

## Editorial

The public debate in December 2025 was dominated by the two-hour documentary by Recorder, "Justice Captured," broadcast by TVR on December 10 during prime time. The documentary had about 382,000 viewers at the time of broadcast, then quickly reached 1.5 million. Recorder's official channel got 5 million views in the following days. The synopsis on the Recorder page by Andreea Pocotilă and Mihai Voinea shows that the authors were aware of the importance of what they had done. They pointed out that their film, which "condenses over a year and a half of investigative work," explains the complicated mechanisms through which "the judicial system, a key pillar of any democratic state, has come to be captured by an interest group made up of magistrates and politicians."

And yet, it was difficult for them or anyone else to imagine the level of social mobilization that the documentary would generate. USR summoned the Minister of Justice to Parliament to discuss the conclusions of the journalistic investigation. Representatives of other parties also referred to the TVR program in parliamentary debates. Appeals were made to the President and the Minister of Justice to come up with solutions to reform the justice system. Public protests in front of judicial institutions were announced. There were demands through the media for legislative changes to ensure the independence of the judiciary.

The reaction from within the system was particularly significant. Several judges gave interviews about the problems in the judicial system. The threatening reaction of the leaders of the High Court of Cassation and Justice and the Superior Council of Magistracy towards the judges who had publicly expressed their criticism led to hundreds of magistrates expressing their solidarity with them.

The two-hour documentary by Recorder, "Justice Captured," showed at the end of 2025 the exceptional role that well-done investigative journalism can play in society. But the quality of the work Recorder does was long known and confirmed over time. It was also known to the editorial staff of the *New Journal of Human Rights*. A year after Recorder was founded, the editors of the journal decided that Recorder should receive the money awarded to the 2018 *NJHR* laureate. (The explanation for this "diversion" of the *NJHR* Award money is somewhat amusing: the winner was billionaire George Soros, who proposed the money be given to a worthy cause.) At that time, €1,000 mattered to Recorder.

On December 14, the editorial board and previous winners of the *New Journal of Human Rights Award* decided by consensus to give the 2025 *NJHR* Award to Recorder. This highlighted its remarkable efforts in defending one of the principal human rights: the right to justice. The documentary "Justice Captured" was seen as the culmination of a

long series of investigations with major social impact. The arguments giving the award to Recorder, detailed in the *Laudatio*, explain why an award dedicated par excellence to individuals was awarded in 2025 to a publication.

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It so happens that also in December 2025 the Grand Chamber of the European Court of Human Rights ruled on the complaint of former judge Cristi Danileț against Romania. Danileț's appeal to the ECHR led to a refinement of the European doctrine on the freedom of expression of magistrates. The Grand Chamber introduced in this case a new list of criteria for analysis, including weighing the various interests at stake, taking into account the content and form of the messages, the context in which they were posted, their consequences, the capacity in which the applicant posted them, the nature and severity of the sanction imposed on him, and the chilling effect on the profession. The Grand Chamber sought a reasonable balance between the extent to which the applicant, as a judge, can publicly engage in the defense of the constitutional order and of state institutions and, on the other hand, the need for him to act independently and impartially in the performance of his duties.

The decision of the Grand Chamber of the ECHR in the case of Danileț v. Romania is over 70 pages long in the *NJHR* format. Given the importance of this decision, both for Romania and for Europe, the journal will publish the decision in its entirety. It will do so in two parts, the first in the current *NJHR* No. 4/2025, and the second in the upcoming *NJHR* No. 1/2026.

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Cristi Danileț, currently a lecturer at Petre Andrei University, reflects on the evolution of constitutional jurisprudence regarding a judge's beliefs and the purpose of justice, making a plea for "the human side of the judge." According to him, through its decisions in 2015 and 2016, the Constitutional Court of Romania has left behind the rigid rationalist formalism it established in 2001 and opted for a justice system centered on moral reason and humanism. In line with this jurisprudence, the judge becomes, in principle, a responsible interpreter of the law, transcending the status of implementer of norms. Cristi Danileț's main theme, which he theorizes in his study and applies in his life as a man devoted to justice, is that the justice system should truly offer Justice.

In contrast, Professor Corneliu-Liviu Popescu's study is an example of the use of rigorous positive law in confronting highly negative behavior: the voluntary and widespread disruptions of the public service of justice through which judges protest when decisions or draft decisions threaten their remuneration or retirement conditions. "Judicial strikes" are discussed from a sensitive, critical point of view: whether or not individuals have effective means of appeal to protect their rights in such situations. The professor demonstrates that Romanian domestic law does not offer any effective remedy to the potential victims of this type of impediment to the access to a judge and to a trial within a reasonable time. Such circumstances lead to a violation of Article 13 of the European Convention.

Dezideriu Gergely conducted a three-dimensional investigation in order to map the case law of the ECHR on "hate-motivated" acts, documenting the factors that facilitate or hinder the investigation of specific acts and assessing the Court's position regarding

these factors. His investigation covers 82 ECHR judgments handed down between 1998 and 2025. Mr. Gergely's presence in the pages of *NJHR* continues with research whose rigor is commensurate with the extensive work he has put in.

*The New Journal of Human Rights* has consistently addressed the issue of the truth about communism and the Romanian Revolution of December 1989. The underlying motivation was the belief that human dignity and the social stability necessary for democratization cannot be ensured without the truth about mass crimes. We welcome the article sent by researcher Roland O. Thomasson, entitled "The Revolution File vs. Military Prosecutor Cătălin Ranco Pițu: 'Every Army structure after January 1990 concluded that the terrorists did not exist,'" deconstructs one of the most perfidious misrepresentations by one of the most accomplished falsifiers of the truth about the crimes committed during the 1989 Revolution.

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