

SOCIETATEA CIVILĂ DE AVOCATI "VĂRZARU, MANOLESCU ȘI ASOCIAȚII"
Calea Mosilor nr.199 bl.3 sc.B et.1 ap.35
BUCUREȘTI sector 2 cod.020859
ROMÂNIA

To The Ministry of Justice of The Republic of Turkey

Dear Sir,

My name is Vărzaru Paul and I am a barrister-at-law in The Bucharest Bar, having its headquarters in Bucharest, Romania.

I am writing to kindly inform you that having read the paperwork in the Criminal Case File No. 12/P/2008 issued by the Romanian National Anticorruption Directorate (Directia Nationala Anticoruptie -D.N.A.) as part of The Public Ministry of The Republic of Romania, I have drawn the conclusion that on Saturday, the 6th of March 2010 the Romanian prosecutor Bocsan Gheorghe travelled to Istanbul to hear as "witnesses" the Turkish citizens **Cengiz Binali** (having his domicile in Istanbul İstanbul, Maslak Cad. Kanarya Sokak no.12/4) **Seker Serdar** and **Seker Sefa** (with the domicile in Sivas, Merkez, Mensurlu Köyo).

I have also drawn the conclusion that the hearing was attended by two other "eye-witnesses", the Turkish citizens **Tokalac Ozlem** (domiciled in Hadimkoy, İstanbul, İsfasyon Mahalle, Derinyol Sokak no.4/18) and **Yilmaz Bilgen** (domiciled in Avcılar, İstanbul, Universite Mahalle, Mektep Sokak no.36/3). I have understood from the paperwork that for this hearing the prosecutor Bocsan Gheorghe employed a female "translator" called **Stoica Mariana**, who has a Translator's License issued by The Ministry of Justice of The Republic of Turkey. However, in the above-mentioned paperwork, on page 128, there is only a Statement Under Oath (affidavit) of the translator, dating from the 6th of December 2004, which states that Stoica Mariana is a legal expert in the Notary's Office No. 24 in Istanbul.

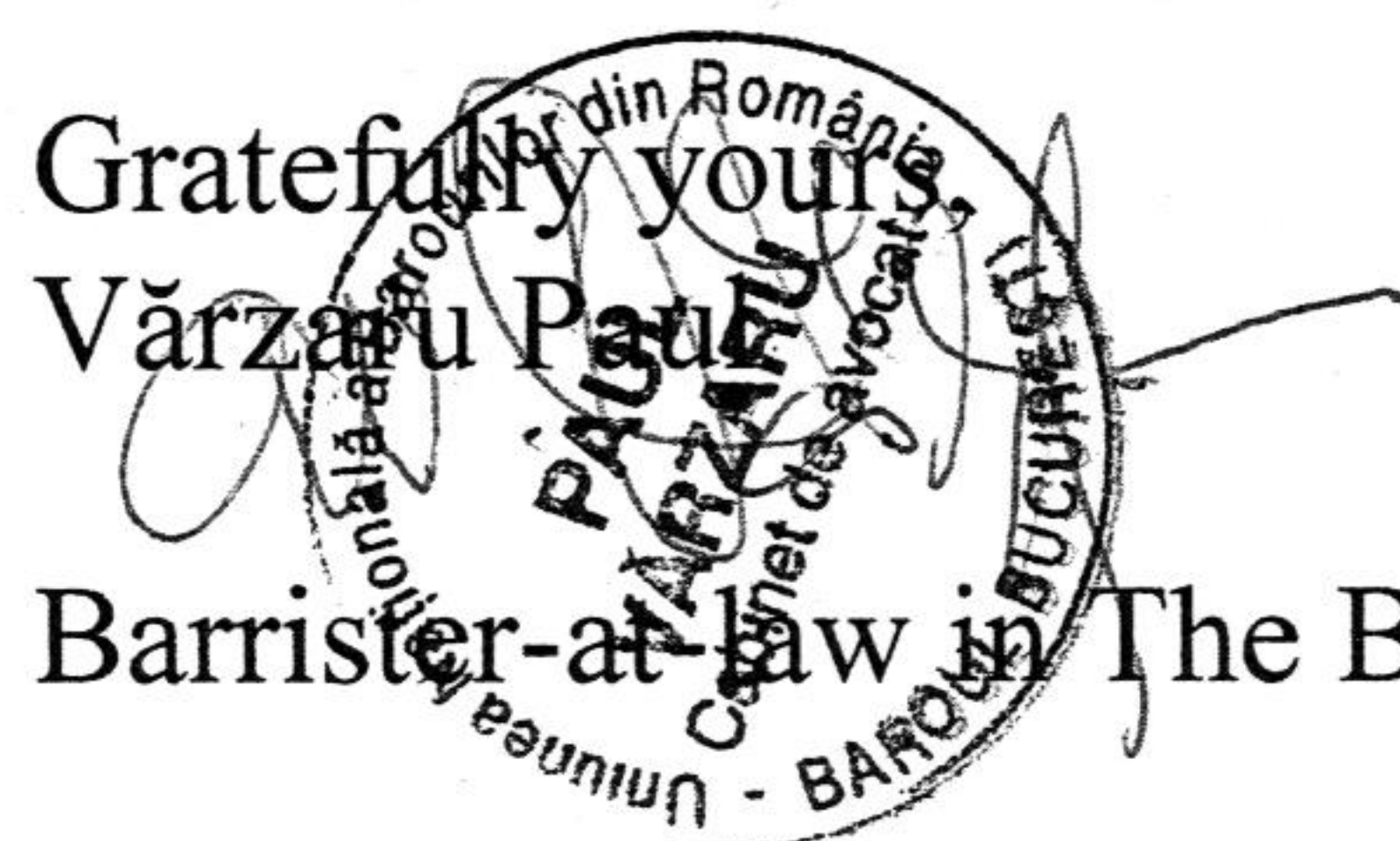
In view of the above situation and taking into account our mutual interest to determine the legal validity and soundness of the papers written down by the prosecutor Bocsan Gheorghe for the Criminal Case File No. 12/P/2008, I would like to respectfully ask you to give me the following public information:

- Whether or not you allowed the Romanian prosecutor Bocsan Gheorghe to hear the Turkish citizens Cengiz Binali, Seker Serdar and Seker Sefa on the territory of The Republic of Turkey, and, in case you did, could you please let me know what is the convention (or agreement) based on which you allowed him to hear the witnesses (I would like to specify that according to Article no. 7 of The Mutual Legal Assistance in Criminal Matters Convention signed by The Republic of Turkey and The Republic of Romania in 1970, in order to hear Turkish citizens, the Romanian National Anticorruption Directorate should have requested an international letter rogatory);
- Whether or not you appointed a prosecutor or a judge of The Republic of Turkey to assist the prosecutor Bocsan Gheorghe during the hearing of the above-mentioned Turkish citizens, and, in case you did, could you please tell me the name and the position of the person appointed;
- Whether or not the “witnesses” Cengiz Binali, Seker Serdar and Seker Sefa were officially summoned, and, in case they were, could you please tell me the location where they were summoned;
- Whether or not you approved Stoica Mariana to translate for the Romanian prosecutor Bocsan Gheorghe;
- Whether or not Stoica Mariana has a Translator’s License issued by The Ministry of Justice of The Republic of Turkey.

Please find attached copies of the “declarations” and “written reports” of the prosecutor Bocsan Gheorghe regarding the Criminal Case File No. 12/P/2008, which mention that these papers were written down in Istanbul, on March 6th, 2010.

I would also like to mention that in this case 4 border police officers were prosecuted by the prosecutor Bocsan Gheorghe, who charged them with corruption, facts only proven by the declarations of the three Turkish “witnesses”, who never appeared before the court(the Criminal Case File No. 5008/2/2010 of The Court of Appeal of Bucharest).

Gratefully yours,
Vărzaru Paul
Barrister-at-law in The Bucharest Bar



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ROMÂNIA



nu mai la curtea UT
12.05.2010

MINISTERUL PUBLIC
PARCHETUL DE PE LÂNGĂ ÎNALTA CURTE
DE CASAŢIE ŞI JUSTIŢIE
DIRECŢIA NAŢIONALĂ ANTICORUPŢIE

SECŢIA DE COMBATERE A CORUPŢIEI

Dosar nr. 12/P/2008

Operator date nr. 4472

12.05.2010

ORDONANŢĂ

PAPICI LUCIAN - procuror şef secţie – Secţia de Combatere a Corupţiei din cadrul Direcţiei Naţionale Anticorupţie,

Examinând cererea formulată de inculpatul GRAMA DĂNUŢ ION privind recuzarea procurorului de caz,

CONSTAT:

La data de 12.05.2010 inculpatul GRAMA DĂNUŢ ION a formulat o cerere de recuzare a procurorului de caz, BOCŞAN GHEORGHE, întemeiată pe disp. art. 48 lit. d C.p.p.

În sinteză, inculpatul a arătat că procurorul este interesat în soluţionarea cauzei. În motivare, acesta arată că:

- procurorul de caz a refuzat administrarea unor probe în apărare, încălcând astfel, principiul dreptului la un proces echitabil, al contradictorialităţii şi principiul prezumţiei de nevinovăţie;

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e-mail: anticoruptie@pna.ro

- procurorul de caz ar fi afirmat că s-a deplasat pe cheltuiala sa în Republica Turcia, în afara unui cadru legal, pentru a audia martori.

Cu privire la motivul prevăzut de art. 48 pct. 1 lit. d C.p.p., constând în aceea că există împrejurări din care rezultă că procurorul este interesat sub orice formă în cauza respectivă, se constată că o astfel de afirmație nu are nici un suport real, cele învederate de inculpat nefiind susținute de realitatea anchetei desfășurate în cauză.

Ancheta s-a desfășurat în condițiile legii, iar probele au fost respinse, urmându-se procedura legală. Procurorul de caz s-a deplasat în Republica Turcia în mod legal, pe cheltuiala Direcției Naționale Anticorupție, consemnarea din practica încheierii de respingere a propunerii de arestare preventivă a Curții de Apel București, în sensul că s-ar fi deplasat pe cheltuială proprie constituind o eroare materială.

* * *

Raportat la cele de mai sus,

În temeiul art. 51 și art. 53 C.p.p.,

DISPUN:

Respingerea cererii de recuzare a procurorului de caz formulată de inculpatul GRAMA DĂNUȚ ION la data de 12.05.2010.

PROCUROR ȘEF SECȚIE,

PĂPICI LUCIAN

