

**ENGLISH translation of the response of the Public Ministry, Prosecutor's Office Attached to the High Court of Cassation and Justice**

(...)By way of the ordinances no. 18/P/2018 of 27.08.2018, 11.09.2018 and 20.09.2018, the Prosecutor's Office attached to the High Court of Cassation and Justice – Section of Military Prosecutor's Offices ordered the extension of criminal investigation, continuation of the criminal investigation respectively, against several persons in leadership positions within the General Directorate of Gendarmerie of Bucharest City (DGJMB), the General Inspectorate of Romanian Gendarmerie and the Ministry of Internal Affairs in relation to:

- the offense of aiding and abetting, laid down in art. 269 of the Criminal code, consisting in the failure to take measures so that, prior to the execution of the mission of 10<sup>th</sup> August 2018, in the Piața Victoriei area of Bucharest, all gendarmerie soldiers should wear helmets with identification numbers corresponding to the position they had in the battalion, detachment and intervention group, as well as in drawing up inaccurate official documents, in which no mention was made as to the identity of the soldiers wearing protective helmets the identification numbers of which had been covered with adhesive tape during the intervention in order to prevent or hinder the investigations in the case with regard to the acts of violence exerted during the intervention;

- the offense of forgery, laid down in art. 321 of the Criminal code, consisting in the fact that, in the official documents drawn up by the structures of the Romanian Gendarmerie, the data representing the identification numbers assigned by the individual equipment records were knowingly omitted, which

made it impossible or difficult to identify the gendarmerie soldiers who committed acts of violence;

- the offense of use of false documents, laid down in art. 323 of the Criminal code, consisting in handing over to the criminal investigation authority the official records aforementioned, forged as shown above;

- improper participation in forgery, laid down in art. 52 par. 3 in relation to art. 321 par. 1 of the Criminal code, consisting in making the person who drafted the Operations Log, done by the DGJMB, to record, in a manner not reflecting reality and not knowingly, the hours 23:11 as the time when the prefect of the municipality of Bucharest gave his approval, an approval which was actually issued only much later, more than an hour after the time recorded in the Operations Log;

- improper participation in use of false documents, laid down in art. 52 par. 3 in relation to art. 323 of the Criminal code, consisting in making someone use the Operations Log as a proof of the way in which the mission of ensuring / restoring public order took place on 10<sup>th</sup> August 2018, although it contains false mentions regarding the time of the approval of the intervention order, which is unknown to the persons who have the use of this log among their job tasks, after finding that the time recorded in the Operations Log of the DGJMB is not the actual time the prefect of the City of Bucharest signed the intervention order issued by the heads of the DGJMB;

- abuse of office, laid down in art. 297 par. 1 of the Criminal code, in relation to a known number of 763 people, consisting in that, on 10.08.2018, using the offices they held, persons in the management of the three institutions

aforementioned, in various form of participation, created the appearance of a legal action to restore public order and without complying with the provisions of art. 19 of the Law no. 60/1991 on the organization and conduct of public assemblies, art. 33, art. 34, art. 36 and art. 37 of the Law no. 550/2004 on the organization and functioning of the Romanian Gendarmerie, ordered the intervention in force against the participants in the protest, thus causing damage to the legitimate rights of the majority of the protesters regarding the freedom of expression and freedom of assembly set out in the Romanian Constitution, Law no. 60/1991 on the organization and conduct of public assemblies and the Convention for the protection of human rights and fundamental freedoms;

- improper participation in abusive conduct, laid down in art. 52 par. 3 of the Criminal code in relation to art. 296 par. 2 of the Criminal code with application of art. 35 par. 1 of the Criminal code (763 material acts), consisting in the fact that as coordinators of the actions for maintaining public order, some of them acting as accomplices, they created the appearance of a legal action to restore public order, including through pressure exerted upon the prefect of the capital, and ordered the soldiers to make use of their equipment for evacuating the protesters, with the consequence of the subordinate police forces exercising acts of violence unjustified by the operative situation and the real needs of restraining turbulent persons – acts directed against children also, other than gradually and without ceasing after achieving the goal of the mission, thus causing the injury of a large number of participants in the protest.

In order to clarify the circumstances surrounding the case, requests were filed with various authorities for handing over documents, witnesses and injured parties were heard, some of whom filed documents and medical records on the injuries incurred; some of the activities are yet to be performed and previously arranged technical examinations are currently being conducted.

*Please receive the assurance of my highest consideration,*

**PROSECUTOR GENERAL,  
AUGUSTIN LAZĂR**