

TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT
UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

ROMANIA REVIEW

I. Justice System

C. Efficiency of the justice system

Length of proceedings

Other – please specify

The case concerning the trial of Mr. Popoviciu, a Romanian businessman - In February 2022, the Special Rapporteur on the independence judges and lawyers entered in a dialogue with Romania to express serious concern that the Judge on the case of Mr. Popoviciu had a long-standing – and undisclosed – relationship with a key prosecution witness. The Special Rapporteur asked for information on the measures adopted to adopt the independence and impartiality of courts, and to ensure that defendants and their legal counselors are granted all the fair trial guarantees set out in Article 14 of the International Covenant on Civil and Political Rights ([AL ROU 4/2021](#)).

Alleged violations of the right to a trial by Mr. Steinmetz - In January 2022, the Special Rapporteur on the independence judges and lawyers entered in a dialogue with Romania to express serious concern over procedural violations and unjustified restrictions on defendant's rights, in particular:

- (1) The High Court disregarded expert evidence and the Brasov's Court findings on the authenticity and reliability of the "ambient recording".
- (2) The High Court disregarded Mr. Steinmetz's evidence demonstrating errors and additions in the DNA's transcript of "ambient recordings" and witness statements.
- (3) Mr. Steinmetz's request to adjourn a crucial hearing – on the ground that his counsel had Covid-19 and was subject to mandatory selfisolation – was rejected depriving Mr. Steinmetz of effective representation during the examination of a key witness.
- (4) Mr. Steinmetz was denied access to classified court documents that may have contained evidence of judicial bias/lack of independence.
- (5) The High Court refused to allow Mr. Steinmetz's counsel to pursue important lines of questioning during the cross examination of key witnesses, asked leading questions and was hostile to defence witnesses.
- (6) The High Court allowed the Prosecution's eleventh-hour substitution of the main charge against Mr. Steinmetz without debate or interlocutory decision.

The Special Rapporteur asked for information on the measures adopted to adopt the independence and impartiality of courts, and to ensure that defendants and their legal counselors are granted all the fair trial guarantees set out in Article 14 of the International Covenant on Civil and Political Rights ([AL ROU 1/2022](#)).