraudulent manner. It is through this convention that receivables amounting to 38,946,294.28 RON were allowed and this meant that it would have allowed the joining to the table of creditors of SC ACTIV CONSTRUCȚII INDUSTRIALE SRL.

Furthermore, in the respective files, the acceptance of the receivables with which SC SIGUR INDUSTRIAL CONSTRUCT had signed up (together with other creditors) to the

creditors list of SC ACTIV CONSTRUCȚII INDUSTRIALE SRL would have allowed, amongst other things, the changing of the liquidator from the Alba branch of RTZ SPLRL (related to files assigned to Roventța Elena) resulting in the opening of the insolvency procedure and designating ACTIV LICHIDATOR IPURL as temporary judicial administrator and the assignment of receivables to SC ASIGURARE-REASIGURARE ASTRA SA and SC EAST BUCHAREST COMMERCIAL PARK SA in the final creditors list (related to the insolvency file assigned to judge Stanciu Ion).

Therefore, **the objective of the defendant and the reason the judges were bribed is obvious.**

The judge of rights and liberties **considered that the condition regarding the existence of proof is fulfilled** and that the defendant might have committed the offences for which he is under investigation. This reasoning comes **from the corroboration of facts and circumstances** which resulted from the denunciation and witness statement of **Onuțe Daniel**, the statement of suspect **Borza Monica Angela**, and the witness statements of **Firestain Elena-Daniela** and **Dumitru George Claudiu** which are in accordance with the factual circumstances showed in the proposal of the National Anticorruption Directorate prosecutors.

The testimonial evidence **confirmed by the reports of the transcriptions of the telephone conversations and other recorded conversations including CCTV footage (with voice), photographs, and the minutes filed**, shows proof of how the defendant agreed to the withdrawal of the amounts of cash destined as bribe from the bank accounts for the companies S.C. BAUMEISTER UTILAJE ECHIPAMENTE S.R.L. and S.C. BAUMEISTER PRESTĂRI SERVICII S.R.L., belonging to the group of companies he controlled, by the signing of fictitious legal assistance contracts by Dumitru George Claudiu.

It is relevant to the case that the statements of solicitor Dumitru George Claudiu describe in detail the cash trail from the bank accounts of S.C. BAUMEISTER UTILAJE ECHIPAMENTE S.R.L. to the bank accounts of solicitor Dumitru George Claudiu and then to Onuțe Daniel followed by the successive transfers from the bank account of S.C. BAUMEISTER PRESTĂRI SERVICII S.R.L. into the office account of solicitor George Dumitru and then to the personal account of the solicitor, from where it was transferred into the bank account of Onuțe Daniel's spouse (opened at Transilvania Bank). All this confirmed by witnesses Onuțe Daniel and Firestain Elena-Daniela.

The same facts result from the balance sheets of the practice of solicitor George Dumitru of S.C. BAUMEISTER ECHIPAMENTE S.R.L., S.C. BAUMEISTER PRESTĂRI SERVICII S.R.L. taken during the performed searches.

The relevant information regarding the financial data (statements of accounts owned by solicitor Dumitru George Claudiu as well as statements of accounts of S.C. BAUMEISTER) were obtained through Order no. 316/P/2013 on 03.06.2014

In relation to the involvement of defendant ADAMESCU GRIGORE DAN and the remittance of the amounts of cash as bribe to syndic judges Stanciu Ion and Roventța Elena are the relevant telephone conversations between Onuțe Daniel and Borza Monica Angela during December 2013, the recorded conversations between Onuțe Daniel and Borza Monica Angela, as well as the conversations between Onuțe Daniel and Firestain Elena-Daniela from which it results that on 05.12.2013, ONUȚE DANIEL met with BORZA MONICA-ANGELA and spoke about files no. 41848/3/2012/al and 19950/3/2013 as judged by ROVENȚA ELENA. These conversations also include the remittance of some amounts of cash to judges STANCIU ION and ROVENȚA ELENA. Since **ONUȚE DANIEL was not in a position to make a decision without the permission of his superior ADAMESCU**

GRIGORE-DAN, he decided with BORZA MONICA-ANGELA that the debates will be re-engaged after consulting with him.

On the same day, after the cases were decided, ONUȚE DANIEL contacted FIRESTAIN DANIELA, an employee of THE NOVA GROUP INVESTMENTS ROMÂNIA S.A., and informed her of the decisions adopted in the two files and asked for her opinion on a possible meeting with ADAMESCU GRIGORE-DAN.

During the telephone dialogues on 06.12.2013, ONUȚE DANIEL informed BORZA MONICA-ANGELA that he discussed and agreed on the corruption of the judges with ADAMESCU GRIGORE-DAN.

On 10.12.2013, BORZA MONICA-ANGELA informed solicitor DUMITRU GEORGE-CLAUDIU after receiving the money from him that she had already passed the money to the judges from her own funds and that during the next day she will perform another similar transfer. The two agreed to meet the next day at the headquarters of liquidator BORZA MONICA-ANGELA.

On 11.12.2013, BORZA MONICA-ANGELA informed ONUȚE DANIEL about the content of the conversation she had had with judges ROVENȚA ELENA and STANCIU ION with the mention that she persuaded them to give favourable decisions for S.C. BAUMEISTER S.A.

Contrary to the statements of the defence which provided the basis of the evidence of suspicion of committing the offences already existed on 22 May 2014 which is when the defendant was examined as suspect but the prosecutor did not consider it necessary to rule on proceeding with criminal action. The judge of rights and liberties considers that it is after this moment of the trial that the **conclusive evidence** was filed and this evidence proved that the testimonial statements are in accordance with the truth regarding the money trail of the bribe as it was revealed by the bank documents submitted on 03.06.2014. It was also considered that there is possible influence on **witness Firenstain Elena-Daniela** as well, which resulted from the transcription of the telephone conversation **from 27.05.2014** (pages 164-178, vol. 13 dup) which sustained the accusations brought.

It is considered that the defendant ADAMESCU GRIGORE DAN falls within the provisions of Article 223 para. 1 letter. b of the Criminal Procedure Code as he tried to influence a vital witness. The recorded dialogues with several individuals and witness **Firenstain Elena-Daniela** at 9:20:59, 9:29:31, and 9:33:57 are relevant in this respect, as they prove that the defendant informed the witness that she is to present herself at 10 o'clock at DNA and that he personally arranged solicitors so that the witness would not go alone and that he has assigned drivers to transport the witness and that he has been extremely cautious regarding the conspiracy of "the help" by expressing his discontent and nervousness when he thought his driver wished to bring the witness to DNA, which would have disclosed his involvement. The defendant's behaviour indicates his preoccupation with finding out information about the investigation and to restrict the disclosure of information related to corruption of the magistrates, from inside the group of companies he manages by the witness.

On 21.05.2014 at 20:56:34, bearing in mind that the headquarters of the companies belonging to the group managed by the defendant were searched, he telephoned the witness and gave her a detailed description of the documents DNA had taken. Within the same dialogue, the witness asked to be told what she should do next and "how do we proceed" and the defendant asked the question: "Has your situation remained the same? And the witness said "I should change the statement..."

On the same date of 21.05.2014 at 22:46:17, the defendant called the witness and asked for information which later formed basis of his defence at the hearing (**transcription of the telephone conversations from 27.05.2014**, pages 164-178, vol. 13 duplicate).'

It is considered that the situation of the defendant ADAMESCU GRIGORE DAN falls within the provisions of the Article 223 para. 2 of the Criminal Procedure Code due to the fact that there is proof to show he committed the alleged corruption offences. The sanction under the current statute is imprisonment for 5 years or more and the potential seriousness of the actions committed which result from the methods and circumstances they were performed justifies the consideration to deprive him of his liberty in order to remove the state danger for the public.

Therefore, the Judge of rights and liberties **considers the charge of active corruption of syndic judges brought to the defendant is serious enough because** the actions committed significantly infringe the fundamental principle of the rule of law which assumes the good administration of justice. The end game has also been taken into consideration which affects the normal activity and the competition conditions of the business environment.

When evaluating the seriousness of these actions, one should also consider the methods and the system used when appointing intermediaries and the determination of the parties which cooperated who were fuelled by the need to ensure the success of illegal gain of both sides (bribers and those bribed).

Also, within the same parameters of evaluating the seriousness of the actions, it is relevant to note that the **trail of the bribe** as revealed by the criminal investigation body, showed that the money came from the bank accounts of the companies controlled by the defendant from where they were transferred to the bank accounts of the solicitor Dumitru Claudiu George based on fictitious operations and then into the hand of the trusted defendant denunciator and witness Onuțe Daniel from where it then went to the judicial liquidator Borza Monica Angela who was the connection with the syndic judges Stanciu Ion and Roventța Elena.

The circumstances surrounding the defendant also do not lead to a positive impression as they are meant to mitigate the seriousness of the illegal actions performed by him. The defendant is a German citizen residing in Monaco but living in Romania (he was born in Râmnicu Vâlcea). In Romania, he enjoys a position of power and influence which is the exclusive result of his fame and fortune; physical fortune held in the bank accounts. He has built a financial empire as a result of having diverse and important businesses, including the media. This is likely to create the public perception of the idea that one can buy anything one pleases in such a position, including the justice system, in order to obtain further financial benefits while using the wealth he currently has for further protection to his illegal dealings and to confer immunity before the law. However, the attitude taken by the defendant to influence the investigation by contacting key witness to search for the truth in question, and given the fact that he succeeded in influencing said witness due to financial vulnerability and subordination to the defendant, is yet another element to consider when appreciating the necessity and proportionality of detention, at least at this moment, during the trial, as provided in article 202 of Criminal Procedure Code.

IN WITNESS WHEREOF, the judge, in his full rights and as defender of freedom under Art. 226 para. 1 Criminal Procedure Code in relation to art. 223, paragraph 1 and paragraph b. 2 Code of Criminal Procedure, hereby allows the proposal attached by Î.CCJ-DNA regarding the detention of the defendant ADAMESCU

GRIGORE-DAN - son of Gregory and Eugenia, born 09.20.1948 in Ramnicu Valcea county, domiciled in Monaco, Princess Grace Avenue no. 11 and residing in Bucharest, Bvd. 104 Aviators, a German citizen, passport no. C4TYXW26C.

Pursuant to art. 226 para. 2 of the Criminal Procedure Code in relation to art. 223 para 1 and para. 2 of the Criminal Procedure Code, to order the detention of the defendant ADAMESCU GRIGORE-DAN, for a period of 30 days from the date of the warrant of arrest under article 275 para. (3) Criminal Procedure Code, with the State legal expenses being covered by the State.

FOR THESE REASONS
IN THE NAME OF THE LAW IT IS HEREBY ORDERED THAT

pursuant to art. 226 para. 1 of the Criminal Procedure Code in relation to art. 223, paragraph 1 and paragraph b. 2 of the Criminal Procedure Code,
The remand proposal of the Prosecutor's Office attached to the High Court of Cassation and Justice - National Anticorruption Directorate – for the defendant ADAMESCU GRIGORE-DAN - son of Gregory and Eugenia, born 09.20.1948 in Ramnicu Valcea county, domiciled in Monaco, Princess Grace Avenue no. 11 and residing in Bucharest, Bvd 104 Aviators, a German citizen, passport no. C4TYXW26C.

Pursuant to art. 226 para. 2 of the Criminal Procedure Code in relation to art. 223, paragraph 1 and paragraph b. 2 of the Criminal Procedure Code it is hereby ordered the arrest of the defendant ADAMESCU GRIGORE-DAN, for a period of 30 days from the date of execution of the warrant of arrest under article 275 par. (3) Criminal Procedure Code, with the State legal expenses being covered by the State.

- Right to appeal within 48 hours of delivery.
- criminal prosecution delivered today, June 6, 2014.

Judge of rights and freedoms, Cristina - Carmen Craiu

Registrar: Constanta-Mirela Sbîrciog

Drafted by. CCC. Typed by.G.P.