

WITNESS STATEMENT

(Criminal Procedure Rules, r27.1 (1); Criminal Justice Act 1967, s.9;
Magistrates' Court Act 1980, s.5B; Extradition Act 2003, s.205)

Statement of: Dan Grigore Adamescu
Address: 11 Princesse Grace, 98000 Monaco
Age if under 18: OVER 18
Occupation: Businessman

This statement, consisting of 13 pages, each signed by me, is true to the best of my knowledge and belief and I am aware that if it is introduced in evidence, then it would be an offence for me to have wilfully stated anything that I know to be false or did not believe to be true.

Signed: _____

Date: _____

Introduction

1. I am the father of Alexander Adamescu ("AA"). I make this statement to outline what has happened to me in the Romanian criminal proceedings relating to myself and to provide my opinions as to certain features of these proceedings
2. There are two criminal prosecutions in Romania in which I have been designated as defendant. The first prosecution concerns allegations of bribery of judges appointed to hear insolvency cases relating to Romanian construction companies. The second prosecution concerns allegations, *inter alia*, of abuse of office and money laundering relating to the insurance company, Astra Asigurari ("Astra"). The European Arrest Warrant ("EAW") for AA has been issued in relation to the first of these two prosecutions. For this reason, this statement focuses on the first prosecution.

Summary of the allegations against me and AA

3. It is alleged that I and AA sanctioned the payment of bribes to a judicial insolvency administrator and two insolvency judges responsible for determining the liquidation of two Romanian construction companies in the Nova Group, a group of companies ultimately owned and controlled by me. It is alleged that two individuals employed by the Nova Group, Daniel Onute ("Mr Onute", an in-house lawyer) and Daniela Firestain ("Ms Firestain", a finance manager) conspired with an external lawyer, George Dumitru ("Mr Dumitru"), to channel monies from accounts held by two companies in the Nova Group, SC Baumeister Utilaje Echipamente SRL ("SCBUE") and SC Baumeister Prestari Servicii SRL ("SCBPS"), to a judicial insolvency administrator, Monica-Angela

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BREAZU CĂTĂLIN



Borza ("**Ms Borza**"), who was to keep part of the monies and use the remainder to bribe two judges presiding over insolvency proceedings. It is alleged that about Euro 110,000 was transferred to Ms Borza, who used part of this sum (about Euro 20,000) to bribe Judge Elena Roventa ("**Judge Roventa**") and Judge Ion Stanciu ("**Judge Stanciu**"), before whom the insolvencies of SC Activ Constructii Industriale SRL ("**SCACI**") and SC Sigur Industrial Constructii SRL ("**SCIC**") respectively were to be determined.

4. I will now highlight what I regard to be the most important events in my criminal proceedings.
5. I emigrated to Germany in 1979 being followed by my family one year later. I became a successful businessman in Germany in trade and real estate.

My medical condition

6. I am a very ill man. But I have always tried to ignore my ailments and to lead as good a life I could. I love doing business. It is my passion and my pastime. When I do business I forget my pains and my bodily sorrows. My family doctor for many years, Dr. Rosak, has always told me that I don't even know how ill I am. He's been astonished to learn of my successes as businessman despite my ill health.
7. In 1982, I received surgery of a prolactin-producing tumour. There was heavy haemorrhaging during the surgery. The surgery has led to an interference of the interbrain pituitary gland axis. I had to begin taking thyroid hormones for the rest of my life since the control of the distribution of thyroid hormones from the thyroid itself is interrupted. As a result of the surgery, the stimulation of the formation of testosterone in the testes has been interrupted as well. I began taking testosterone for the rest of my life. I rely on these hormone injections and/or hormone patches. After this surgery I received the status of 100% disabled person in Germany in 1982.
8. Following the surgery, I was diagnosed with having only a reduced capacity for processing external stresses. I am suffering enormously from the stress that is being put on me, my son and his family in this case. I am certain that my son is a target to put additional pressure on me to hand over my businesses in Romania.
9. Following the surgery, I became obese as a result of the tumour removal from the pituitary gland and the subsequent haemorrhaging. In other words, I gained weight due to the disrupted hormonal balance. This weight gain has resulted in a negative influence on multiple organ systems.
10. I'm suffering from a heart weakness (cardiac insufficiency of grade IV) which reduces my physical activity since my heart works only at a capacity of 40-60%; My heart has gotten out of rhythm several times, around 8 times in the last 15 years, and has entered into fibrillation. Every time that this is happening I feel extremely flat and can't work at all. I have to rest all day and night. My doctors have succeeded to put my heart back into rhythm but there's a risk that I'll need a cardiac pacemaker very soon. The last time that my heart lost its natural rhythm was in the spring of this year, when I was hospitalized at

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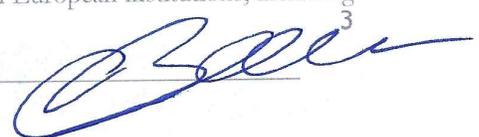
- Monza Hospital in Bucharest. The doctors succeeded to bring my heart back to its normal rhythm by electroshock.
11. I have developed type 2 diabetes (diabetes mellitus). The diabetes necessitates a certain type of medication and control, and I must maintain a special diet. If the diabetes is not approached in an optimal manner, the increased sugar levels can lead to further organ complications in the eyes, kidneys, nervous system and also in the heart. I have also developed a fatty liver with increased transaminases. It is known that a fatty liver contributes to a further deterioration of the diabetes illness. Furthermore, the fatty liver reduces the metabolism of medication.
 12. In 2009, after considerable trouble with my skin, I was diagnosed with a systemic skin disease (bullous pemphigoid), which is treated with immune-suppressing drugs (cortisone and Azatioprin). My doctors have told me that this skin disease is the symptom of an auto-immune illness that attacks my body from within.
 13. I was diagnosed with heavy obesity. In order to prevent further weight gain and/or to induce a weight decrease, a gastric band was placed in me at the hospital Barmherzigen Brüder in Munich in 2010. The placement of a gastric band means that the stomach has a clearly reduced intake capacity. The placement of this band, with a fixed or loose clasp, must take place at an interval of 3 months since otherwise this type of treatment becomes either useless or can harm the patient. Since I became a target of the DNA in 2014 I haven't been able to see my doctor in Munich to check my gastric band.
 14. My excess weight has resulted in the wear and tear and damage to the meniscus in the right knee. I underwent several attempts to re-stabilize my knee. I had injections in my knee in the last years in Romania that were administered by a doctor. I have done all I could to save my knee. For example I travelled to the United States over the Christmas Holiday 2013/2014 to undergo intensive therapy on my knee. Unfortunately, this and other later attempts in Romania failed and my condition worsened. I have been told then that I have to undergo knee surgery to replace my damaged knee and be inserted an artificial knee.
 15. All in all, my doctors' assessment of my overall health demonstrates, as is evident from the diagnoses listed above, that I have several chronic health problems, which are partially interdependent and mutually reinforcing each other. Dr Rosak in his reports of 22 August and 9 September 2014 has underlined that a patient with my chronic/acute health situation and the dependency on hormone and/or medication administration would not be suited to detention in the Federal Republic of Germany.

My engagement in Romania

16. After the fall of communism in Romania, I began to travel more to the country and began supporting financially a newspaper called Romania Libera ("RL"), known for its strong editorial independence and promotion of freedom of speech and democratic values. Romania had just toppled Ceausescu but the new-found freedom was still very fragile. I wanted to help Romania to become a true democracy. RL was among the few newspapers adopting an editorial position strongly favouring Romania's transformation into a market economy, and its integration into Western European institutions, including

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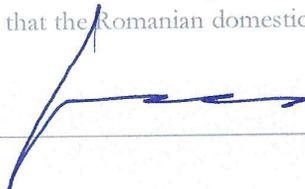
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NATO and the European Union. This was not a given at that time. RL became the mouthpiece for all democratic movements in the 90s in Romania. In a time when the new-found democracy in Romania was very fragile, the newspaper published numerous interviews with the leaders of the democratic world and condemned all forms of despotism and autocracy. It has continued doing so right up to today. This is the reason why I have become the target of those who have been angered by criticism of RL, especially those who have come to hold office in Romania regardless of their political colour.

17. Romania Libera was and is still respected for its investigative journalism. It consistently uncovered wrongdoing by apparatchiks who abused their positions for personal gain and has exposed countless cases of corruption and abuse of power since the fall of Nicolae Ceaușescu's totalitarian regime in 1989. Positioned to the Centre Right, România Liberă has been highly critical of the Social Democratic Party ("PSD"), the party of former and current Prime Ministers of the successor organization of the Communist Party. RL was highly critical of the last PSD leader, the Romanian Prime Minister from May 2012 to November 2015, Mr. Victor Ponta, a man who arguably brought more harm to Romania than Nicolae Ceausescu. România Liberă regularly criticized the PSD for the extensive corruption, nepotism and greed that plagued its ranks.
18. I also set up various real estate businesses in Romania in the 90s benefitting from my decade-long experience of the German market. I also acquired Astra Asigurari ("Astra") in 2001 despite heavy opposition of the PSD.
19. Victor Ponta and the PSD took their revenge for years of chastising by RL by using means of state action to target both me personally and my businesses. Victor Ponta was angered by the press articles in RL that lambasted him for disregarding democratic values. He was pilloried by RL of exerting undue influence over parts of the judiciary through his cousin Robert Cazanciuc whom he named Minister of Justice in 2013. Victor Ponta accused me publicly since 2013 in repeated public appearances of supporting centre-right parties and specifically his main opponent, Traian Basescu. He made defamatory public statements against me implying that I would have illegally financed Traian Basescu. He used these accusations against me as an explanation for the harsh criticism that he had to endure by RL and shrugged off all of RL's articles as propaganda against him. Victor Ponta didn't stop at denigrating me publicly.
20. In particular, the head of Romania's financial services regulator ("ASF"), Dan Radu Rusanu, freshly appointed by Victor Ponta, seized upon a spurious insurance claim by a state-owned company (ultimately proven to be legally invalid) to oust me as a chair of Astra and take direct control of Astra. The ASF then arbitrarily and unfairly thwarted administrator-proposed recovery plans designed to address Astra's under-capitalisation, even those the ASF had itself previously approved. In this manner, the ASF forced Astra into bankruptcy. As a result of Romania's actions, Astra is a complete loss for me. Additionally, the Romanian state has requested the insolvency of the newspaper RL. Through this move, the Romanian state and its representatives can legally take under control the very inconvenient newspaper RL. Victor Ponta stepped down from power at the end of 2015 but the prize of controlling RL has been picked up by others. I am certain that the Romanian domestic intelligence service, SRI, has a very important role to

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play in this project to take control of RL. RL is a priceless asset for an intelligence service that is intent on controlling ever more of civilian life in Romania.

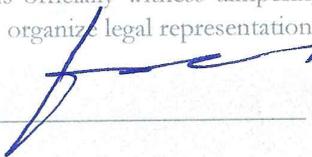
21. In March 2014, Victor Ponta congratulated Dan Radu Rusanu at the ASF to his move to wrest control of Astra from me and request the insolvency of the newspaper RL. He also began accusing me publicly of having embezzled hundreds of millions of euros from the company, an allegation that was never confirmed and is blatantly wrong. Through this campaign of defamation, he began to tarnish my reputation as an honest businessman. He clamoured for Romania's prosecutors to investigate me and charge me on repeated public occasions between February 2014 and May 2014.
22. In the months February-May 2014 I was deserted both personally and professionally by my acquaintances and friends. Ever less people would be willing to meet with me. I was given to understand by people with sources at the SRI that something bad was in the making for me but I was never told what exactly. I received reports that I had become a target of Ponta, the SRI and DNA and that I had been set on some sort of blacklist.
23. I first learned of the allegations in the bribery case against me when I was summoned as a suspect by prosecutors Volintiru and Tundrea on 22 May 2014. My questioning and the charges had been leaked to the media so that I had to face a barrage of cameras and questions by journalists.
24. I made a statement declaring that I knew of no bribes paid and protested my innocence.
25. Two days later, on 24 May 2014, Victor Ponta made the following public statement on television:
"Traian Băsescu [the President of Romania] is one of the main beneficiaries of Mr. Adamescu's media support. Mr. Adamescu publishes a newspaper [România Liberă] that strongly campaigns against corruption. I think that this man, who has himself led a network of corruption to such great effect over a period of many years, presents himself as a publisher who speaks about the fight against corruption [...]. I am convinced that we will shortly be hearing even more things about this from the state prosecutor's office."

My arrest and time in custody

26. I was arrested on 5 June and detained for 24 hours. My arrest was a tremendous media show. I was paraded in front of rolling TV cameras in handcuffs and brandished a corrupt criminal in the media. The DNA leaked reams of pages from the indictment to the press. As I do not appear in any of the DNA's evidence these were mostly transcripts of telephone conversations between Mr Onute, Ms Firestain and Ms Borza. Despite the fact that my telephone was tapped during the whole DNA investigation, no call of mine was brought as evidence for my alleged criminal behaviour. But it didn't matter. I was a trophy.
27. I was led in front of a judge on the next day. The prosecutor aggressively clamoured for my arrest. I was to be exposed to public shame according to his plea. I was described as a major danger to society who had to be locked up at any price. The reason given for my arrest was officially witness tampering. I had given phone calls to Ms Firestain and a lawyer to organize legal representation for her.

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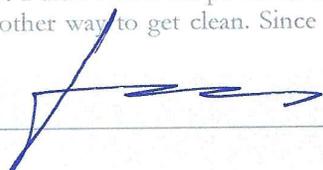


28. The presiding judge argued that I couldn't be let free because it would give the impression that "anybody could buy himself out of justice". She reproached me my wealth and my German passport. I was remanded on custody for 30 days.
29. I subsequently pleaded to be given bail on 26 June 2014, 11 July 2014, 23 July 2014, 1 August, 8 August und 22 August, all to no avail. On 26 June the presiding judges argued that I couldn't be freed because I continued to deny the charges that I was being accused of. I was being reproached my illegal actions on several occasions although my trial hadn't started yet. The DNA insisted on the fact that I was a public danger. It was never explained what that actually meant and why I had become a public danger.
30. I asked my German lawyer Patrick Spaeth to come to court on 1 August to plead on my behalf. He was told that he could at any time defend me. But when he appeared in court, he was not given the word by the judge who turned her back to him. Mr Spaeth filed a complaint with the court which was rejected.
31. During my remand on custody I was first incarcerated in Centrul de Arest Preventiv (CRAP) from 5 June 2014 and then in Rahova prison about a month later. In the latter I was held together with Judges Viziru, Moldovan and Stanciu, the latter being a judge whom I allegedly had bribed.

Centrul de Arest Preventiv (CRAP)

32. I remember being detained in Centrul de Arest Preventiv, a pre-trial detainment center, for about a month. There are no special wings in CRAP. There were 6 to 8 men in my cell. There was an ongoing fluctuation of detained. I was put into a cell with men that were deemed socially compatible with me. I don't remember all persons but among the detained in my cell was Mircea Basescu, President Traian Basescu's brother.
33. The cell had 4 bunkbeds so that there were 8 beds in total. They were on both sides of the cell. There was a small table for 2 persons and a Greek-style toilet – basically a hole in the ground - without any separation from the rest of the cell. There were no cupboards or any other storage furniture. The detained kept their clothes in bags if they had any.
34. All day was spent in the cell. One could only lie in bed as there was absolutely no space of movement. There were no activities at all. There was only a TV set in the cell which is switched on practically all day and all night. One had the right to leave the cell for one hour per day. The "outdoor space" was effectively a closed room of maybe 30sqm with grates instead of a ceiling. This was a very insalubrious and depressing space. It was full of rubbish and excrements of detained who had relieved themselves there. It didn't look like anybody was cleaning it at all. It was so disgusting that I didn't go out of the cell after having been there once.
35. Due to the lack of physical activity and the pain of my advanced knee arthrosis my muscles atrophied very quickly in detention. This led like in a vicious circle to a degradation of my knee condition. I couldn't stand or walk without somebody else's help and support.
36. It happened several times that I fell into my own excrements in the Greek-style toilet since I didn't have the power in my legs to crouch. I was cleaned with a hose - there was no other way to get clean. Since there were no washing machines, I couldn't wash my

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