

## **Speech by Mr Ioan Amariei**

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Good morning.

The problem of corruption is of great importance not only in Romania but throughout the world. Not only is corruption a phenomenon in Romania but it is encountered virtually everywhere, but it is true that the phenomenon of corruption is more marked in a country moving towards a market economy. Unfortunately, Romania has been in this situation for close on twelve years and clearly needs to take steps to combat corruption, which is still found at all levels of society and the economy.

It should be stressed that in recent years Romania has created important instruments for combating corruption, adopting national strategies together with legislative measures which I do not intend to mention here because they are not the subject of this seminar. It is important that Romania has set in place legal machinery capable of combating corruption, a point mentioned on many occasions by the Prime Minister and by the President Ion Iliescu. The National Anti-Corruption Prosecutor's Office (PDA), which was set up in September last year, must take the lead in cracking down on corruption. I believe that, as a result of everything we have done, the measures we have taken and the structural organisation set in place in this field by the Public Prosecutor's Office, the PNA is capable of fighting corruption. Admittedly, at the outset no one had any confidence in us because, for a number of years, the results of the fight against corruption were patchy. However, since September last year the number of individuals investigated and charged by the PNA has doubled. One important point should be stressed: the perpetrators have changed.

While, a few years ago, the individuals charged were not high-ranking officials, the situation is now different. The PNA has taken legal action against some 500 individuals roughly half of whom are high-ranking officials. It is capable of monitoring what is happening in various sectors of activity and we are able to act when we feel that something is not right.

Let me give you an example. We have been monitoring for a year now developments at the Defence Ministry, in various military units at the command level, where senior officers have committed serious offences linked to defence procurement. Since we had sufficient data, and with the monitoring operation coming to the end, we took action and a few days ago we ordered the arrest of four senior officers at the Defence Ministry. The investigation is under way and public opinion will be informed about what has happened. The public will see evidence of the measures taken by the PNA.

Another example concerns thefts of huge quantities of petrol, something which cannot be stopped. The PNA has monitored this phenomenon and, through specific investigative measures, we have discovered that those who must uphold the law have been helping those involved in the thefts. The PNA has ordered the arrest of some 40 police officers. The investigation has not yet been completed and at present 35 individuals have been charged.

Another field in which we are monitoring developments and taking action is the banking system. We have charged some 35 bank employees, civil servants, heads of ministries, magistrates and other categories of high-ranking individuals. Last week we also charged a local mayor with committing several acts of corruption described by the prosecutor in a case file almost 100 pages long. All this has been made public through various channels

since, under Romanian legislation and in other countries' legislation, there is a fundamental principle of access to information of public interest. Romanian legislation is similar to European legislation and the laws and rules adopted govern such access.

I can now say that the relationship between the PBA and the public, through the intermediary of the mass media, is very good. Admittedly, we face many difficulties, we have been in existence for only one year and not everyone is allowed to work in this institution. For a prosecutor to join the PNA, he must have at least six years' practical experience. He must be a good analyst of social developments and must be specialised in combating corruption. At the same time, as regards the criminal investigation police, we now have 150 officers. Anyone wishing to be recruited must be a law graduate and specialist in various fields. Alongside ordinary corruption (e.g. offering and receiving of bribes), we have to deal with offences linked to corruption. These are offences involving organised crime. The PNA investigates money laundering, tax evasion, drug trafficking, trafficking in human beings, arms trafficking, and other offences. Generally speaking, all these offences involve corruption. For these aspects of our remit, we have set up activity-based units. At present, we are working with approximately 80% of the staff we need. I reckon that in two to three weeks the PNA will be working at full capacity.

Where corruption is concerned, issues of definition pose major difficulties since the facts constituting corruption are not evident. They are not, for example, embezzlement, theft or homicide, where you have victims, can search premises and can discover what happened. With corruption, the situation is different. Such offences are committed in secret. Those who receive and those who give bribes need to be kept under surveillance.

As regards legislation, our Office cooperates with all the institutions of the State, which are required to provide us with all the information they possess on corruption-linked offences. As things stand, we have lots of information and will be taking action in many areas. We are going to shut down many criminal networks that operate at international level. We are cooperating with Interpol and, through a liaison office, we cooperate extremely efficiently with all similar institutions in other countries.

I would like to emphasise our excellent relationship with OLAF and I am not saying this simply because OLAF is the organiser of this seminar but because this is the truth. We are engaged in numerous measures and, if we do not speak to people about them, then clearly we will not have a good image. I have seen an opinion poll which puts Romania in a bad light in this respect. As a Romanian official who is well acquainted with this situation, I would like to say that things are quite different. Romania is now capable of fighting corruption, taking action and charging individuals, irrespective of their political affiliation and of their position within the state organisation. Any individual accused of committing an act of corruption in Romania will come before the courts and an investigation will take place if we have sufficient proof that the act took place. We are aware that the PNA is an institution that will not please everyone. We would like to become involved in many sectors where corruption is a problem. I believe that, in a short time, we will succeed in showing the world what is going on in this field. We will succeed in showing what we would like to do in future and in convincing everyone that we are very serious about what we do and that we are taking the lead in combating corruption. Alongside this, the legislative measures adopted, which are very important, will supplement this package of measures that Romania is taking to crack down on corruption.

We have endeavoured to do everything that is necessary in our communications with the mass media. Many of the things we have done are not in the public domain since both international legislation and Romanian legislation, beginning with the Romanian

constitution, impose certain restrictions on communication. Such restrictions exist in most European countries. I would begin with questions concerning national security, the protection of young people, public information and other particulars relating to access to classified information. One recent example can be given: our institution was accused by an individual of not having provided him with the names of the people working in our institution. I do not know of what use this information was, but the law governing access to information stipulates that only the names of the institution's management are of public interest. Certainly, the law rejects such action on the ground that there is no legal basis for it. This was a signal for us that everyone must uphold the law and that there are restrictions which we have to accept.

The PNA has set up a press liaison office that provides the press each day with information on our work. But there is a fair amount of information that we cannot divulge, details of our strategy and investigations, and there are many things which Romanian legislation prohibits us from disclosing. I am certain that the negative perception of Romania that exists will change fundamentally since our institution is one of the most competent in the country when it comes to tackling corruption. And measures to combat corruption can be taken over a somewhat longer period now that we have begun tackling this problem.

We have convicted 160 people. Not one person charged by this Office has been acquitted. Acquittals do not exist! Do excuse my lack of modesty but the PNA has an excellent record. The methods we are developing are means of investigation that allow us to obtain results without disclosing the fact. I would repeat that, if we make public what we are monitoring at the moment as well as the measures we would like to take, I am sure that many of those who compile statistics and place us somewhere between the 80<sup>th</sup> and the 100<sup>th</sup> position will change their opinion. Since we are speaking about communication, we have attempted, and I am attempting, to maintain contact with those individuals, with NGOs, with Transparency International and with others so as to convince them that we are a serious institution, that we have nothing to hide, that we are transparent and that we are and will be able to bring corruption in Romania under control.

I would repeat that there is a fear in Romanian society, a fear of the PNA, and offenders know that the PNA can be anywhere at any time. It is a known fact that anyone who offers money does so with some trepidation because the PNA may at any time be there monitoring the situation. We know what is happening in various areas and take action according to a given strategy. Similarly, a few days ago the Prime Minister, when speaking about corruption, spelt out the areas in which more action must be taken, and especially in the justice field.

We have taken measures and are currently engaged in a number of exercises while the Public Prosecutor's Office will be ordering procedural measures. Whenever we act, we inform the public of the important measures we have taken. We cannot inform them of investigative measures, secret data, state secrets or information which we are unable to place in the public domain, but important procedural measures can be communicated. Through the press liaison office, we announce any important procedural measures such as preventive arrest. This is a measure that discourages would-be offenders.

It is made known to the public in a press release. At the same time, the Public Prosecutor and specialists give interviews on the radio and television.

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