

NATIONAL ANTICORRUPTION DIRECTORATE

ANNEX II

CASES PENDING OVER (4-5) YEARS IN FRONT OF THE COURTS Status 15.10.2012

Colours:

BLUE: non-final decisions: - Normal: convictions
- *Italic:* acquittals

A. Current and former members of the Parliament (MP) and Government and State Secretaries

1. **CG, Senator during 2004-2008, former Vice - Prime Minister during 2004-2006** in the Romanian Government, who was exercising his position when the criminal investigation started, the offence he committed as businessman – *tax evasion, the prejudice over 1 million Euro.*
Other defendant: C.N., former general director and president of the Board of Directors within the National Company «the Romanian Lottery». **Case I.**

- Notification of DNA: 23.06.2005
- **indictment: June 6th 2006**, notified court: the High Court of Cassation and Justice
- first trial hearing: July 11th 2006
- 15 trial hearings have been established so far
- On January 9, 2007, the court rejects the request of the defense to reconstitute the case to the prosecutor
- On February 15, 2007, following the defendant's raise of an objection of unconstitutionality, the court notified the **Constitutional Court** and suspended the trial
- On June 21, 2007, the **Constitutional Court** rejects the objection of unconstitutionality
- On October 22nd 2007, the court ruled the **restitution** of the case to the prosecutor's office to remake the criminal investigation. D.N.A. appealed the decision. D.N.A.'s appeal was accepted on April 4th 2008 and the case was sent to the High Court of Cassation and Justice – the Criminal Section to continue the trial.
- On March 10th 2009, following the defendant's raise of a second objection of unconstitutionality, the court notified the **Constitutional Court** and suspended the trial
- 17 November 2009, the exception of unconstitutionality is rejected by the **Constitutional Court** and the file went back at the High Court of Cassation and Justice

- On 9 December 2009, the High Court of Cassation and Justice declines its jurisdiction in favor of the Court of First Instance, Bucharest, Sector 2 because the defendant lost his position as a Member of the Parliament and the offence he is accused of having committed is not related with the attributions of a Member of the Parliament
- 2 hearings have been established at the First Instance Court Bucharest, Sector 2. Next hearing: 1.06.2010
- On 1st June 2010, the judge sent the case to the Bucharest Tribunal to be reunited with an other case in which C.G. was sent to trial
- On 20th October 2010, after 3 hearings, the Bucharest Tribunal denied the request and the case returned to the First Instance Court Bucharest
- 21 hearing in front of the First Instance Court Bucharest
- Next hearing: 23.10.2012

2. NA, Deputy during 2004-2008; 2008-2012, former Chairman of the Chamber of Deputies, former Executive President of a political party, former Prime Minister of the Romanian Government, the offences were committed in his capacity as Prime Minister and Executive President of the Social Democratic Party – repeatedly taking bribe, blackmail, using his influence or authority as President of a party with the purpose of obtaining undue advantages for himself or for another. Case I.

- Notification of DNA: 24.01.2006
- **indictment: November 13th 2006**; notified court: the High Court of Cassation and Justice
- first trial hearing: December 14th 2006
- 8 trial hearings have been established so far;
- **on October 18th 2007, the court ruled the restitution of the case to D.N.A.** to remake the criminal investigation and the notification act of the court, following the Decision no. 665 from July 5th 2007 of the **Constitutional Court**, referring to the criminal investigation of former ministers.
- on July 31st 2008, the Prosecutor's Office Attached to the High Court of Cassation and Justice notified the Chamber of Deputies to request the start of the criminal investigation against the Deputy. The Judicial Commission of the Chamber of Deputies requested clarifications from the General Prosecutor on September 9th 2008, and received an answer on September 22nd 2008.
- On 4 March 2009, the Plenum of the Chamber of Deputies voted to allow the investigation.
- Investigation at D.N.A. commenced on 7th of May 2009.
- **New indictment: May 5th, 2010.** Notified court: High Court of Cassation and Justice
- After 55 hearings, the court convicted the defendant for blackmail to 3 years imprisonment with suspension of execution and acquitted him for taking bribe (criminal decision no. 474 from 30.03.2012)
- DNA appealed the decision. The decision is not yet motivated (as of 22.10.2012)

3. MLD, deputy during 2000 – 2004, President of the National Council of the National Union of the Revolutionary Organizations from December 1989 and of the Association of the Fighters, Wounded and Heroes' Descendants from December 1989 – offence of blackmail assimilated to corruption.

- notification of DNA: 13.12.2006
- **indictment: January 23rd 2007**; notified court: the First Instance Court (Judecatoria) Brasov
- first trial hearing: February 20th 2007
- 15 trial hearings have been established at Judecatoria Brasov

- at the 13th hearing, the court ruled on the procedural exceptions raised by the defense. On November 6th, 2007, following the defendant's raise of an objection of unconstitutionality, the court notified the **Constitutional Court** and suspended the trial.
- On May 27th, 2008, the objection of unconstitutionality is rejected and the trial continued at Judecatoria Brasov
- On June 10th, 2008, following the defendant's raise of another objection of unconstitutionality, the court notified the **Constitutional Court** and suspended the trial.
- During the suspension of the trial, at the request of DNA, the High Court of Cassation and Justice transferred the case from the Judecatoria Brasov to Judecatoria Gheorghieni.
- On February 25th, 2009, the objection of unconstitutionality was rejected, the file sent back to the court and the trial continued at Judecatoria Gheorghieni
- 23 trial hearings have been established so far at Judecatoria Gheorghieni.
- On April 06th, 2011, the High Court of Cassation and Justice admitted the request of the defendant and decided to transfer the case to Targu Mures First Instance Court
- 15 hearings in front of Targu Mures First Instance Court
- Next hearing: 13.11.2012

4. **BSA, senator during 2000-2004, doctor, chief of section at an emergency hospital – abuse of office against the public interests with extremely serious consequences and repeatedly taking bribe of an approximate total of 4,000,000 euro, offence committed without any connection with his position as member of the Senate**

- notification of DNA: 14.06.2006
- **indictment: March 22nd 2007**, notified court: Bucharest Tribunal
- first trial hearing: April 6th 2007
- 34 trial hearings have been established so far;
- **by the Penal Sentence 1001/3.12.2009, the Bucharest Tribunal acquits the defendant.** DNA declares appeal.
- 1 hearing in front of the Bucharest Court of Appeal
- Next hearing November 08, 2010
- **By the Decision 272/13.12.2010, Bucharest Court of Appeal sends the case for retrial at Bucharest Tribunal**
- DNA appealed the decision (recours) at the High Court of Cassation and Justice
- After 4 hearings the High Court of Cassation and Justice, rejected DNA appeal (criminal decision no. 3949 from 07.11.2011)
- 7 hearings in front of Bucharest Tribunal
- Next hearing: 16.11.2012

5. *DI, Deputy during 2004-2008; 2008-2012, former General Manager within the National Department of Forests ROMSILVA, the offence was committed in his capacity as General Manager within the National Department of Forests ROMSILVA – abuse of office against the public interests with serious consequences, with the purpose of obtaining a patrimonial advantage in relation with the infringement of the legal provisions on public procurement, causing a prejudice of approximately 200.000 Euro. Case 2.*

- Notification of DNA: 3.03.2006
- **Indictment: 03.07.2007**: Notified court: the High Court of Cassation and Justice
- First trial hearing: September 18th, 2007
- At the 5th hearing, the court ruled on some procedural exceptions raised by the defendants

- June 2nd, 2007, following the defendant's raise of an objection of unconstitutionality, the court notified the Constitutional Court and suspended the trial
- January 13th, 2009, the objection is rejected by the Constitutional Court and the trial continues at the High Court of Cassation and Justice
- At the 12th hearing, the court ruled on other procedural exceptions raised by the defendants
- After 35 hearings, the High Court of Cassation and Justice acquitted all defendants (criminal sentence no. 1414 from 27.09.2011)
- DNA appealed the sentence
- The case will be heard before the High Court of Cassation and Justice (five judges panel)
- 3 hearings so far
- next hearing: 12.11.2012

6. **VD – senator during 2004-2007 (resigned in September 2007); 2008-2012, president of a political party and member of the Board of Directors of the Institute for Food Research; other 12 defendants** – persons with leading positions within the State Domain Administration, members of the Board of Directors of the Institute for Food Research S.A. Bucharest, businessmen. The defendant V. D. was charged with the offences of exerting, by a person with a leading position in a party, the influence and authority derived by the defendant in this capacity in order to obtain, for himself or for another person, money, goods, or undue advantages and money laundering. The deeds were committed in connection with the fraudulent privatization of the Institution for Food Research (S.C. I.C.A. S.A.) from Bucharest, with V.D. as the beneficiary party. The privatization was carried out by under-evaluating the assets of the Institute with the sum of 7,796,198 Euro.

- notification of DNA: 26.04.2007
- **Indictment: 4.12.2008**; the notified court: Bucharest Tribunal
- 3 trial hearings have been established at the Bucharest Tribunal
- on 03.03.2009 the case was transferred to the High Court of Cassation and Justice as a consequence of the fact that VD obtained a new mandate as a senator in the Romanian Parliament.
- After 36 hearings, the High Court of Cassation and Justice sent the case to Bucharest Tribunal, due to the fact the defendant VD is no longer member of the Parliament
- 3 hearings so far
- Next hearing: 07.11.2012

7. **CG, senator during 2004-2008, Vice - Prime Minister during 2004-2006 in the Romanian Government, president of Board of directors of a private company - money laundry, forgery of writings under private signature, use of privileged information, revealing of privileged information related to financial operations aimed at manipulating the capital market**

- notification of DNA: 13.02.2006
- **Indictment: 24.12.2008**; notified court: Bucharest Tribunal
- First hearing: 22.01.2009
- 6 hearings have being held at the Bucharest Tribunal.
- On 27th of May 2009, the Bucharest Tribunal declines jurisdiction to the High Court of Cassation and Justice
- On 23rd of October 2009, the High Court of Cassation and Justice sends back the case to the Bucharest Tribunal to try the case as the competent court (the defendant lost in December 2008 his position as a Member of the Parliament and therefore the jurisdiction in his regard shouldn't be with the High Court of Cassation and Justice)

- After 16 hearings, the Bucharest Tribunal sent the case back to the prosecution (criminal sentence no. 431 from 20.05.2011)
- DNA appealed the sentence
- After 2 hearings, the Bucharest Court of Appeal decided to send the case back to the Bucharest Tribunal (criminal sentence no. 1500 from 28.07.2011)
- Other 13 hearings in front of Bucharest Tribunal
- Next hearing: 24.10.2012

B. Presidents of County Councils and Prefects

1. **OM, President of the County Council Vrancea**, – abuse of office, using credits for other purposes than those they had been granted for, forgery and use of forgery.
 - Notification of DNA: 31.05.2005
 - **indictment: June 5th 2006**; notified court: the First Instance Court (Judecatoria) Focsani
 - first trial hearing: July 5th 2006
 - 26 trial hearings have been established so far;
 - after 18 trial hearings, on November 14th 2007, the First Instance Court (Judecatoria) Focsani ruled the **restitution** of the case to D.N.A. to remake the criminal investigation. D.N.A. appealed the decision at the competent court, i.e. the Vrancea Tribunal. Following D.N.A.'s request, on March 18th 2008, the case was transferred at the Cluj Tribunal to hear and determine the appeal on grounds of law.
 - after 8 trial hearings, on November 19th 2008, since the defendant invoked an exception of unconstitutionality, the court notified the **Constitutional Court**.
 - The **Constitutional Court** rejected the exception and, on 10.06.2009, the Tribunal Cluj resumed the trial.
 - After 2 hearings, the case was declined to the First Instance Court of Cluj
 - At its 2nd hearing, on 27.10.2009, the First Instance Court of Cluj declined the jurisdiction in the case back to the First Instance Court of Focsani
 - 5 hearings have been established at the First Instance Court of Focsani. At the 2nd hearing, one judge abstained from the trial and another judge was appointed.
 - At July 06, 2010, the case was transferred to the First Instance Court of Cluj, at the request of DNA
 - 14 hearings have been established at the First Instance Court of Cluj.
 - Next hearing: 22.11.2012

2. **MN, President of the County Council Gorj** – traffic of influence and taking of bribe
 - Notification of DNA: 04.03.2004
 - **Indictment: 13.06.2005**; Notified court: Tribunal Gorj
 - First trial hearing: 12.07.2005
 - 39 hearings have been established at the Tribunal Gorj
 - **By the Penal Sentence 268/12.07.2007, the court convicted the defendant to 4 years imprisonment with detention.** DNA declared appeal.
 - 3 hearings have been established at the Court of Appeal Craiova
 - On 20.02.2008, the High Court of Cassation and Justice admits the request of the defendant to transfer the appeal trial to the Court of Appeal Timisoara
 - 25 hearings have been established at the Court of Appeal Timisoara
 - **By the Penal Decision 24/17.02.2010, the court admitted in part the appeal of DNA and maintained the same penalty.** DNA declared appeal on grounds of law.

- After 5 hearings the **High Court of Cassation and Justice** admitted the appeal of DNA and sent the case to the Court of Appeal Timisoara for retrial (Decision no. 824 from 03.03.2011)
- After 9 hearings, the court convicted the defendant to 4 years imprisonment (decision no. 116 from 13.06.2012)
- the defendant appealed the decision
- the defendant appealed the decision
- First hearing scheduled at the High Court of Cassation and Justice – 5.11.2012

3. PRV – former prefect of Iasi County – bribe taking and complicity to bribe taking

- Notification of DNA: 17.08.2006
- **indictment: 30.11.2006**; the notified court: the Tribunal of Iasi
- first trial hearing: 8.01.2007
- 5 trial hearings have been established at the Tribunal Iasi
- On 16.04.2007, the case was declined in favor of the Court of Appeal Iasi
- after 4 hearings, on 13.09.2007, following the raise by th defendant of an exception of unconstitutionality, the court suspended the trial and notified the **Constitutional Court**.
- The **Constitutional Court** rejected the exception and on 02.04.2008 the Court of Appeal Iasi resumed the trial
- Other 16 hearings have been established at the Court of Appeal Iasi.
- On 13.05.2009, following the raise by th defendant of an other exception of unconstitutionality, the court suspended the trial and notified the **Constitutional Court**.
- The Constitutional Court rejected the exception and, on 17.02.2010, the Court of Appeal Iasi resumed the trial
- After 3 hearings, on 6.04.2010 following the raise by th defendant of another exception of unconstitutionality, the court suspended the trial and notified the **Constitutional Court**.
- On 02.02.2011, the trial was resumed
- After 19 hearings, the court convicted the defendant to 4 years imprisonment for bribe taking and acquitted the defendant for complicity to bribe taking (criminal sentence no. 184 from 05.12.2011)
- DNA appealed the sentence
- the case will be heard in before the High Court of Cassation and Justice
- 1 hearing so far
- Next hearing: 08.11.2012

4. CC, the president of the County Council Botoşani – carrying out of financial operations under incompatible circumstances, money laundering and false in statements

- Notification of DNA: 06.04.2006
- **indictment: 25.06.2007**; the notified court: the Tribunal of Botoşani
- First trial hearing: 18.09.2008
- 7 trial hearings have been established so far
- on 15.08.2007, at the request of DNA, the case was transferred to the Tribunal of Braşov
- after 4 trial hearings, on 13.03.2008, following the defendant's raise of an objection of unconstitutionality, the tribunal notified the **Constitutional Court**
- The **Constitutional Court** rejected the exception and, on 20.01.2009, the Tribunal Braşov resumed the trial.
- After 22 hearings the **Braşov Tribunal** acquitted the defendant (sentence 118 from 23.03.2011)
- DNA appealed the sentence.

- After 4 hearings, Brasov Court of Appeal convicted the defendant to 3 years imprisonment with suspension of execution (decision no. 6 from 25.01.2012)
- DNA appealed the decision
- the case will be heard before the High Court of Cassation and Justice
- 3 hearings so far
- A court decision is expected on 22.10.2012

C. Mayors of Municipalities

1. NI - mayor of Băilești – bribe taking and abuse of office against the persons interests
 - indictment: 10.08.2006; the notified court: Tribunal Dolj
 - first trial hearing: 13.09.2006
 - 24 trial hearings have been established so far
 - on 30.03.2008 the Tribunal of Dolj ruled, against the defendant, a conviction decision of 6 months imprisonment with suspension of the execution. DNA declared appeal at the Court of Appeal Craiova
 - 11 hearings have been established at the Court of Appeal Craiova
 - By the Penal Sentence 163/9.07.2009, the Court of Appeal Craiova rejects the appeals of both DNA and the defendant. DNA declares appeal on grounds of law.
 - 3 hearings have been established at the High Court of Cassation and Justice
 - By the decision no. 1686/29.04.2010, the High Court of Cassation and Justice admits the appeal of DNA and sends the case to be retried at the Court of Appeal Craiova.
 - 14 hearings so far
 - Next hearing: 17.10.2012
2. IM – former mayor of Suceava (2000-2004), and other public servants within the City Hall – receiving of undue advantages, false in statements, abuse of office, complicity to material false, embezzlement
 - indictment: 01.04.2007, the notified court: the Tribunal of Suceava
 - first trial hearing: 2.05.2007
 - 4 trial hearings have been established at the Tribunal of Suceava
 - on 28.06.2007 the case was transferred to the Tribunal of Iași
 - 58 trial hearings have been established so far at the Tribunal of Iași.
 - A court decision is expected on 23.10.2012
3. SL - mayor of Reșița – bribe taking, abuse of office, instigation to false
 - indictment: 04.06.2007; the notified court: Tribunal Dolj
 - first trial hearing: 4.07.2007
 - 10 trial hearings have been established
 - on 25.06.2008, following the defendant's raise of an objection of unconstitutionality, the tribunal notified the Constitutional Court
 - The Constitutional Court rejected the exception and on 04.03.2009 the Tribunal Dolj resumed the trial
 - On 22.03.2010, the court rejected the request of the defendant to send back the case to the prosecution
 - After 33 other trial hearings, the court convicted the defendant to 6 years imprisonment (criminal sentence no. 96 from 28.02.2012)
 - DNA appealed the sentence
4. FG, mayor of Arad – bribe taking, abuse of office against the public interests, which resulted in a patrimonial advantage being obtained, with serious consequences

- indictment: 25.10.2007; the notified court: the Tribunal of Arad
- first trial hearing: 16.11.2007
- after 4 hearings, the defendant raised a first exception of unconstitutionality. On 10.01.2008, the court suspends the trial and sends the file to the Constitutional Court
- The Constitutional Court rejects the exception and, on 25.09.2008, the Tribunal Arad resumes the trial
- After other 4 hearings, the defendant raises a second exception of unconstitutionality. On 6.11.2008, the tribunal suspends the trial and sends the case to the Constitutional Court
- The Constitutional Court rejects the exception and on 29.09.2009 the tribunal resumes the trial
- After 22 other hearings, on 24.02.2011, the case was transferred to Alba Tribunal, following DNA request
- After 12 hearings, the court acquitted the defendant (sentence no. 163 from 22.05.2012)
- DNA appealed the sentence

5. **MRS, mayor of Constanța** – abuse of office against the public interests which resulted in patrimonial advantage being obtained, with very serious consequences, committed through repeated facts and activities; intellectual false, committed through repeated facts and activities; association in order to commit crimes, along with other 36 persons – in connection with the restitution and illegal awarding of some vast areas of land located inside the city at the Black Sea shore, beach and cliff, deeds which caused a prejudice in amount of about 114 million Euro

- indictment: 28.10.2008; the notified court: Bucharest Court of Appeal
- first trial hearing: 25.11.2008
- 19 trial hearings have been established so far.
- The court rejected twice the exception of unconstitutionality raised by the defendant. The defendant appealed the decision in front of the High Court of Cassation and Justice and his request was admitted, the case being sent to the Constitutional Court on October 15, 2010
- The case was pending at the Constitutional Court until March 2012
- the Bucharest Court of Appeal will resume the trial on 21.03.2012
- 10 hearings
- next hearing: 13.11.2012

D. Directors of state companies (and other important companies and state institutions)

1. **MLI, former general director at FDFEE Electrica Banat**, who was charged with the offence of repeatedly taking bribe.

- indictment: 08.08.2005; notified court: Timis Tribunal;
- first trial hearing: 06.10.2005;
- 22 trial hearings have been established;
- on 13.03.2007, following the exception of unconstitutionality raised by the defendant, the trial was suspended and the case was sent to the Constitutional Court
- the Constitutional Court rejected the exception and, on 22.11.2007, the Timis Tribunal resumed the trial
- after 42 hearings, by the sentence no. 199 from 29.04.2011, the court convicted the defendant to 7 years imprisonment
- DNA appealed the sentence

- After 3 hearings, Timisoara Court of Appeal reduced the punishment for the defendant to 6 years imprisonment (criminal sentence no. 14 from 01.02.2012).
- DNA appealed the sentence
- the case will be heard in front of the High Court of Cassation and Justice
- first hearing: 25.10.2012

2. **OT, general director, and other members from the management of the state owned commercial company HIDROELECTRICA S.A.** who were charged with the offence of abuse of office against the public interests with extremely serious consequences.

- indictment: 17.08.2006; notified court: Bucharest Tribunal;
- first trial hearing: 27.09.2006;
- 20 trial hearings have been established so far;
- on 10.04.2008 since the defendant invoked an exception of unconstitutionality, the court notified the Constitutional Court.
- The Constitutional Court rejected the exception. On 9.01.2009, the Tribunal Bucharest resumed the trial
- 18 hearings have been established so far
- on July 01, 2010 following the exception of unconstitutionality raised by the defendant, the trial was suspended and the case was sent to the Constitutional Court
- on 03.08.2012 the trial is resumed in front of the court
- 4 hearings so far
- Next hearing: 22.10.2012

3. *SN, general director of SC Complex Energetic Turceni, and other members from the management, who were charged with the offences of abuse of office against the public interest with extremely serious consequences, with the purpose of obtaining for himself/herself or for another person an advantage of patrimonial or not-patrimonial nature; abuse of office against public interest with extremely serious consequences; forgery; initiating or constituting an organized criminal group or acceding or supporting in any way such a group.*

- indictment: 05.02.2007; notified court: Gorj Tribunal;
- first trial hearing: 6.03.2007;
- 6 trial hearings have been established at Gorj Tribunal;
- la 22.05.2007 the case was transferred at Sibiu Tribunal;
- 13 trial hearings have been established at the Sibiu Tribunal
- On 9.01.2009, following an exception of unconstitutionality raised by the defendant, the tribunal suspended the trial and sent the case to the Constitutional Court
- The Constitutional Court rejected the exception and the trial was resumed at 14.04.2010
- After 25 hearings the court acquitted all defendants (sentence no. 109 from 24.09.2012)
- DNA appealed the sentence

4. **CAG, former general director at S.N.T.G.N. TRANSGAZ S.A. Medias, who was charged with repeatedly committing the offences of abuse of office against the public interest, with extremely serious consequences, and with the offence of association with the purpose of committing crimes and S.D. - President of SIF Oltenia, who was charged with repeatedly committing the offence of complicity to abuse of office against the public interest, with extremely serious consequences, and with the offence of association with the purpose of committing crimes.**

- indictment: 02.11.2007; notified court: First Instance Court (Judecatoria) of Sector 2, Bucharest;

- first trial hearing: 10.12.2007;
 - 19 trial hearings have been established at the First Instance Court (Judecatoria) of Sector 2, Bucharest;
 - On 23.06.2009, the jurisdiction was declined in favor of the First Instance Court Medias
 - 1 hearing has been established at the First Instance Court Medias
 - At 29.01.2010, the First Instance Court Medias declines the jurisdiction back to the First Instance Court of Sector 2, Bucharest. The High Court of Cassation and Justice ruled on the negative conflict of jurisdiction and sent the case at the First Instance Court (Judecatoria) of Sector 2, Bucharest
 - 36 hearings established so far
 - Next hearing: 31.10.2012
5. Gen. SO – charged with receiving bribe, using assets of the company in bad faith, forgery of private documents; col. D.G.– charged with giving bribe, traffic of influence, association with the purpose of committing offences.
- **Indictment: May 10th 2007.** Notified court: the High Court of Cassation and Justice,
 - After 51 hearings, the court convicted the defendant SO to 3 years imprisonment with suspension of execution for receiving bribe and acquitted the defendant SO for the other charges. Also, the court convicted DG to 3 years imprisonment with conditional suspension of the execution for traffic of influence and giving bribe. The court acquitted DG for one charge of traffic of influence and for association with the purpose of committing offences (criminal sentence no. 177 from 31.01.2012)
 - DNA appealed the sentence
 - the case will be heard in front of the High Court of Cassation and Justice
 - 1 hearing
 - Next hearing: 06.11.2012
6. Col. PC - charged with taking bribe, instigation to embezzlement and association with the purpose of committing offences; Col. B.D., charged with taking bribe and complicity to taking bribe, complicity to embezzlement and association with the purpose of committing offences.
- **Indictment: February 9th 2006.** Notified court: the Territorial Military Tribunal Bucharest,
 - 21 court hearings,
 - on January 16th 2007 sent to the Constitutional Court of Romania,
 - on November 6th 2007 transferred to Prahova Tribunal,
 - After 38 court hearings, the court convicted the defendant to 3 years imprisonment with conditioned suspension of the punishment's execution (Sentence no. 73 from 18.02.2011).
 - DNA appealed the sentence.
 - After 3 hearings, the Court of Appeal Ploiești preserve the main provision of the previous sentence (criminal decision no. 182 from 22.11.2011)
 - DNA appealed the decision
 - The case will be heard before the High Court of Cassation and Justice
 - 3 hearings so far
 - next hearing: 19.10.2012
7. NM, general director at the Romanian National Railway Company (RNRC) during 2000 – 2003, who was charged with abuse of office against the public interest with extremely serious consequences, and using credits for other purposes than those they had been granted for, thus causing a prejudice of over 18 million euro to the company. Case 1.

- **indictment: 01.02.2008**; notified court: First Instance Court (Judecatoria) of Sector 1, Bucharest; the defendant was tried *in absentia (until extradition from USA)*
- first trial hearing: 22.02.2008;
- 12 trial hearings have been established;
- on 21.01.2009, after the raise by the defense of an exception of unconstitutionality, the courts suspended the trial and sent the case to the **Constitutional Court**
- the **Constitutional Court** rejected the exception and, on 9.09.2009, the first instance court resumed the trial
- 32 hearings have been established so far. On 03.07.2012, the defendant was released from temporary custody
- Next hearing: 31.10.2012

8. **BEM, former general director** at S.C. Astra Romana Refinery S.A. Ploiesti, who was charged with the offences of: - tax evasion; - forgery of private documents; - association with the purpose of committing crimes.

- **indictment: 04.04.2008**; notified court: First Instance Court (Judecatoria) Ploiesti;
- first trial hearing: 08.05.2008;
- 8 trial hearings have been established at the First Instance Court (Judecatoria) Ploiesti;
- On 3.03.2009, the court declines jurisdiction in that case in favor of the First Instance Court Brasov
- 4 hearings have been established at the First Instance Court Brasov
- On 19.11.2009, the First Instance Court Brasov declines jurisdiction back to the First Instance Court Ploiesti and notifies the High Court of Cassation and Justice to solve the negative conflict of jurisdiction
- by the sentence no. 186/5.02.2010, the High Court of Cassation and Justice decided that the jurisdiction belongs to the First Instance Court of Brasov
- After 3 hearings the First Instance Court of Brasov decided to disjoint (split) the case and send the part regarding the other two defendants back to the prosecutor for reinvestigation
- DNA appealed the decision and the Brasov Tribunal decided the trial should continue for all the defendants
- 20 another hearings established
- Next hearing: 08.11.2012

9. **NM (case 2), former general director, administrator and credit accountant** at the National Railway Company - „C.F.R.” S.A. – abuse of office against the public interests with serious consequences and committed through repeated acts and activities and use of subventions for other purposes than they were awarded

- **indictment: 23.06.2008**; the notified court: the First Instance Court (Judecatorie) of Sector 1 Bucharest
- first trial hearing: 7.10.2008
- 4 trial hearings have been established
- On 17.12.2008, following an exception of unconstitutionality raised by the defence, the trial was suspended and the case was sent to the **Constitutional Court**
- The **Constitutional Court** rejected the exception and, on 18.11.2009, the First Instance Court (Judecatorie) of Sector 1 Bucharest resumed the trial
- 34 other trial hearings have been established. On 26.01.2012, the defendant was released from temporary custody
- Next hearing: 31.10.2012

E. Magistrates

1. CI – prosecutor within the Prosecution Office attached to the High Court of Cassation and Justice – charged with taking bribe

- **Indictment: 25.01.2007**
- Notified court: the High Court of Cassation and Justice
- After 11 hearings, the court sent the case to the Constitutional Court as a plea of unconstitutionality was raised by the defendant
- After six months, the trial is resumed on 16.04.2008
- **After 29 hearings, the court convicted the defendant to 3 years imprisonment (decision no. 473 from 21.03.2012)**
- the case will be heard in front of the High Court of Cassation and Justice, the Panel of five judges
- 2 hearings so far
- Next hearing: 06.11.2012

2. DGD – prosecutor within a prosecutor's office attached to a first instance court – charged with tax evasion, production of excisable goods outside the fiscal warehouse, using fake marks on products requiring marking and forgery in written documents.

- **Indictment: 19.06.2007;**
- Notified Court: Cluj Court of Appeal
- 44 hearings established
- After the first hearing the trial is suspended and through the decision no. 3896 from 15.07.2007 the High Court of Cassation and Justice decides to transfer the case to Timisoara Court of Appeal. The trial is resumed on 25.10.2007.
- After the 16th hearing on 11.12.2008, the trial is suspended and through the decision no. 2203 from 04.12.2008 the High Court of Cassation and Justice decides to transfer the case to Bucharest Court of Appeal. The trial is resumed on 20.01.2009.
- **After 8 more hearings (24 hearings in total), through the decision no. 173 from 16.06.2009 the court convicts the defendant to the punishment of 7 years of imprisonment.**
- DNA appealed the sentence
- After 3 hearings (27 hearings in total), through the decision of 11.02.2010 the case is sent to the Constitutional Court.
- The trial is resumed on 22.02.2011.
- After 2 more hearings (29 hearings in total), through the decision no.1586 from 20.04.2011 the High Court of Cassation and Justice sends back the case for retrial at the Bucharest Court of Appeal
- 15 hearings so far
- Next hearing: 26.10.2012