

Abstracts

Corneliu-Liviu Popescu, Remedies available in the event of a voluntary and widespread interruption of the public service of justice

Abstract: In the event of a voluntary and widespread interruption of the public service of justice by magistrates, Romanian domestic law, in violation of Article 13 of the European Convention on Human Rights, does not provide for any effective remedy to remedy alleged violations of the right of access to a court and/or the right to a trial within a reasonable time. Judicial remedies are illusory, as they require the courts to be functioning, administrative remedies are unlikely to be effective or do not ensure a fair procedure, while constitutional remedies which are independent of the courts activity (the exception of unconstitutionality raised directly by the Ombudsperson and the request to settle the legal dispute of a constitutional nature between public authorities), even if they are real remedies, are likely to remedy the victim's situation and are conducted fairly, are not effective, as they are not accessible to the potential victim.

Key words: Justice. Courts. Interruption of public service. Right of access to a court. Right to a trial within a reasonable time. Effective remedy.

Cristi Danileț, Have judges lost their humanity? A reflection on the evolution of constitutional jurisprudence regarding the judge's conviction and the purpose of justice

Abstract: This paper examines the evolution of the jurisprudence of the Constitutional Court of Romania regarding the concept of the judge's conviction, focusing on three pivotal decisions: Decision No. 171/2001, which established a formalist-legalist approach separating moral conscience from judicial decision-making; Decision No. 778/2015, which reopened the space for moral rationality by distinguishing between the judge's personal moral conscience and the juridical conscience formed at the conclusion of the trial; and Decision No. 47/2016, which reshaped the structure of judicial conviction by constitutionally endorsing the standard of reasonable doubt—introduced earlier by the New Code of Criminal Procedure in 2014—as a mechanism for objectifying certainty in criminal adjudication, while simultaneously controlling the subjectivity of deliberation. The study shows that the transition from the formalism of 2001 to the methodological prudence of 2016 is not a linear evolution, but a sequence of doctrinal corrections reflecting the persistent tension between legality and humanity.

The paper argues that justice cannot be reduced to the syllogistic application of rules, as judicial decision-making inherently involves a form of moral reasoning that cannot be eliminated without compromising the very meaning of adjudication. A comparative analysis drawing on the European tradition of equity, hermeneutical philosophy, and contemporary scholarship on the role of the judge demonstrates that conviction is not an expression of subjectivism, but a

deliberative operation in which reason, experience, and responsibility toward the human person converge.

The study concludes that the “human element of the judge” has not disappeared, but has been progressively redefined: restricted in 2001, recontextualized in 2015, and epistemically disciplined in 2016. Nevertheless, restoring a stable balance between law and conscience requires concrete institutional measures—particularly in judicial training, the culture of reasoning, and the practice of constitutional review—so that justice may remain an act of meaning, not merely a formal mechanism.

Keywords: judge’s conviction, conscience, constitutional justice, equity, moral reason, legal humanism, institutional reform.

Dezideriu Gergely, The dynamics of “hate crimes” in the ecosystem of discrimination and the factors influencing the investigation of acts induced by discriminatory motives in the logic of ECHR jurisprudence and academic perspectives. Dataset no. 1: “non-violation”

Abstract: Academic research on hate crimes has highlighted numerous criticisms related to conceptual and institutional difficulties in recognizing discriminatory motivations. These include the ambiguity of definitions, tensions between the criminalization of hate and the protection of individual freedoms, but especially institutional obstacles such as the burden of proof and excessive evidentiary standards. The case law of the European Court of Human Rights (ECHR) provides an essential but controversial benchmark. The Court does not use fixed terminology for “hate crimes,” but resorts to variable formulas – “incidents triggered by attitudes suspected of discrimination,” “discriminatory motives,” or “crimes motivated by prejudice” – reflecting a fluid but fragmented conceptual approach.

An examination of ECHR case law in which no violation of Article 14 has been found reveals recurring patterns that limit the explicit recognition of discrimination in cases involving hate crimes. These patterns manifest themselves in the form of evidentiary inflation, through the application of an excessively high standard of proof; the decoupling of facts from discriminatory motives, by privileging individual circumstances over the structural context; the formal validation of investigations, even when they are superficial or do not examine discriminatory motivation; and the acceptance of alternative explanations that neutralize suspicions of discrimination. Overall, these patterns highlight the fact that Article 14 remains subsumed under the evidentiary and procedural framework, with the finding of causality with racist motivation being exceptional. However, a complete assessment of these results requires overlap with ECHR case law finding violations of Article 14 in order to capture the limits and real potential of this normative guarantee at the European level.

Keywords: hate crimes, discrimination, racist motivation, evidentiary inflation, formal validation, decoupling of facts from discriminatory motives, procedural framework, European Court of Human Rights

Roland O. Thomasson, The Revolution File vs. Military Prosecutor Cătălin Ranco Pițu: “Every Army structure after January 1990 concluded that the terrorists did not exist”

Abstract: Former military prosecutor General Cătălin Ranco Pițu has repeatedly claimed in Romanian media that after January 1990 “every Defense Ministry structure” “without exception”—the air force (Aviație); the navy (Marină); territorial anti-aircraft defense command (Comandamentul de Apărare Antiaeriană a Teritoriului or CAAT); the infantry and tank command (Infanterie și Tancuri)—concluded that the “terrorists”—as presumed loyalists fighting on behalf of Nicolae Ceausescu were called in December 1989—did not exist. This article examines exactly the same documents Pițu invokes—my colleague Andrei Ursu and I possess a copy of the Revolution File (Dosarul Revoluției)—to show that exactly the opposite is true: all of these Defense Ministry structures concluded that the “terrorists” existed. Why does this matter? It matters because it is a simple litmus test on the prosecutor’s ability to tell the truth about December 1989 and thus the validity of the Indictment (Rechizitoriul) itself, which covers the killing and wounding of thousands of victims. Such a blatantly false statement about the after-action reports should raise questions about the credibility of the rest of Pițu’s case.

Keywords: General Cătălin Ranco Pițu, Revolution File, Defense Ministry terrorists, victims, false statements