

MEMORY OF NATIONS

Democratic Transition Guide

[The Romanian Experience]



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TRANSFORMATION OF THE POLITICAL SYSTEM

STEFANO BOTTONI

THE IMPOSSIBLE TRANSFORMATION OF THE CEAUȘESCU REGIME FROM WITHIN

The configuration of the postcommunist Romanian political system was heavily influenced by the abrupt and violent overturn of the Communist regime, led since 1965 by Nicolae Ceaușescu. Romania was the only Eastern European country where the communist system collapsed in December 1989 upon a popular uprising that ended up in a bloody revolution claiming more than one-thousand victims. The peculiarly oppressive and personalized feature of the Romanian communist regime had made it impossible in the 1980s for the emergence of a moderate, businesslike, pro-Western faction within the ruling party. Those who were dissatisfied with Ceaușescu's personality cult did not attempt to modernize the system, but contrived palace revolutions based on the models of the interwar political machinations that had occurred in Romania, or the military putsch that had overthrown Marshal Antonescu in August 1944. Ceaușescu's potential party opponents were marginalized, and even disappeared, while opposition activity among Romania's intelligentsia remained confined to a few individual exceptions, and this also prevented the internal reception of Soviet perestroika and glasnost. Between December 21 and 22, 1989, the active intervention of the Army and the discrete support from the political police (Securitate) played a decisive role in bringing down Ceaușescu's absolute power. The exceptionally closed nature of the Romanian dictatorship predestinated it to a non-negotiated, violent falldown.

THE 1989 REVOLUTION AND THE NATIONAL SALVATION FRONT

According to the database of the Romanian Revolution of December 1989, no less than 1,290 casualties could be identified on December 17–31. Most of them were civilians and were shot dead during the convulsive days between the fall of Ceaușescu's dictatorship on December 22, and the execution of the presidential couple. Nicolae and Elena Ceaușescu faced a drumhead court-martial, created at the request of the Council of the National Salvation Front (CNSF) which happened on December 25, after a short mock trial. The National Salvation Front (NSF) was a transitional power structure created on December 22, 1989 to handle the chaotic situation of the victorious revolution. The first public statement of the new power structure was issued early on the evening of December 11. The communiqué of the NSF was broadcast by the state television and read by Ion Iliescu, a former party apparatchik who had been marginalized by Ceaușescu, but enjoyed the support of both the internal opposition and the Soviet embassy in Bucharest. The crucial text was based on a draft prepared before the flight of Ceaușescu from Bucharest, and amended by Silviu Brucan, a former communist propagandist and diplomat who had

turned into a dissident during the 1980s, and who played a key behind-the-scenes role in the setting-up of the new power structure. The preamble announced the creation of FSN, which was "supported by the Romanian army" by "all the healthy forces." It announced the dissolution of all "power structures": the government and the State Council. The entire executive power was assumed by the Council of the National Salvation Front, formed by 38 members who represented a heterogeneous conglomerate of Army staff, former communist bureaucrats, genuine revolutionaries, artists, and intellectuals. On December 27, Ion Iliescu was elected head of the CNSF. The second part of the proclamation contained ten main objectives, the first of them being the abolition of the one-party system (the PCR was outlawed by decree on January 12, 1990, and on January 18 another decree ordered the nationalization of all party properties) and the establishment of a multiparty and democratic government. The declaration called for free elections in April of 1990, and declared the separation of powers between the branches of government. Other provisions concerned the restructuring of the economy, stopping the destruction of villages, and the protection of civil rights of national and ethnic minorities. The chaotic transition from the personalized dictatorship of Ceaușescu to a pluralist political system went along with the public debate over the "mysteries" of the revolution. The bloody overturn of the Ceaușescu regime had left open questions, the most important of which was the never attempted identification of those "terrorists" who were responsible for the death of hundreds of people. Behind this, the most sensitive issue was around the ambiguous role played by the security forces. How was it possible that the all-powerful Securitate failed to suppress the small demonstration of solidarity with the persecuted protestant reverent László Tórkés in Timișoara, on December 15–16, paving the way for the emergence of a revolutionary movement? From the first moment, the new power structures overemphasized the positive role of the Romanian Army, underlying the beneficent function played by the only political institution that had emerged from the upheaval, the NSF. The logical and factual shortcomings of the official narrative started to emerge shortly after the events, when it became clear that the Army and other state agencies had been involved in mass shootings before changing sides. Anti-communist revolutionaries from Timișoara and those affiliated with liberal right wing (anti-Iliescu), post-communist political parties conceded that the 1989 events started as a genuine popular revolt but ended in a "hijacked" or "expropriated" revolution. Most scholars agree that Ion Iliescu and "Gorbachevist" pro-reform communists coalesced around him seized power on December 22 and expropriated the revolution via the National Salvation Front. Despite its democratic appearance, the CNSF became the expression of authoritarian tendencies because it acted as the only legitimate representative of the newly established democracy. Not surprisingly, the key personalities of the Romanian transition were two former party and nomenclatura members: Ion Iliescu and Petre Roman.

REBRANDING THE OLD ELITE: THE EARLY POST-COMMUNIST POLITICAL SYSTEM

Ion Iliescu (b. 1930) belonged to a group of old-guard Communist activists dismissed by Ceaușescu, and who opposed his personal rule; they were supported by the CPSU first secretary, Mikhail Gorbachev, as an alternative leadership for Romania. After the Timișoara riots, on 22 December 1989, Iliescu took the lead of the CNSF. In February 1990 Iliescu became head of the Provisional Council of National Unity (PCNU), while contrary to the previous promises, the CNSF announced that it had transformed itself into a political party to participate in the impending national elections. Miners from the Jiu Valley attacked participants in the enormous anticommunist demonstrations that the newly reconstituted “historical” liberal and peasant parties organized in early 1990. The National Salvation Front won a landslide victory in national elections held on May 20, 1990, receiving more than two-thirds of all votes cast, and NSF leader Ion Iliescu was elected president for a two-year term with 85 percent of the vote. The weak and scattered opposition tried to challenge NSF revolutionary legitimacy by transforming itself into a permanently mobilized anticommunist force through the students’ protest in Bucharest and in other major cities. The moral rejection of the Iliescu-led semiauthoritarian system marked the birth of the myth of the “unfinished revolution” and entrapped the pluralistic public sphere in the binary logic of “us” against “them.” Starting from these premises, the activity of the unofficial pro-NSF militia culminated in the bloody procession of miners marching through the streets of Bucharest between June 13 and 15, 1990. The first, infamous and violent demonstration, labeled *Mineriad*, claimed dozens of victims and was followed through autumn 1991 by three other episodes of the incumbent use of politics by other means. What made the Romanian situation special in an Eastern European comparative perspective, was the upward spiral of extra-institutional pressure from the streets on systemic transformation.

The fate of the government led by Petre Roman, between May 1990 and October 1991, illustrates well the distressing nature of the institutional transformations in post-communist Romania. Petre Roman (b. 1946) was the son of Valter Roman (b. Ernő Neuländer), a prominent member of the early communist nomenklatura. A trained engineer, Roman spent several years in France during the 1970s, and then entered the Romanian academic sphere. He started his political career at the end of December 1989, when, after the toppling and execution of Ceaușescu, he joined Ion Iliescu and the founders of the National Salvation Front. Roman became a member of the Provisional Council of National Unity, and on 26 December 1989, prime minister of a provisional government. Between 1990 and late 1991, the government, led by Petre Roman, was assigned the impossible task of navigating a heterogeneous coalition of unreformed socialists and nationalists into the unknown realm of Western-type democracy. In the parliamentary elections of May 1990, Roman won a mandate and remained in office until 1 October 1991, when he was forced to step down by striking miners from the Jiu mining region. Leaders of the Jiu strike were suspected of connections with President Iliescu, who had entered into conflict with Roman over leadership and over the rate at which economic liberalization was unfolding (Roman favored an acceleration).

During his first and second term in office (1990–96), president Ion Iliescu relied massively on the former Communist apparatus

and the reshaped the political police to slow down market reforms. In December 1992 he was reelected president, formally resigning from the leadership and membership of the NSF, which, after a split and the departure of its liberal and anti-Communist activists, changed its name to the Democratic National Salvation Front, and then to the Party of Social Democracy in Romania, in 1993. In 1992–96 market reforms were slowly introduced, but Iliescu and the PSDR-based government were reluctant to integrate the country within the European Union and NATO. Until 1995, Iliescu and the PSDR cooperated with the extreme nationalists and took a distinctively pro-Russian stance concerning major security issues, as shown by the appointment of a former pro-Soviet high officer, Mihai Caraman, as the director of the “new” Foreign Intelligence Service. Caraman was dismissed on April 1992 upon strong pressure from NATO general secretary, Manfred Wörner.

A SMALL STEP FORWARD: THE 1991 CONSTITUTION

From 1990 to 1996, the collapse of the communist party structures did not put forward any strong democratic alternatives to the Ion Iliescu-led “original democracy.” The latter was a definition Iliescu repeatedly used to describe Romania’s post-communist political path, as envisaged by the National Salvation Front and by its successor parties. In the creative interpretation of the Western democracy, the multiparty system would have been a mere facade, since genuine competition was jeopardized by the infrastructural and media preponderance of the successor party. The new Constitution adopted by the Romanian parliament on November 21, 1991, and approved by popular referendum defined Romania as a “national, sovereign, independent, unitary, and indivisible state”, and enshrined the return to multiparty democracy and the rule of law. However, the structure of powers and the collective mentality inherited from the communist period made it challenging to effectively make the declared principle of the separation of executive, legislative and judicial powers. Iliescu and its pundits made extensive and often nontransparent use of the administrative resources at their disposal, contributing to the weakening of the freshly adopted system of checks and balances. The French-inspired Constitutional Court operated in Romania until the early 2000s as a mixed juridical-political institution with a marginal impact on the country’s juridical culture. The juridical system inherited the pre-1989 communist-trained staff, and during the 1990s only partially emancipated itself from the legislative and executive power through a gradual accumulation of legal procedures and competences. The Nordic institution of *ombudsman* (literally “attorney of the people”), whose role is to defend the rights of citizens against public institutions, was established in the 1991 Constitution, which only became effective in 1997. The slow progresses toward a full-blown democracy were sanctioned by the Council of Europe, which initially rejected Romania’s application upon its failure to comply with basic European democratic standards (Romania had to wait until 1993 to gain full membership).

THE 1996 “SECOND REGIME CHANGE”: SUCCESSSES AND FAILURES

The first major change in the institutional setting and the political culture of the ruling elites was pushed forward by the 1996

presidential and parliamentary elections. Iliescu's post-communist party was ousted from power by a coalition of democratic and anti-communist groups in alliance with the civil society, and the formerly marginalized party of Hungarian minority, Democratic Convention of Romania (DCR), under the leadership of university professor Emil Constantinescu. In November 1996 the DCR won the parliamentary elections, and on 17 November 1996 Constantinescu defeated Iliescu in a dramatic runoff of the presidential election. During his term, which lasted until December 2000, Constantinescu supported steps toward the accession of Romania into the European Union and NATO. He gave his backing to the NATO intervention in Kosovo, causing distress in the pro-Serbian sectors of Romanian society. He tried to introduce structural reforms leading to the strengthening of the market economy and civil society, and he also attempted to come to critical terms with the country's dictatorial past through the establishment of a vetting institution. Nevertheless, Constantinescu failed to lead the country out of economic recession. In the presidential elections of 2000 he backed Prime Minister and National Bank governor Mugur Isărescu, who nevertheless lost to Ion Iliescu and the post-communist left. Constantinescu famously claimed he had been defeated by the former secret services and their intact power system. In fact, the right-wing coalition of 1996–2000 did not possess the administrative capacities and the political skills that the country's catastrophic state would have required.

THE LAST 15 YEARS: BETWEEN EURO-ATLANTIC INTEGRATION AND SKELETONS IN THE CLOSET

The incumbent Social Democratic Party followed, until 2004, a different agenda from the isolationist course of the early 1990s. The central figure in this evolutive process was international lawyer Adrian Năstase, a former scholar with an extensive, albeit shady, Western background. Năstase had spent the years 1980–82 on scholarships in Great Britain and Norway working at the UNESCO Department of Human Rights and Peace in London and at the International Institute of Peace Studies in Oslo, and subsequently served as director of the International Institute of Human Rights in Strasbourg and researcher at the French Society on International Law in Paris. The young talented Năstase was loyal to the Ceaușescu regime after 1989, but then put himself at the service of the post-communist political sphere. In 1990 Năstase began a political career in the National Salvation Front, became an MP, and was foreign minister until December 1992. From 1992 to 1996 he chaired the Chamber of Deputies of the Romanian parliament. When the left lost the elections of November 1996, Năstase was elected, in 1997, to deputy chairman of his party and a member of the Romanian delegation to the Parliamentary Assembly of the Council of Europe. He criticized the NATO air raids on the new Yugoslavia in 1999, as well as to the concessions of the reform government to the Romanian Hungarians. Năstase became prime minister after the 2000 election, in a very difficult economic moment for Romania. His government announced the creation of a “socially oriented” market economy, a struggle against corruption, and efforts toward Romania's integration into NATO and the European Union. During his tenure, Năstase had to face a major scandal linked to the publication in the domestic and international press of a series of anonymous and controversial emails

called the “Armageddon Reports.” The seven releases, apparently produced by persons and/or institutions close to the subject or even involved in internal fighting with the security apparatus, exposed the continuity between the old and the new political elite, especially concerning the secret services staff. The injection of unverifiable, but most probably, classified information about those former Securitate officers and sources who continued to hold key posts in the intelligence services after 1989 happened during the final talks that preceded Romania's integration into NATO. The authors of the leak wanted to demonstrate that former Securitate officers are still in control of the country's intelligence structures, a fact that might have jeopardized the Romanian efforts to convince its Western partners about the contrary. Between 2004 and 2014, Romanian political life had been dominated by President Traian Băsescu, a maverick right-wing politician who has strengthened Romania's Western commitment and gained large, albeit temporary, support among the liberal intellectual elites for his resolute standing for the disclosure and condemnation of communist crimes through the Presidential Commission that operated between 2006 and 2007, under the direction of political scientist Vladimir Tismăneanu. However, historian and civil activist Marius Oprea, who had previously led a fierce battle against the reluctance of public authorities to tackle the issue of communist crimes, denounced in a documented pamphlet the involvement, starting in the 1970s, of President Băsescu with the communist secret service as an undercover officer with the economic foreign intelligence. More recently, a similar case based on newly released archival evidence has been made against former Prime Minister and long-standing respected governor of the Romanian National Bank Mugur Isărescu, who was also exposed as former undercover officer of the foreign intelligence.

LESSONS LEARNT AND RECOMMENDATIONS

The structural and personal intertwining between the political sphere and security structures is not an exceptional feature in the postcommunist power structures. Romania, however, plays a peculiar role for the extreme personalization and the heavy influence of the operative mindset of the former Securitate on the formally democratic secret services. Romanian secret services have been widely criticized for being under the political control of one man or one group, rather than under the control of elected bodies. In any case, they have been continuously useful for political infighting. The internal security agency has also been accused of illegally investigating journalists, media agencies, and politicians. The leadership of the Minister of Interior is a very important factor with regard to controlling the political arena and the business sector in Romania. This point mostly refers to the controversial “secret service” of the security services, the General Directorate for Intelligence and Internal Protection (Direcția Generală de Informații și Protecție Internă, DGIPI), that was partly reorganized in 2016 in order to make it more accountable. Since its creation in 1990, DGIPI has functioned as a “deep state” within the labyrinth of Romanian politics. The leadership of the DGIPI had access to the archives and resources of the institutions and consequently had compromising information about politicians and businessmen, and used this information to either boost or weaken the popularity of a political party. The countless scandals that have exposed the connubial relationship between

the Romanian secret services and domestic political life show that the Communist past still casts a shadow over everyday political practices, and represent a serious obstacle to the emergence of a full-blown democratic culture in Romania. To prevent the ubiquitous secret services from capturing other state agencies

and the political sphere, a more effective supervision of the activities of the secret services would be necessary. This move should be accompanied by a comprehensive reform of the internal security system, aimed at making it financially more transparent and juridically more accountable.

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DISMANTLING THE STATE SECURITY APPARATUS

THE ROMANIAN SECRET SERVICES FROM 1948 TO 2016: PERFORMANCE, LEGALITY, TRANSPARENCY

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ABOUT SOURCES

Writing about intelligence services is an extremely difficult scholarly challenge, as the researcher is bound by the professional and moral liability to avoid the accusation of bias. **Basic sources of such a work** might include secondary literature, and a vast amount of legally available online and offline sources like legal regulations pertaining to secret services as well as and the public annual reports that these organs submit to the Romanian parliament. In the case of present-day special services, operational files stored in the internal archives of every institution are not available for scholarly use. News, data and results of domestic or international research published in (or made available to) the media must be treated as different types of sources. A most valuable source for this work has been presented by transcripts and press accounts of penal lawsuits launched after 1989 in Romania, where the discrete involvement of special services has often unraveled to the public. Other useful source have been on the one hand the specialized offline “internal” bulletins produced and/or distributed by media outlets controlled by the secret services, and on the other hand those online platforms which have been created over the last years by individuals or groups linked to the assertive Romanian civil society, and whose main goal is to denounce the growing infiltration of the secret services into the Romanian political and societal life.¹

Managing and retaining secrets are one of the unavoidable consequences of intelligence activity, and an adequate degree of conspiracy is indispensable for the effective fulfillment of the special tasks assigned to intelligence bodies. At the same time, in modern democracies secret services operate in an equilibrium built on legality, compliance with human rights and the division of powers. Their performance is expected to be transparent and measurable. Secret services are a double-edged sword. They are necessary and useful, but may turn into a destructive weapon if they fall into the wrong hands, endangering both themselves and the public. In a democratic system they can prevent hazards and terrorist acts, contributing to protect the national interests of their countries. In a different historical situation or in a different social system, they will likely serve as an instrument of repression and deprivation of fundamental rights. In all cases, secret services must be subjected to societal control. What happened when such control rights were not assigned to the society? How and in what quality this control took shape? And how does this burdening legacy impact the effectiveness of Romanian special services today? These are the main questions this chapter will try to answer.

SECURITY SERVICES BETWEEN LEGALISM AND REPRESSION. A REVIEW OF ORGANIZATIONAL HISTORY FROM 1945 TO 1989

After the political turn of August 23, 1944, the new Romanian government initiated an intelligence cleansing at the intelligence level to remove those staff members who were known to be close to Nazi Germany. The first wave of reform affected **Department II of the Chiefs of Staff**, better known as *Bureau 2*, the military intelligence called *Special Intelligence Service – SSI (Serviciul Special de Informații)*², and the **General Security Unit (Siguranța Națională**, better known as *Siguranța*) which operated within the criminal police. The scope of their work encompassed **foreign intelligence, domestic intelligence and counter-intelligence**. The Police and the General Directorate of Security (*Siguranța*) had been particularly penetrated by Nazi sympathizers. Parallel to this, Soviet-backed communist infiltration began in the realm of protective structures. This trend intensified when Petru Groza’s pro-communist government took office on March 6, 1945. After a short transition period, the *Siguranța*, the General Directorate of Security, the Special Intelligence Service, the police and the gendarmerie were all taken over by the communists. Officers trained in the prewar were gradually replaced by a new staff, selected on the exclusive basis of political loyalty.

The political police, better known as, *Securitate* (first official name: **General Directorate of People’s Security – Direcția Generală a Securității Poporului – DGSP**) was established by Decree No. 221 of August 28, 1948 as the fruit of communist party efforts to set up a strong monitoring and repressive body. This organization was set up a meager eight months after the People’s Republic was proclaimed in Romania.³ *Securitate* exercised profound influence on the personal fate of millions of citizens over four decades. With a development curve far from being linear, the *Securitate* underwent ten reorganizations over this time, but its size and operative duties were always aligned to the political goals of the regime *Securitate* had been called to safeguard.

Securitate’s history in 1948–1989 can be divided into four distinctive periods lasting ten years each:

1 See the most active forums and information sources: www.contributors.ro, a pilot initiative of the *Societatea Online*; www.militiaspirituala.ro, the website of the *Asociația Mișcarea Civică Miliția Spirituală*; and www.romania-curata.ro, website of the civil network *Alianță pentru o Românie Curată*.

2 Special Intelligence Service.

3 The Republic was proclaimed on December 30, 1947.

1/ **1948–1958** were the learning years, the period of violent confrontation with the “enemies of the working class” when the foundation of the Securitate’s operational mood was laid down in terms of methods and tools applied. In the 1950, Securitate officers gained notorious fame as the dreaded Party’s fearful weapon. The organization suffered the highest number of reorganizations in this first period of “identity searching”. Accordingly, their name between September 1, 1948 and April 1, 1951 was **General Directorate of People’s Security (Direcția Generală a Securității Poporului – DGSP)**, then changed to **General Directorate of State Security (Direcția Generală a Securității Statului – DGSS)** between April 1, 1951 and September 20, 1952. From the latter date and resulting from the experimental application of the Soviet model, an independent **Ministry of State Security (Ministerul Securității Statului – MSS)** was launched. The new body soon proved not to be a viable structure. As a consequence, the MSS was merged into the Ministry of Interior on **September 7, 1953**, and the Securitate continued to operate within that ministry. Party leadership was almost constantly busy aligning the Securitate’s organization to the regime’s needs. The next reorganization attempt came in **1956** and aimed at improving Securitate’s operational efficiency. This move was closely tied with the endeavor to keep the repressive institution under the Party’s control and avoid scenarios in which it could become a tool of internal power struggles. In the favorable situation created by the de-Stalinization process, the fear that Gheorghiu-Dej could use Securitate for his own purposes spurred certain members of the Political Committee to desire a change. On 10 July 1956, the Ministry of Interior was reorganized into the Interior Department and the Security Department, removing the latter from the direct control of Alexandru Drăghici, a loyal follower of Dej. After the Hungarian revolution, however, the hardliner Drăghici gained back full control of the political police, and a second wave of massive state violence against all potential opponents started in March 1957.

2/ **1958–1968**: This period began with the withdrawal of Soviet troops from Romania in 1958, and ended in 1968, when a comprehensive reform of the security apparatus was implemented. On July 1967, Decree no 710/22 transformed Securitate into the **State Security Council (Consiliul Securității Statului – CSS)** within the Ministry of Interior Affairs. The State Security Department (**Departamentul Securității Statului – DSS**) was given the task “to coordinate, control and direct in a unified manner the efforts of security organizations aimed at preventing, uncovering and eliminating any and all activities against the security of the state”. The department was led by the State Security Council as a “decision-making organ” ensuring that the unit worked in compliance with the “principle of collective work and leadership”. The Council was led by a chairman who was also the first deputy of the interior minister. On April 3, 1968, this Council separated from the Ministry of Interior Affairs and functioned as a central body. The former Minister of Interior, Alexandru Drăghici, was dismissed, put under internal surveillance and expelled from the Party.

3/ **1968–1978**: Following the formal condemnation of the so called “authoritarian tendencies” of the 1950s, an attempt was made to modernize the institution by introducing modern standards in respect to human resources, logistics and work methods. Organizational changes took place in 1968; CSS was detached from the Ministry of Interior, and in 1972,

the Securitate rejoined the Ministry of Interior. Further steps were made in 1973, when a separate Foreign Intelligence Directorate (**Direcția de Informații Externe – DIE**) was established, and in 1978, when the formerly abolished DSS was recreated to better define the operative tasks of each unit and avoid overlaps. This ten-year period was also characterized by power struggles between the Romanian Communist Party (RCP) and the Securitate, and the Securitate’s operational work underwent a growing bureaucratization. of the Securitate’s operational organization could be detached. The defection of the Romanian intelligence deputy chief, general Ion Mihai Pacepa, inflicted a serious blow to the prestige of Securitate. The political leadership reacted by tightening control over the secret services.

4/ **1978–1989**: In the last decade of the communist regime the state security experienced a professional decadence that ran parallel to the bankruptcy of the whole system. Security tasks were increasingly neglected and day-to-day activities were overly politicized.⁴ Pursuant to Decree No. 121 of the State Council of April 8, 1978, the DSS came to be part of the Ministry of Interior and performed the ministry’s responsibilities in **protecting state security and in detecting and preventing crimes against state security**. Until as late as 1989, the DSS retained its structure established in 1978 in nearly unchanged form. Changes were limited to the addition of units specializing in counter-terrorism, and to the increased fight against financial crime.

COLLABORATION AND COLLABORATORS, THE SOCIAL EMBEDDING OF THE SECRET SERVICES

In the early period, Securitate employed a staff of approximately 4,000⁵ to fulfill its purpose as defined by the Romanian Communist Party. Owing to institutional reforms and to fulfill their role properly, the Securitate was transformed into a stand-alone ministry. In 1956, after the merger with the Interior Ministry, the headcount was 56,754. The number of those dismissed in the first wave of internal cleansings of 1956 equaled 25,139. In 1967, Securitate staff numbered 16,740 and apparently avoided major changes in subsequent decades, as the corresponding figure in 1989 hardly exceeded 15,000.

It is very important to point out that the Securitate was solidly embedded in society and in the overall state apparatus, as it could rely on such organs as the new Soviet-type Police (*Militia*), the Securitate Troops (*Comandamentul Trupelor de Securitate – CTS*), the Justice organization, the Law Enforcement Directorate, and last but not least, the Communist Party. Acting in close cooperation and built one on the other, these structures could successfully sustain the totalitarian regime. The Romanian communists who came into power with Soviet support, only managed to enforce total control over the gendarmerie in 1949. This force was converted into **Militia**, a military police unit with a staff of nearly 60,000. It must be noted that the rapid replacement of staff members with persons loyal to the Party was not easy.

4 Florian Banu, Liviu Țăranu, *Securitatea 1948–1989. Monografie. Vol I.*, București: CNSAS – Editura Cetatea de Scaun, 2016, 68.

5 Banu – Țăranu, *Securitate 1948–1989*, 62.

Therefore, even in the early 1950s, only 35,000 of the approved 52,000 jobs could be filled.

By the 1960s this headcount decreased to 30,000. The changes carried out in the late 1960s and in 1978 left the Militia's staff and organization unaffected, both in terms of headcount and organizational role. Cooperation with the Securitate was continual, as the Militia also performed information gathering tasks, especially in the rural environment. Militia joined in all repressive measures initiated or monitored by the Securitate, e.g. mass internment and forced relocations in the late 1940s and early 1950s. Later they took part in oppressing the miner riots in the Jiu Valley in 1977, and in breaking up the workers' anti-Ceaușescu protest in Brașov in 1987. Their role in sustaining the regime did not stop at mass measures. They also focused on and acted against specific individuals that could lead to the death of the person subjected to the proceedings.⁶

A similar role was assigned to and fulfilled by the Command of the Security Troops, a repressive body established in 1948 by reshaping the prewar Gendarmerie. As of the late 1940s, the aggregate number of staff for its central and regional organizations totaled to 64,000⁷. At first, the CTS was subordinated to the Interior Ministry, then after a number reorganization steps, border control was taken from them in 1960, and the number of staff was reduced to slightly over 23,000. At that time, the CTS reported to the Securitate. According to archive sources, their headcount remained nearly unchanged until 1989.⁸ This law enforcement body played a key role in supporting the regime. In the 1950s, CTS implemented campaigns of forced relocation and internal displacement of opponents and those classified as potential threats to the state security. CTS staff also guarded work camps and internment camps. After the consolidation of the 1960s, security troops actively participated in the violent repression of the aforementioned anti-regime protests.

JURISDICTION AS A SEPARATE UNIT WITHIN REGIME-SUSTAINING INSTITUTIONS

The Romanian Communist Party (RCP) implemented a Soviet-type power structure. In that model, the law enforcement organs of the state were transformed into “the fist of the people” and charged with the principal responsibility of “safeguarding the revolutionary gains of the people”. The same way, the communist party enchained the judicial system to gain full power. As with the Securitate, the institutional history of jurisdiction in communist Romania can be divided into two distinct periods: the first ending in the mid-1960s, and the second ending in 1989. In the first period, jurisdiction was under total political control, as shown by the fact that court rulings were appointed by the Political Committee of the RCP and the work of judges was supervised by party committees at courts.⁹ Pursuant to applicable laws, those convicted to death penalty due to acts against the state were not entitled to appeal until as late as 1956. Even then, appealing was only enabled formally in the name of “socialist legality”, since appeals were almost always rejected and the original verdict was carried out.¹⁰ Organic cooperation with the Securitate was also a result of follow-up investigations. In practice, the Securitate supervised information gathering by the political police at the courts.

Another form of depriving individuals from their rights was the implementation of mass administrative measures,

Year	Number of convicts
1950	6,635
1951	19,235
1952	24,826
1953	4,730
1954	5,073
1955	3,332
1956	2,357
1957	3,257
1958	6,362
1959	8,910
1960	1,711
1961	2,232
1962	657
1963	223
1964	240
1965	258
1966	294
1967	312
1968	20

Source: *Arhiva Consiliului Național pentru Studierea Arhivelor Securității, fond Documentar, Dosar 53, vol. 21, f. 76.*

legitimized by the dictatorship's jurisdiction either in advance – as “blank checks” – or retrospectively. For example, if the Securitate arrested someone without authorization from a prosecutor, the Securitate official involved in the case was made immune to any disciplinary action. What is more, as the legal status of justice agencies was transformed in the early 1950s and their involvement in sustaining the regime increased, prosecution was militarized and the organization was assigned unlimited power. It is not surprising that the Securitate and justice agencies worked hand in hand to present statistics proving their effectiveness in combating various “enemy” categories (wealthy peasants, clergymen, or the former aristocrats and state functionaries in the pre-1944 period). They acted so on political impulse, but also on their own initiative, serving target achievement motivations by boosting penalty statistics by declaring people guilty in advance.

The time of mass repression was followed in the late 1960s by the introduction of more sophisticated investigative tools and working procedures. The Securitate employed less and less violent operational methods to keep society under control.¹¹

6 Banu – Țăranu, *Securitate 1948–1989*, 371. In 1985, engineer Gheorghe Ursu was interrogated and died in the prison hospital of Jilava later in the year.

7 90 % of that staff comprised enlisted soldiers.

8 See Florica Dobre, Florian Banu, Cornelia Duica, Silviu B. Moldovan, Liviu Țăranu, eds., *Trupele de Securitate (1949–1989)*, București: Editura Nemira, 2004.

9 Mircea Chiritoiu, “Rolul Biroului Politic al PMR în instrumentarea proceselor politice din România anilor 1949–1953”, in *Analele Sighet 7*, București: Fundația Academia Civică, 1999, 288–292.

10 Banu – Țăranu, *Securitate 1948–1989*, 390.

11 This did not mean, however, that life-threatening methods disappeared. Lethal actions of Romanian secret services abroad against emigrated persons are a good illustration of that. The use of terrorists for carrying out penalties remained acceptable for the regime, as shown in the 1981 Munich attack by international terrorist Carlos and his associates against the Romanian section of Radio Free Europe. See Liviu Tofan, *Șacalul Securității: Teroristul Carlos în solda spionajului românesc*, Iași: Polirom, 2013. Other evidence of the ruling regime's double game was the Haiducu case. ►

Similarly, the disguised deprivation of rights became dominant in judicial proceedings as well. Keeping the interests of the working class in focus remained an ideological guideline, except that while in earlier times it was the usual business for Securitate and the Militia to imprison fellow citizens; under Ceaușescu the justice system was brought aboard to create the impression of “socialist legality”. The reassignment of criminal acts into a different legal category continued to enable repression. Attempts to overthrow the political order and counter-revolutionary acts, financial crimes and criminal acts against public property all became politicized.¹² Measures of mass repression did not disappear as the Securitate continued to identify and process data on “dangerous truants” or “parasites” as they were called in authority parlance at the time, then the Militia would arrest these individuals. According to reports, Amnesty International was aware of 5,800 imprisoned individuals as of 1982.¹³

The **system of prison institutions** is another key area to mention when analyzing the history of the secret services. When these institutions were subordinated to the DGSP in 1949, they actually underwent comprehensive operational transformation. Counter-espionage, intelligence and reconnaissance are professional areas where officers must be subject to supervision. Political inmates were confined at special locations, and many of them were forced to undergo the Soviet educational theorist Anton Makenko’s method of brutal psychological reeducation at prisons in Pitești, and two other sites, as well as at Danube-Black Sea Canal labor camps. This was done in an effort to obliterate the former identities of the young, suspected right-wing extremists (“total psychological exposure”) as the first step toward their adaptation to the desired new ideology (“metamorphosis”). This system of reeducation was abruptly discontinued in the autumn of 1952, and some of the guards at the prisons where it was utilized were brought to trial and condemned to death. Many of those who had been exposed to the experiment either committed suicide or became insane following their release from prison. In prison institutions, the Securitate’s presence was continual via the Investigation Directorate. Its impact on society was also evident throughout the network of undercover agents.

THE SECURITATE’S RELATIONSHIP TO THE PARTY: EMBEDDEDNESS AND CONFLICTS

The relationship between the communist party and secret services was solid from 1945 all the way to 1989. Yet the relationship can be divided into phases based on changes in its quality. In the time of the political transition to total power, the previously, top quality, secret service was transformed along a Soviet Stalinist model. The former national structures were dismantled with the help of purification committees and leaders were selected on the basis of political loyalty. Already in the early 1950s, only 400 of the 10,000 security officers were not members of the party or its youth organization.¹⁴ The new role of protecting the People’s Republic and its institutions against domestic and foreign enemies not only appeared in the name but also in the statutes of the security service established in 1948 (**General Directorate of People’s Security – Direcția Generală a Securității Poporului – DGSP**). Control by the party was already present in the secret service from 1949 in the form of a political directorate. Special services had their own party committees in place that reported directly to the Central Committee of the Party. Regional and

county-level units worked in close cooperation with Securitate branches. Securitate was not obliged to report on its own activities, but regularly briefed local party bosses on the operative situation on the ground.

In addition to the party committees operating in the services, control by the party was also enforced through the human resources directorate and the training directorate. The former ensured proper selection while the latter made sure to keep staff members properly politically educated. Regarding both pre-1964 (Soviet-trained), and post-1964 (national-minded) Securitate, it remains a disputed issue whether the Securitate was under collective party control, or it mostly dependent on a single individual.¹⁵

When Nicolae Ceaușescu came into power in 1965, the relations between the Party and the Securitate changed as well. The party general secretary personally supervised the intelligence, and Securitate was increasingly directed by the RPC Political Committee via the State Security Council. By the mid-1970s, it became a routine for local and regional parties to supervise the Securitate’s operative work. A rather illustrative example of the party’s influence is the composition of the enrollment committee that interviewed would-be professional officers: the party delegated five members, and the concerned organizational unit of the services delegated one professional member. Party control over interior ministry organs was further strengthened by the fact that Nicu Ceaușescu, from the mid-seventies, the son of the general secretary was a member of the Interior Ministry’s Political Committee, as Secretary of the Central Committee of the Union of Communist Youth. Still, even such forced ideological and party control proved insufficient to induce full ideological commitment in the Securitate staff; as the 1989 revolution would have demonstrated.

VIOLATIONS OF LAW BY COMMUNIST SECRET SERVICES BASED ON COMMUNIST LEGAL PROVISIONS

The following overview provides some examples of the systematic violation of law committed by the security services and the law enforcement against Romanian citizens between 1945 and 1989.

1/ Abuse of power based on Decree 221/1948. This decree ordered that only professional state security officers are entitled to act in “investigating criminal acts that endanger the democratic political system and the security of the people”. Based on

► Haiducu was a dormant Securitate agent who attempted to assassinate intellectuals living in Paris in the early 1980s. The assassinations were ordered by Romania and targeted Virgil Tănase and Paul Goma. See Liviu Tofan, *A patra ipoteză. Ancheta despre o uluitoare afacere de spionaj*, Iași: Polirom, 2013.

12 Banu – Țăranu, *Securitate 1948–1989*, 384–398.

13 Octavian Roske, ed. *Romania 1945–1989. Enciclopedia regimului comunist. Represiunea P-R*, București: Institutul Național pentru Studiul Totalitarismului, 2016.

14 Source: Arhiva Națională Consiliului Național pentru Studierea Arhivelor Securității (ACNSAS), Fond Documentar, dosar 199, f. 89. Quoted in Banu – Țăranu, *Securitate 1948–1989*, 282.

15 Marius Oprea, *Banalitatea răului. O istorie Securității în documente 1949–1989*, Iași: Polirom, 2002, 359. According to Oprea, minister of Interior Drăghici was the grey eminence behind Gheorghiu-Dej and in that capacity he performed direct control over the security services.

this elastic legal background, individuals who were deported, sent to work camps, subjected to forced relocation or show trials all belong to the victims. This legal provision opened the way to deprive them of their rights as an alleged enemy of the state. The notion of “enemy” was given by those in power, and included the members of historical parties, the former leaders of law enforcement organizations, defense forces and public administration, church leaders, church personnel and priests of various denominations, and ethnic minorities.

2/ In the mid-1950s, on the borderline of historical eras, just when the grip of the regime became looser, Council of Ministers Resolution 337/1954 set out provisions on designating new places of residence for those released from forced relocation or deportation. National Assembly Decree 89/1958 authorized the Securitate to designate mandatory job positions for those who may have committed crimes but did not endanger the political order. Securitate Troops and Militia also took part in carrying out these violations as both organizations were part of the Interior Ministry.

3/ In the Ceaușescu era, the legal framework pertaining to the Securitate reworded the organization’s objectives. However, these changes were only rhetoric in nature and did not impact the substance of the contents. According to State Council Decree 295/1968, the primary task of the services was to “detect, prevent and eliminate any hostile activity against the state and the social system”. In fact these authorities acted in defense of the dictatorship when carrying out investigations, when identifying individuals who acted against the socialist order of society. A record was kept of these individuals, using preventive network methods, by checking their correspondence, eavesdropping on them and employing similar methods. Another preventive measure was the separation (by way of isolation or defamation) of the person concerned from his living and work environment. Secret actions were taken to expel the individual from his job, or from the settlement he was living in.

Violations committed by the various security agencies on the grounds of maintaining socialist social order took place in high quantity and in diverse forms. It must be stressed that violations of communist legal system took place on a daily basis by law enforcement, e.g. although the Constitutions of 1948, 1952 and 1965 guaranteed the secrecy of correspondence and telephone conversations, these rules were transgressed in mass quantity. The authorities were free to commit such violations as the legal provisions pertaining to their operations (i.e. decrees 221/1948, 295/1968 and 121/1978) simply did not regulate the specific order of secret service procedures and the application of the related methods. However, the Securitate’s internal rules of procedures, commands and directives provided accurate instructions to staff on how the aforementioned operational methods must be used. In fact this in itself could be a violations. The unlimited use of other specific secret service means (secret intrusion, eavesdropping, filming or photographing, etc.) rested on the same controversial legal background, comprising contradictory decrees and internal regulations.¹⁶ The cases mentioned above were unlawful even by the legal standards of the era. Thus after 1989, the institutions assigned to scrutinize the communist repression machine also needed to investigate whether the professional staff of the law enforcement organizations, at the time, violated constitutional and/or fundamental human rights. Often the one-time officers of organizations that served the communist dictatorship use this very legal paradox in their own defense, stating that they only

fulfilled orders. They also argue that the officers of the special services of the era carried out professional duties and that the political leaders of the dictatorship are liable for mass deprivation of rights and excesses.¹⁷

The extremely high figures referring to those surveilled and as secret *informants* (or “agents”, according to the Romanian terminology of *agenți*), resident agents, or “home managers”, must be placed into the context of the deep embeddedness of the secret services in the communist (and post-communist) Romanian society. In the late 1940s, the number of agents exceeded 42,000,¹⁸ while in 1951 the persons targeted were above 460,000; that is to say almost 5 % of the overall adult population.¹⁹ Until the comprehensive reorganization in 1968, “enemy categories” underwent several changes. The Interior Ministry command 155/1959 extended the scope of enemies to be monitored and recorded, subjecting entire groups and segments of society to operational surveillance, monitoring and, inevitably, record keeping. In 1965, records were kept of 560,000 individuals²⁰ while the number of collaborators reached 119,000²¹ by 1967. The record keeping system was put through a revision in the late 1960s, when a more permissive redefinition of the concept of “enemy” paved the way for a sharp decrease of both monitored individuals and collaborators. According to archive sources, 84,000 collaborators were known in 1968, then their number moved upward in the 1970s and 263,000 collaborators were kept on record in 1986.²² The same figure reached to 486,000 in 1989, on the eve of the regime change. Monitored individuals decreased to 51,000 by the mid-1970s, then figures took an upward turn, with more than 110,000 persons being subject to active surveillance in 1989.²³ As recollected by a senior officer of the Securitate’s 1st Directorate (counter-intelligence), the number of collaborators was 100,000 per year.²⁴ This figure is not contradictory to the data mentioned by archive professionals, since it is not clear yet whether the number of collaborators was calculated from Securitate records, and if both active and inactive, but not yet deleted, collaborators were counted.²⁵

16 Vasile Malureanu, *Apararea ordinii constituționale. Perspectiva unui ofțer de informații*, București: Editura Paco, 2016, 80.

17 Malureanu, *Apararea ordinii constituționale*, 84. Several members of the ACMRR din SRI (Society of Reservist and Retired Officers of the Romanian Intelligence Service), including the aforementioned Malureanu, Filip Teodorescu and others strongly argue that the liability of the dictatorship should be separated from the activities of special services. These views were published in the volume *Un risc asumat*, București: Editura Viitorul Românesc, 1992), and in the publication *Adevăruri evidente*, issued by the ACMRR-SRI for the 25th anniversary of the SRI in 2015.

18 Cristina Anisescu, “Dinamica de structură și rol a rețelei informative în perioada 1948–1989”, in AAVV, *Arhivele Securității*, vol. I. București: Editura Pro Historia, 2002, 10–40; see also Dennis Deletant, *Teroarea comunistă în România*, Iași: Polirom, 2001, 101.

19 *SRI – Cartea Albă a Securității*, vol. II. *Categoriile de persoane supravegheate*, București: Editura Presa Românească, 1994, 45.

20 *SRI – Cartea Albă a Securității*, vol. III. *Schimbări în structura de personal, direcțiile și conținutul activității organelor de securitate*, București: Editura Presa Românească, 1994, 34.

21 Anisescu, “Dinamica”, 28.

22 Anisescu, “Dinamica”, 35. The same data were communicated to Constantin Titu Dumitrescu and the Romanian Senate Committee investigating abuses committed by the Securitate by the SRI, on January 4, 1994.

23 Malureanu, *Apararea ordinii constituționale*, 115.

24 Malureanu, *Apararea ordinii constituționale*, 151.

25 Passive staff means dormant agent. Different categories are represented by those who passed away and were not yet deleted from the records and those who remained in the records due to other reasons (e.g. intelligence opportunities disappeared).

IMPACT OF 1989 ON THE NEW/ OLD SECRET SERVICES

The key expectation of Ceaușescu and the political elite regarding the Securitate was to detect, prevent and terminate attempts to overthrow the regime. In the petrified state staff of the late 1980s, the Securitate was the most efficient part. The secret service gathered excellent intelligence and informed Ceaușescu of the most relevant international developments.²⁶ The Romanian president was informed timely of the Gorbachev–Bush meeting to be held in Malta on December 2–3. The position paper contained details on the possible negative outcome of the talks for the Romanian regime, and took for granted the unverified information that the two leaders reached an agreement on Romania.²⁷ But his behavior at his last visit to Moscow on December 4²⁸ was just as anachronistic as his strategic responses to the rapid changes throughout the region.²⁹ By 1989, Ceaușescu's departure from reality had been realized for a long time by the American secret services. As described in the chapter devoted to the transformation of the Romanian political system after 1989, even if the United States and their allies did not take part in the overthrow of the Ceaușescu regime, they had longtime identified a new potential leadership under the guidance of Ion Iliescu.³⁰

Neither senior political leaders, i.e. the RCP Central Committee,³¹ nor the Securitate turned against Ceaușescu in organized form until his attempted escape on December 22, 1989.³² Securitate's senior officials placed themselves under the command of the Defense Minister who arbitrarily took power. The most effective and highest ranking secret service units, the Counter-Terrorism Special Unit – *Unitatea Specială de Luptă Antiteroristă*, (USLA), and the Command of the Securitate Troops (*Comandamentul Trupelor de Securitate*, CTS) followed suit; during the night of December 22 to 23, they placed themselves under direct army control. A CFSN statement aired on Romanian state television early in the morning of December 23, 1989 solemnly declared: “The Armed Forces and the Securitate will work in full cooperation to ensure the country's stability and the well-being of citizens.”³³ Secret services by nature tried to defend themselves as institutions. The leadership of Securitate reportedly acted in this manner when it issued a central briefing to the regional units in November 1989, informing them that the dictator could fall from power or even die in the near future, and events should be expected that may involve clashes between the army and demonstrators.³⁴ To prepare their staff for such situations, high-ranking DSS officials commanded that the Securitate shall not intervene forcefully in anti-Ceaușescu demonstrations.³⁵ Ceaușescu's secret service did not take open action against the dictator and according to certain accounts, this behavior originated in the servile attitude and incompetence of the party's puppets working in the management of secret services.³⁶ At the same time, this calculated passivity enabled a significant portion of staff to keep their function after the regime change. According to an East-German intelligence report, as early as September 1988, NATO assigned the Securitate's staff into three distinct groups. The first included high-ranking leaders put in position solely by the dictator's grace, thus their loyalty was beyond doubt. The second category was the largest in number, comprising staff members who approached their duties as a profession. What this meant is political views were less decisive for them, thus they would have performed similar professional tasks in a different political regime as well. The last group included mostly younger professional officers who

were only interested in building their careers and therefore did not criticize the leadership at the time at all.³⁷

The recollections of Iulian Vlad, Securitate's last commander-in-chief, draw up the image of a competitive organization and a leadership that recognized the opportunity to protect the organization through inactivity. In 1989 Securitate purposely restricted its range of work to informing duties, with the clear goal of preserving its organizational capacity throughout the regime change. The spirit of these recollections cannot be incidental, as they credit the thesis that Securitate's benign neglect gave a decisive help to the revolution.³⁸ A quite different picture takes shape from the recollection of Virgil Măgureanu, the first director of internal counterespionage (*Serviciul Român de Informații*, SRI) after 1989. According to Măgureanu, communist special services did not have a single, harmonized plan to manage the situation during the revolutionary events of 1989. Nevertheless, he could recall several individual cases that took place before the regime's fall and involved escapes and hiding.³⁹

After the 1989 revolution, the presence of secret service leaders in the Ministry of Defense and in the new leadership of the army proved to be insufficient for eliminating misunderstandings and conflicts between military units and the CTS.⁴⁰ Transparency and

26 In a classified report no. 0075/1989 dated December 1, 1989, the DSS informed Ceaușescu that spheres of influence would be discussed at the meeting between the two great powers. Cristian Troncotă, *Duplicitării. O istorie a Serviciilor de Informații și Securitate ale regimului comunist din România*, București: Editura Elion, 2003, 207–208.

27 See an accurate transcription of minutes at the digital repository of the National Security Archive: <https://nsaarchive.gwu.edu/NSAEBB/NSAEBB298/Document10.pdf> (accessed July 11, 2017).

28 At this meeting, Ceaușescu expressed strong support of a maverick stand and seriously overestimated his own international role by voicing proposals to other Warsaw Pact countries regarding what they should do regarding the withdrawal of Soviet troops. The rigidity of his arguing and thinking is well described in Vasile Buga, *Sub lupă Moscovei: politica externă a României 1965–1989*, București: INST, 2015.

29 Adam Burakowski, *Dictatura lui Nicolae Ceaușescu 1965–1989. Geniul Carpaților*, Bucharest: Polirom, 2016 (2nd ed.), 385–400, discusses in detail the reasons of Ceaușescu's fall.

30 The CIA considered Ion Iliescu a potential rival already in the early 1980s. According to the intelligence assessment of March 1982 titled *Unrest in Romania: Causes and Implications*, Ion Iliescu “would be an important figure in a post-Ceaușescu leadership”. See <https://www.cia.gov/library/readingroom/document/cia-rdp83b00228r000100070004-7>, 16 (accessed July 12, 2017).

31 According to Burakowski, Ceaușescu formally resigned in front of the party's Executive Committee, but all the presents assured the leader of their full support. Burakowski, *Dictatura*, 411.

32 Virgil Măgureanu, Alex Mihai Stoenescu, *De la regimul comunist la regimul Iliescu*. București: Editura RAO, 2008, 118.

33 Alesandru Duțu, *Revoluția din Decembrie 1989. Cronologie*, Craiova: Editura Sitech, 2010, 209.

34 Șerban Sandulescu, *Decembrie '89. Lovitura de stat a confiscat Revoluția Română*, București: Editura Omega Ziua Press, 1996, 246–282. Colonel Dumitru Rășină, chief of Securitate of Arad county, recalled that at a briefing held in the Brașov regional unit, higher officers mentioned that Ceaușescu would be dead within three months.

35 Troncotă, *Duplicitării*, 165.

36 Ionel Gal, *Rățiune și represivitate în Ministerul de Interne 1965–1989*, vol. I., Iași: Editura Domino, 2001, 150.

37 Stejărel Olaru, Georg Herbstritt, *Stasi și Securitatea*, București: Editura Humanitas, 2005, 400.

38 Troncotă, *Duplicitării*, 230.

39 Măgureanu – Stoenescu, *De la regimul*, 56.

40 Florica Dobre et al., (ed.), *Trupele de Securitate*, București: CNSAS – Nemira, 2004, 621. Summary Report of April 1990 – Threatening Actions by the 4th Romanian Army against CTS Dormitories.

disinformation often took victims on both sides. One specific case involved the slaughtering of a USLA squad on the night of December 23 to 24. This case is a good illustration of how power groups made use of the revolutionary situation in repositioning themselves, and that secret services were losing the related power struggles against the army.

The first political organ of the new political regime was the Ion Iliescu-led Council of the National Salvation Front (*Consiliul Frontului Salvării Naționale*, CFSN). Decree 4 on December 26, 1989 reassigned the Securitate under the Ministry of Defense.⁴¹ With this decision, the new Romanian government closed the Securitate's history and launched the establishment of a new secret service structure. The final termination of the Securitate organization was brought on by Statutory Provision 33 on December 30, 1989. Upon termination, the organization comprised 15,322 individuals, including 10,114 officers, 3,179 deputy officers and 1,288 civil employees. This staff included county and central organizations, and naturally covered institutions as well. The leader was Major-General Iulian Vlad in the capacity of State Secretary of the Interior Ministry.⁴² On December 31, 1989, the last Securitate chief Iulian Vlad was arrested, and deputy prime-minister Gelu Voican Voiculescu was assigned as temporary chief of the civilian secret service.

In summary, the former leaders of secret services seemed to have adequately assessed the complex situation posed by the 1989 revolution. Out of the various tactical options arising from the complexity of the situation, they chose the one that seemed to promise the most benefits in the short run.

TRANSITION TO A NEW INTELLIGENCE STRUCTURE

The interim leader of the civilian secret service, Gelu Voican Voiculescu guaranteed the protection of former secret service staff members⁴³, and the National Security Committee (*Consiliul Siguranței Naționale*) was to be the new governing body. The opportunities conveyed by the dismantling of the former organization raised interest from several professional groups and organizations. The military counterintelligence (*Direcția de Informații ale Armatei*, DIA) planned to take over the Securitate's intelligence organization and counter-espionage functions, while Măgureanu was planning the creation of a mammoth-sized secret service by merging the former internal counterintelligence and foreign intelligence departments into a single body. Finally, a long-time intelligence officer with broad Soviet connections, Mihai Caraman emerged as the winner. In January 1990, after visiting both the CFSN and the Ministry of Defense, Caraman began to organize a new intelligence service in his capacity as state secretary and Defense deputy minister.⁴⁴ The resurfacing of this renowned intelligence officer of the 1960s and especially his reactivation of old-time cadres dismissed by the former leaders did not seem like forward-looking measures. The logistical and administrative staff of the renewed organization was oversized and created room for a patron-and-client system.⁴⁵ Pursuant to CFSN Decree 111, on February 8, 1990 the foreign intelligence suffered a major internal reorganization. Army control would be terminated at the end of the year, when legislators adopted Act 39/1990 on establishing a stand-alone foreign intelligence service (*Serviciul de Informații Externe*, SIE). The new organization was placed under the supervision of the Romanian Supreme Defense Council (*Consiliul Suprem*

de Apărare a Țării, CSAȚ), and Mihai Caraman was confirmed in the position he would fill until April 1992. Systemic reforms did indeed not take place in the early 1990s, and the SIE remained overly centralized and managed by hands-on control.⁴⁶ Due to incessant warnings from the Romanian civil organization and international human rights organizations, and on the explicit request of NATO secretary general Manfred Wörner, the alleged former Soviet spy Mihai Caraman resigned as SIE leader in 1992. His fall opened the way for another old professional to emerge. Ioan Talpeș, a former staff member of the military, also served as president Iliescu's national security and police advisor, holding a deputy minister rank. Under his guidance, the SIE began to align with the Western secret services. To gain the confidence of his Western partners, the new director regularly fulfilled US requests to share classified information on the network of undercover officers.⁴⁷

In early 1990, the military got possession of an unbelievable amount of information when screening tens of thousands of secret service officers and confiscating their archived operational files. At the same time, the left-wing post-communist government felt the need for a totally new and politically committed secret service. Pursuant to a new informative body was established in 1990 under the denomination of Service Protecting Facilities of Public Interest (*Serviciul pentru Paza Obiectivelor de Interes Public*). The creation of the special military organ coded Military Unit 0215 (UM 0215) was assisted by such big names of the former Securitate as Nicolae Doicaru; the UM 0215 reported directly to the Interior Ministry. Its staff included officers from the former Bucharest Securitate Branch (*Securitatea Municipiului București*, SMB) and from one of the most influential, albeit less known secret service in post-communist Romania has been the General Directorate for Intelligence and Internal Protection (in Romanian, *Direcția Generală de Informații și Protecție Internă*, DGIPI), subordinated to the Ministry of Administration and Interior. Thus, it is the secret service of the Ministry of Interior. DGIPI was established in 1990 upon CFSN Decree No. 100, from the branch of the Securitate covering Bucharest, and the former IV Directorate of the communist secret police, and military counter-information. DGIPI turned into the UM 0215 ("two and a quarter," in the popular parlance of the 1990s), then transformed into the Special Directorate of Intelligence of the Ministry of Interior. Then, in 1998, it was turned into the General Directorate for Intelligence and Internal Protection (DGIPI) subordinated to the Ministry of Administration and Interior.⁴⁸

The Militia organization was officially dissolved and its remnants reorganized into a new civil security, the Police, an organization also seeking to assume specialized law enforcement tasks. In the period reviewed, the Police organization was chaotic.⁴⁹

41 *Monitorul Oficial al României* (the Romanian Official Gazette) published the decree concerned in Issue 5, Year 1, dated December 27, 1989.

42 Herbstritt - Olaru, *Stasi*, 436-437.

43 Marius Oprea, *Moștenitorii Securității*, București: Humanitas, 2004, 98.

44 Gheorghe Dragomir, *Recviem pentru spioni*. Vol. 1, București: Editura România în lume, 2006, 355.

45 Dragomir, *Recviem*, 356.

46 Măgureanu - Stoenescu, *De la regimul*, 253.

47 Măgureanu - Stoenescu, *De la regimul*, 10.

48 On the role of DGIPI see the informative study of Elena Dragomir, *The Romanian Secret Services, Politics and the Media: a Structural Overview*, <http://www.balkananalysis.com/romania/2011/04/20/the-romanian-secret-services-politics-and-the-media-a-structural-overview/> (accessed July 10, 2017).

49 Alex Mihai Stoenescu, *Din culisele luptei pentru putere (1989-1990)*. *Prima guvernare Petre Roman*, București: Editura RAO 2006, 469.

Operational continuity with the communist Militia was gained by former work schemes like the infamous anti-hooliganism and “anti-parasitism” raids, or the clearly undemocratic stance of the special unit charged with monitoring opposition political parties. Even if this latter unit was dissolved after the first Mineriad of June 13–15, 1990, the exact role played by its staff during the tragic events that led to the death of several dozen people remains unclear.⁵⁰ In the early post-communist period, the new/old secret services gravitating around the two power centers (the President and the Prime minister), who were in strong competition and put considerable efforts in their reciprocal weakening and defamation.⁵¹

The formal establishment of new, internal, counterintelligence became urgent to Iliescu after several ethnic clashes between Romanians and Hungarians in the Transylvanian city of Târgu Mureș claimed several casualties in March 1990, and put Romania in a negative focus in the international press.⁵² Dated March 28, 1990, Decree 181 of the Interim Council of National Unity established the, already mentioned, SRI as Romania’s new counter-espionage organ. The new organization under the leadership of former university professor Virgil Măgureanu was first put to the test during the bloody Mineriad of June. The SRI’s partial intervention in support of the government⁵³ raises serious questions about the professionalism of counter-espionage at the time and about their role in establishing the rule of law. During the Măgureanu era, which lasted until 1997, the staff members taken over from the Securitate were rotated within the organization on an ongoing basis. This scheme prevented the return of past practices at a systemic level. At the same time, the change of staff could only take place gradually, as young, trained professionals were not available in sufficient quantity and quality. Further the SRI treated staff mobility extremely flexibly. This approach made it easier for staff members who got their jobs as protégées of the Ministry of Defense to leave the SRI.⁵⁴ The pre-1989 heritage was a heavy burden in terms of human resources. Old-style officers could hinder the execution of orders and were able to compromise specific operations.⁵⁵ The community of post-1989 special services in Romania was further expanded with institutions that were responsible for various areas: the Guard and Protection Service (*Serviciul de Protecție și Pază*, SPP), the Special Telecommunication Service (*Serviciul de Telecomunicații Speciale*, STS), and the Independent Service for Defense and Anti-Corruption (*Serviciul Independent de Protecție și Anticorupție*, SIPA), the latter being placed within the Ministry of Justice.

The Guard and Protection Service originated from a small personal protection unit the military leadership decided to set up immediately after the 1989 revolution. The task of the four officers involved in the original project was to provide physical security to the provisional political leadership in turbulent times. The SPP was later legalized by Decree 204 of May 7, 1990 passed by the Interim Council of National Unity. In the new structure, the primary task of this unit was to protect the President, the Prime minister, and high-ranking Romanian and foreign officials. The Supreme Defense Council gave the structure the name Guard and Protection Service on November 15, 1990, and the SPP became formally independent by the National Security Act 51 of July 21, 1991.

In the 1990s, this special service organization was confronted several times⁵⁶ with the fact that many of its staff members used to serve in the former Securitate’s Fifth Directorate or Security Directorate. The STS (Special Telecommunication Service) was

set up pursuant to the December 18, 1992 resolution of the Supreme Defense Council. In fact, they were built on the former DSS organization, the Securitate’s “R” Unit or Special Unit. From an organizational viewpoint, they could only gain full separation from the Ministry of Defense based on Government Decree 229 of May 23, 1993. This decree was the first legal provision that defined the STS organization and its operational framework as a stand-alone agency. They only achieved independence pursuant to Act 92/1996.

The military intelligence of the Defense Ministry preserved its original pre-1989 structure until February 1991. Even then, only its name was changed to *Direcție de Cercetare a Armatei*, i.e. Military Reconnaissance Directorate. This name was soon changed to Military Information (*Direcția Informații Militare*, DIM) in September 1993. Parallel to this, pursuant to Ministerial Order 41, the Counter-Espionage Directorate was established beginning in May 14, 1990. The Directorate reported to the minister of Defense. General Victor Negulescu was appointed to lead the organization. Negulescu had an operational past as Romania’s military attaché to Rome in the late 1980s.

EFFICIENCY AT ROMANIA’S SPECIAL SERVICES

During Ion Iliescu’s rule from 1990 to 1996, both Romania’s society and thus its secret services were characterized by the work ethic and everyday practices of the previous era. Non state-owned media outlets in Romania were not powerful enough in the early 1990s, thus only foreign publicity could exercise influence on the political leaders. According to several trustfully accounts, a remarkable number of former Securitate higher officers were hired by the new security services.⁵⁷ Both the 1991 Constitution, and 14/1992 Act on the SRI’s operational code declared that special services must operate in a politically neutral manner. This was not the case during the Măgureanu years.⁵⁸

50 Oprea, *Moștenitorii Securității*, 109–110.

51 Dragomir, *Recviem*, 359.

52 Măgureanu – Stoenescu, *De la regimul*, 167, and *Monografia SRI 1990–2015*, Bucharest: Editura RAO, 2015, 68. The official history of the post-1990 internal secret service represents an excellent, albeit not independent source to understand the transformations SRI underwent through the last 25 years.

53 Institutul Revoluției Române din Decembrie 1989 (IRRD), *Caietele Revoluției*, 2010, no. 4–5, 35–85. Memoirs of former Chief of Staff gen. Mircea Chelaru, head of SRI counter-espionage after the 1989 revolution claim that the SRI intervened in support of president Iliescu during the events of June 1990.

54 Mihai Pelin, *Trecutul nu se prescrie. SIE&SRI*, București: Editura Kullusys, 2004, 11.

55 Ștefan Dinu, *Condamnat la discreție*, Bucharest: Editura Neverland, 2009, 291.

56 Sorin Ghica, “Cele mai mari dosare de corupție din anii ‘90”, *Adevărul*, August 6, 2015: http://adevarul.ro/news/eveniment/cele-mai-maridosare-corupție-anii-90-1_55c35a24f5eaafab2c4ec4f6/index.html (accessed July 14, 2017).

57 See Vlad Stoicescu and Liviana Rotaru, “Doi si-un sfert din adevar: Toti oamenii presedintelui”, *Evenimentul Zilei*, June 16, 2010: <http://www.evz.ro/detalii/stiri/doi-si-un-sfert-din-adevar-totii-oamenii-presedintelui-898231.html> (accessed July 12, 2017). The authors mention that at the UM 0215, subsequently DGPI, out of the total staff of 275 (as of June 1990), 178 were members of the Securitate Fourth Directorate. The article also discusses routines in the pre-1989 era that still characterized the UM 0215 in the 1990s.

58 The role of Măgureanu as SRI leader in the Mineriards of the 1990s is currently investigated in an ongoing lawsuit as it as July 2017.

Not incidentally, in 1997, the NATO Security Office launched the first institutional partnership in Romania, not with SRI, but with the more flexible SIE, the civilian foreign intelligence. SRI, SPP and Army officers were often involved in corruption cases.⁵⁹ The most astonishing for its international implication was probably the Jimbolia affair. During the 1990s, Romania broke the UN embargo against Yugoslavia, as people with decision-making power such as SRI-chief Măgureanu, and the minister of Transportation Aurel Novac organized an illegal network through which 1,107 wagons of gas and diesel gas were smuggled to Yugoslavia from the border locality of Jimbolia. The huge profit was used to finance the government party before the 1996 elections that President Iliescu would lose despite all attempts at keeping power.⁶⁰ The 1996 elections represented a landmark in the Romanian post-communist transition. The new president Emil Constantinescu quickly replaced the longstanding chief commanders of the SRI and SIE, Măgureanu and Talpeș, both loyal to Iliescu, with more palatable figures from within the security system. These changes alone did not help Romania's accession to NATO, but they did indicate the country openness to Europe and its endeavor to unite with the European Union and NATO. The new element in the changes at the helms of special services was the appearance of people who had a new worldview regarding politics. In fact, a new deputy director was appointed at each organization, including the STS. Traditionally, the position in question is that of the manager responsible for operations. In most cases when a new person took this job, he was not a professional expert. President Emil Constantinescu claimed in 2009 that he reformed the special services on his own decision and based on his actual mandate when he replaced 38 generals with managers who had never joined the former Securitate.⁶¹ Still, true reform focusing on professional matters did not take place. Both the SRI leader and the SIE leader prepared materials that enabled compatibility with NATO, but their institutional implementation never started. In 2000, Iliescu was again appointed president for a third mandate. Key positions were filled again with members of the pre-1989 era Securitate.⁶² Further, counter-terrorism also changed after the 2001 terrorist attacks. In the early 2000s, the SRI and SIE made considerable efforts to prove their NATO compatibility. The Parliament adopted Romania's Second National Security strategy and the Supreme Protection Council enacted new operational rules. Both institutions actively pursued cooperation with foreign counterparts, including NATO's Office of Security, the partner services of NATO member states, and transnational security agencies such as INTERPOL and EUROPOL. The SRI started to take the lead in the fight against terrorism and also against internal corruption.⁶³ In April 2002, Romania hosted the first joint meeting of NATO and NATO candidate services, and in May 2002, Romania hosted its first joint conference of all Balkan intelligence services on the topic of counter-terrorism. At an international level, the renewed services mostly showed spectacular progress in counter-terrorism efforts. These measures were recognized and appreciated by Romania's Western partners, and contributed much to improve the country's image among the intelligence community.⁶⁴

CONTROLLED PUBLICITY

The link between transparency and efficiency has been a decisive element in the recent history of the Romanian secret

services. The principal organization in domestic operations, the SRI continually strives to achieve a positive public image. In 2004, Romania joined NATO and as the right-wing, pro-Western candidate Traian Băsescu became President, a new era began in the history of the secret services as well. Significant changes in personnel took place. Many staff members were retired and young leaders were put at the helm of the SRI, including professionals like George Maior, Florian Coldea, Silviu Predoiu and Mihai Răzvan Ungureanu. The generational change is the easiest to capture at counter-intelligence. After the 2004 presidential elections, a definite change of direction finally took place at the SRI starting in 2006. This change was supported by political leaders and was characterized by a deep strategic partnership with the USA. The first spectacular milestone was the meeting of George Maior, a former diplomat who was appointed as the new leader in 2006, with the Director of National Intelligence, John D. Negroponte, at the SRI's headquarters in Bucharest. Their talks were followed by a bilateral meeting of Maior and CIA director Michael Hayden in 2007. The 2011 visit of FBI director Robert Mueller to Bucharest was a sign that the quality of relations has been sustained. Similarly, the visit of CIA director John O. Brennan to Bucharest in 2013 also demonstrated solid and fruitful cooperation.

The SRI worked dynamically to develop a new image by building professional relations with foreign counterparts. At the same time, Romania's number one special service also built political and diplomatic ties: In 2008, simultaneously to the NATO summit in Bucharest, a convention of the newly established Young Atlantists network was held at the SRI headquarters, with British foreign minister David Miliband as keynote guest. On the same occasion, SRI chief George Maior met with Laura Bush. In 2011, the meeting of Charles, Prince of Wales with George Maior represented a great diplomatic recognition for the SRI and Romania.

59 Eurocolumna, Țigaretă I-II, and Portelanul scandals.

60 In the Jimbolia case, the SRI Banat, SRI Timiș, SRI Bihor regional branches were involved in the illegal business. See on this Cristina Nicolescu-Waggoner, *No Rule of Law, No Democracy. Conflict of Interests, Corruption, and Elections as Democratic Deficit*, Albany (NY): State University of New York Press, 2016, 79–80.

61 "Constantinescu: Este normal că România să fie condusă de un fost colaborator al Securității?" *Ziua de Cluj*, September 30, 2009: <http://ziua-decj.realitatea.net/mobile/articol.aspx?t=Articole@eID=16656> (accessed July 15, 2017).

62 Victor Veliscu was advisor to the SRI director, Dan Gheorghe was security director at the Otopeni International Airport, Aurel Rogojanu was advisor to the SRI director, Marian Ureche was appointed as leader of the SIPA (the intelligence service operating until 2006 under the Justice Ministry), Tudor Tănase was assigned to the STS, while Mihai Caraman became an advisor to the prime minister. The parliamentary committee supervising the secret services was led by former intelligence officer Ristea Priboi. According to investigations by historian Marius Oprea, Priboi conducted political police activities inside Romania. He was involved in the 1981 actions of the Securitate against a large group of intellectuals – the Transcendental Meditation affair. Priboi was also involved in the repression of the 1987 workers' strike in Brașov. Several witnesses has claim they were investigated by him, including one who accuses him of participation in acts of torture. Oprea, "The Fifth Power. Transition of the Romanian Securitate from Communism to NATO", in *New Europe College Yearbook*, 2003–2004, no. 11, 163–64.

63 *Monografia SRI*, 178–180.

64 Florina Cristina Matei, "Romania's Anti-terrorism Capabilities: Transformation, Cooperation, Effectiveness", *Journal of Defense Resources Management*, 2012, 3 (1), 37–54.

The elaboration and adoption of a new national defense strategy in 2006 marked the beginning of a new era. To achieve recognition by, and openness to the Romanian society, actions were taken in compliance with applicable laws to create a new image of the services. Such actions included large demonstrations and flag initiation ceremonies. Further promotional actions included the issue of memorial stamps and 10-lei memorial medallions commemorating the SRI's 25th anniversary.

A key element in the Western partnership became the fight against international terrorism, a cornerstone of Romania's present national defense strategy. The implementation of this strategy and its public impact in Romania and abroad was significant. The first example was the rescue of three Romanian journalists captured in Irak,⁶⁵ an intelligence success that delivered a message of intransigence: "Wherever they take them, we will find them". Romania's answer to post-9/11 challenges was crystal clear. The country committed itself to fight terrorism. Since the end of the Cold War, the international intelligence community constantly strove to implement practices that avoid rigid approaches and provide answers to quickly changing international security challenges. Simultaneously, these procedures enabled the special services to build adequate ties to civil society, including the academic community, official decision makers, retired political decision makers, retired professionals and obviously representatives of civil circles.⁶⁶ The Romanian services also faced these challenges and tried to answer them.

To boost the efficiency of Romanian special services, president Băsescu established a National Intelligence Community under the supervision of the CSAȚ. Following a series of warnings from civil society and the media, the SIPA was terminated in 2006, reducing the number of secret services to six. The change of political direction in 2014 and the election of new president Klaus Iohannis did not affect the branding efforts launched in the mid-2000s. The departure of SRI leader Maior and the appointment of Eduard Hellwig did not bring any discontinuity in the institution's foreign and professional policy. The best evidence of this is the appointment of Maior as Romania's ambassador to the USA, and his reception by FBI director James Comey at the FBI headquarters in 2015.

CONTROL AND SUPERVISION: CORRUPTION AS A RISK FACTOR

The efficiency of the special services is not compromised by transparency. On the contrary, transparency strengthens public confidence in the institution concerned. In the course of the NATO and EU accession process in 2002, the transparency and surveillance of special services were important topics that monopolized public thinking in Romania. In the wake of 9/11, the key task that the Romanian public expected from special services was to support NATO and the CIA in combating terrorism. Results of an opinion survey carried out by the Romanian Institute of Public Opinion Survey (IRSOP), in March 2002 half of those interviewed said special services do not deal with these issues owing to their political conviction and 52 % agreed that special services serve Romanian national interests. Interviewees were also asked about transparency, whether they thought that Romanian special services had already undergone a transformation along a Western model. 60 % of those surveyed gave

a positive answer. According to Radu Timofte, the SRI chief at the time, 5,500 of the institution's 6,800 staff members taken over in 1990 had already retired. Thus by 2002, only 15 % of the active staff serving in the Securitate before 1989, were still serving. Most of these officers had reportedly worked before 1989 in counter terrorism, counter-espionage and training areas. At the same time, Bruce P. Jackson⁶⁷ stressed that the issue of old cadres in the ranks of special services was still not clarified, and that corruption should be combated in a credible and consistent manner.

Control and supervision of the two largest special services is formally provided for by law. In reality, in the early 1990s, when the special services were established and their structures were developed, transparency was not implemented with the strong resilience of "former practices and behaviors,"⁶⁸ according to the fitting description of George Cristian Maior. Both parliamentary and public control practices over the special services were missing. The first definite legal measure to ensure transparency appeared in the SRI Act adopted in February 1992, declaring that a specific parliamentary committee shall exercise control over the secret services. Similarly, SIE was also supervised by a parliamentary committee. Both standing committees have had a positive impact on the special services, since a permanent group of specialists was charged with the close supervision of their activities. The committees currently scrutinize among others the annual draft budget of special services, violations of law reported by citizens and the annual reports submitted by special service leaders.

Corruption cases involving members of the Romanian parliament pose a risk to transparency and parliamentary control. Under Maior's direction, the organization underwent major structural transformation. By the mid-2010s, it developed to a level where it was also prepared to combat cross-border cyberattacks. The professionalism and popular recognition of SRI staff members improved as evidenced by an INSCOP survey in April 2016. Results showed that 51 % of those asked had confidence in the domestic special services. It must be noted that the survey also covered the intelligence organization (SIE). In the digital age, special services employ operational digital tools and procedures for data gathering as specified in applicable laws. While major reorganization was reported by special services, the number of eavesdropping cases (intercepts of telephone conversations) went up. 6,370 intercept orders were approved in the baseline year of 2005 while the same figure was 38,884 in 2013, representing a more than 600 % increase. It must be noted that this figure includes all permits issued to all special services.⁶⁹ The public

65 Eduard Ovidiu Ohanesian, *Raport din spatele ușilor închise*, Iași: Editura Junimea, 2011.

66 Steve Tsang, *Intelligence and Human Rights in the Era of Global Terrorism*, Westport, CT: Praeger, 2008.

67 Bruce P. Jackson is president of the Project on Transitional Democracies, a non-profit supporting post-soviet and Balkan democracies in building closer ties with the European Union and NATO.

68 George Cristian Maior, "Managing change: The Romanian Intelligence Service in the 21st Century", in *International Journal of Intelligence and Counterintelligence*, 2012, vol. 25, 217-239.

69 George Tarata, "Noua Securitate. SRI proteste România", *Lumea Justiției*, May 25, 2016: <https://www.luj.ro/institutii/servicii-secrete/sri-proteste-romania-noua-securitate-condusa-de-coldea-si-hellvig-este-preocupata-de-gainarii-si-dosare-politice-nu-si-de-atentatele-laviata-romanilor-soldate-de-a-lungul-anilor-cu-sute-de-decese-din-cauza-infectiilor-nosocomiale-hexi-pharma-sau-repreze?pdf> (accessed July 14, 2017).

may also raise questions about efficiency when looking at special services headcounts from an international benchmark. Among NATO member states, Romania ranks second regarding the number of professional special service staff. In the USA, officially, the FBI has 35,344 officers/agents for a population of 314 million, while Romania has a reported (the exact figure is not a public information) intelligence staff of 12,000 for 20 million inhabitants. Regarding budgets, the SRI's funding exceeds that spent on healthcare, as the organization has a budget of RON 1.2 billion, i.e. approximately USD 300 million⁷⁰ at its disposal while the SIE's budget is only RON 214 million (USD 53 million⁷¹). The two organizations are thought to have an aggregate staff of 15,000.

In addition to professionalism and efficiency, transparency and control continue to need improvement. Since 2000, Romania's armed forces have been directed and managed along guidelines and recommendations issued by the DCAF (*Democratic Control of Armed Forces – Geneva Center*). These guidelines are aimed at ensuring proper organization and transparency. At the same time, the credibility of the report issued in 2003 to certify the successful democratic transition of the Romanian secret services was jeopardized by the unconventional biography of his author. The US-born intelligence expert, Larry Watts, has been in fact been one of the most effective agents of influence for Romania's intelligence network in the United States since the middle of the 1980s, when he first visited Romania as a PhD student in history. A longstanding advisor to former president Iliescu and foreign intelligence director Ioan Talpeș, Watts is deeply embedded in Romanian political circles and the intelligence community. Albeit informative, the position papers published by Watts in the early 2000s in the Western specialized press were clearly useful for the political agenda of Romanian governmental circles, which had always supported his activity. This circumstance should suggest to scholars and stakeholders to critically read and evaluate the over-optimistic conclusions reached by Watts and his Romanian pundits.⁷²

EU Recommendation No. 1713/2005 sets forth solutions for monolithic forms of control like parliamentary committees that supervise the special services. Best practices to follow include Belgium, Canada and England,⁷³ where the presence of civilian specialists in committees is a day-to-day practice that ensures civilian control over the services. In Romania, the participation of civilian experts in parliamentary committees is not a novelty, as two of the 19 members of the Supreme Council of Prosecution (*Consiliul Suprem ale Magistraturii – CSM*) represent civil society. Thus best practices in terms of form are already in place, only the legal framework and its application must be provided for.⁷⁴ The ongoing Sebastian Ghiță case⁷⁵ highlights the risks of purely political parliamentary control. Consequently, the presence of professional civil representation in special committees is desirable.

LESSONS LEARNT AND RECOMMENDATIONS

While Romania's commitment to combating corruption is beyond doubt, the related procedural practices may raise questions. Adrian Tutuianu, chairman of the parliamentary committee supervising the SRI made a public statement at a press conference on February 28, 2017 claiming that the SRI

had entered into cooperation agreements with other state organizations since 1992. These are classified cooperation arrangements under which SRI officers were enabled to pursue activities at the institutions concerned.⁷⁶ At the same time, anti-corruption efforts should be subject to consistent and transparent control by the DNA-SRI (law enforcement and secret service). This approach could help avoid serious international assessments like "Romania's National Anti-corruption Directorate is an active participant in its position struggles."⁷⁷ In addition to European institutional supervision mechanisms like the Cooperation and Verification Mechanism and other supervisory procedures, attempts should be made to establish bottom-up, non-partisan civil control in each supervisory body that oversees special service operations. By doing this, Romanian civil society could be represented proportionally in supervisory bodies, further increasing public confidence in special services.

70 See Elena Dumitrache, "Statistica uluitoare", *Lumea Justiției*, October 12, 2014: <http://www.luju.ro/institutii/servicii-secrete/statistica-uluitoare-romania-ocupa-locul-ii-in-clasamentul-tarilor-membre-nato-privind-numarul-de-agenti-din-serviciul-national-de-informatii-pe-primul-loc-se-claseaza-sua-unde-fbi-la-un-numar-de-314-milioane-locuitori-are-35-344-agenti-sri-pentru-20-mili?pdf> (accessed July 14, 2017).

71 Information based on 2010 data.

72 Watts spoke about his past in a 2016 interview with the director of the Romanian Institute for Recent History, Liviu Tofan: <https://www.stiri-extreme.ro/dupa-pacepa-larry-watts-dezvaluie-noi-agenti-kgb-din-romania-aflati-langa-ceausescu-si-apoi-alaturi-de-iliescu-interviu-irir/#>. For a critical analysis of Larry Watts' use of sources see <http://www.contributors.ro/societatelife/rastalmacirile-lui-larry-watts-si-rastalmacirile-altora-despre-larry-watts/> (accessed July 14, 2017). Doubts might be also raised regarding the impartiality of the analysis that Larry Watts prepared for the DCAF: "Control and Oversight of Security Intelligence in Romania", in *Geneva Centre for the Democratic Control of Armed Forces (DCAF) Working Papers*, 2003.

73 See Transparency International Romania, *Serviciile de Informații în Echilibrul Interinstituțional*, June 16, 2015: https://www.transparency.org.ro/stiri/comunicate_de_presa/2015/16iunie/Policy%20Paper_Serviciile%20de%20Informatii%20in%20Echilibrul%20Interinstitutional.pdf (accessed July 15, 2017).

74 See the analysis of George Jigău (Centrul pentru Studiul Democrației) and Anca Sinea (Centrul pentru Studii Internaționale), *Cum pot serviciile secrete și transparența să încapă în aceeași frază? Miza controlului civil al serviciilor pentru consolidarea democrației*, March 10, 2017: <http://www.contributors.ro/editorial/cum-pot-serviciile-secrete-%C8%99i-transparen%C8%9Ba-sa-incapa-in-aceea%C8%99i-fraza-miza-controlului-civil-al-serviciilor-pentru-consolidarea-democra%C8%9Biei/> (accessed July 16, 2017).

75 Sebastian Ghiță, a former Social Democratic representative and member of the parliamentary committee that supervises the SRI, made incriminatory public statements about SRI deputy-chief Florian Coldea, dismissed in January 2017, and about Laura Codruta Kövesi, the influential head of the Anti-Corruption Directorate (Direcția Națională Anticorupție, DNA). Ghiță's statements albeit biased negatively affected the credibility of both institutions. His accusations were echoed not only in the governmental press hostile to the anti-corruption fight but also by authoritative civil forums such as www.romaniacurata.ro and www.riseproject.ro.

76 Petriana Condrut, "Până unde au mers protocoalele SRI. Reglementări sau implicare în activitatea altor instituții?", *Gândul*, March 6, 2017: <http://www.gandul.info/stiri/pana-unde-au-mers-protocoalele-sri-reglementari-sau-implicari-in-activitatea-altor-instituti-16183971> (accessed July 16, 2017).

77 See the excellent research paper of David Clark, *Fighting corruption with con tricks: Romania's assault on the rule of law*, London: The Henry Jackson Society. Democracy, Freedom, Human Rights, 2016: www.henryjacksonsociety.org/wp-content/uploads/2017/01/Romania-paper.pdf (accessed July 16, 2017).

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REGIME ARCHIVES

AN OVERVIEW OF THE CNSAS

ISTVÁN BANDI

ANSWERING SOCIAL DEMAND

Citizens of former Soviet-bloc countries regarded 1989 as an “*annus mirabilis*” [a miraculous year]. Public demand for removing the communist dictatorship and holding accountable those participating in it was had already been formulated in Article 8 of the Timișoara Proclamation of March 1990; the first lustration act initiated by Romanian civic society. “... the act on elections should prohibit, for the first three parliamentary terms, the nomination of former communist activists and former Securitate officers on any list. (...) In order to stabilize the situation and to reach nationwide reconciliation, it is of utmost importance to keep these individuals off of public life.” (<http://www.societateatimisoara.ro/>)

It is a matter of fact that Romania underwent a troubled and long transition to full-blown democracy, and after 1989 the country was governed, for a long time, by political figures whose career and mental setting were deeply rooted into the pre-1989 era. These individuals played a key role in delaying the screening and revelations of the past. Over the last few years, most probably as a beneficial consequence of the intensive public discourse around the crimes and human right violations committed by the communist regime in Romania, the societal attitude towards the recent past experienced a major change. While in the early 1990s, polls taken by CSOP (Centrul pentru Studiarea Opiniei și Pieței) showed that 44 % of those surveyed considered the fall of communism a good thing, just twenty years later in 2011 the same rate was up to 61 %, while 37 % regarded it as a positive thing that the communists took power in Romania after World War II (Agerpres – Sondaj CSOP-IICCMER).

EVOLUTION OF THE INSTITUTION’S LEGAL FRAMEWORK AND POLITICAL CHALLENGES

At the end of the 1990s, as a closing act of the transition period, the first bill was presented in Parliament, enabling insight into the Securitate archives. The bill was pushed forward by Peasant Party Senator Constantin Ticu Dumitrescu, a former victim of the communist dictatorship and chairman of the Association of Former Political Prisoners. The institutional model for this initiative was the German Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic. After suffering several amendments to the content and form, the bill was passed by lawmakers in December 1999 as Act No. 187, “concerning one’s access to his/her own files and the disclosure of the Securitate as political police.” Albeit not conceived by the same intent as Ticu Dumitrescu’s original bill, an act passed during the presidential term of liberal-democrat Emil Constantinescu enabled the formation of the National Council Scrutinizing the Securitate’s Archives (*Consiliul Național pentru Studiarea Arhivelor Securității – CNSAS*) in 2000.¹ The CNSAS was intended as an informal lustration agency similar to

the Bulgarian Dossier Commission, but during its almost twenty years of activity the mandate and scope of activities of the CNSAS have gone through changes to its legal parameters and the political environment surrounding the institution.² The CNSAS was created as a budgetary organ supervised by the parliament and directed by an 11-member board, the members of whom were and still are delegated either by political parties, churches, or other public institutions for six-year terms. The law charged the new institution with preventive screening and disclosure of public servants with a past of collusion with the communist state security. It also charged the CNSAS with the management of access to individual files of former victims and scholars, and with the gradual takeover of the former political police’s archived sources for academic and educational purposes.

However, in the first operational period, the CNSAS did not possess proper infrastructure, archives, or adequate staff. After the 2000 elections, the post-communist Party of Social Democracy in Romania – PDSR, led by Romanian president Ion Iliescu, took the helm again, negatively affecting the Council’s activity. The Board was supposed to name the individuals responsible for severe violations of law by the regime before the change of the political system, while carrying out screenings, without taking over the archives of communist secret services. A major political crisis erupted in 2002, when members of the Council split over the semantics of lustration. Six of them, (public intellectuals **Andrei Pleșu**, **Horia-Roman Patapievici**, **Mircea Dinescu**, former political prisoner **Viorel Niculescu**, and historians **Claudiu Secașiu** and **Ladislau Csendes**) did not accept the idea of unveiling the names of secret collaborators of the Securitate, without also exposing those professional officers who actually performed as *political police*. Five other members disagreed with this stand and therefore did not attend board sessions for months, contributing to the slow down of the lustration process that was progressing slowly anyway due to the lack of archival materials. These members included university professor of law Emil Boc, who was also conservative prime minister between 2009 and 2012, and Social Democrat, lower chamber member, Ion Predescu, who served as a member of the Constitutional Court between 2004 and 2013. Only in 2003 did the Social Democrat cabinet agree to increase the external storage capacity of declassified materials handed over to the CNSAS by the post-1989 security services (**Romanian Information Service** / Serviciul Român de Informații – SRI; **Foreign Intelligence Service** / Serviciul de Informații Externe – SIE; and **Military Archives and Documentation Service** / Serviciul Arhive și Documentare³

1 CNSAS or “council” refers here to the more than 250 staff of the institution, while “board” refers to the 11-member administrative body that supervises the council.

2 Cynthia M. Horne, *Building Trust and Democracy: Transitional Justice in Post-Communist Countries*, Oxford: Oxford University Press, 2017, 141-142.

3 The Romanian word *documentare* equally refers to recording, classifying and retaining information.

Militară – SADM). The CNSAS was assigned a depot in the locality of Popești-Leordeni, located in the surroundings of Bucharest, (hereinafter the permanent external storage of CNSAS). Fast-paced work began, in mixed committees, including members of the CNSAS and the aforementioned secret services, to transfer as many classified documents as possible to the newly established institution. A major benefit of this new approach was that during 2004–2005 the new centre-right government encouraged the services to take major efforts to transfer their archived documents and micro-film into the new depot. The Ministry of the Interior, however, did not take action at all upon the claim that no law or decree had ever specified and regulated the scope of declassified materials that should be (or should have been) handed over to the CNSAS. Thus, the unintended victims of the power clash within the government were not the real targets of the disclosure process – those who had served and/or collaborated with the communist regime, but rather those individuals who attempted to bring over as many documents as possible to the CNSAS archives. In the beginning, the vicious combination of unregulated circumstances and the lack of experience gave rise to expensive document management procedures. Exposing archived files to lengthy transportation is anything but ideal in terms of security. It would have been better to follow the German and Polish practice, according to which the declassified files were kept and made accessible to former victims and scholars in those local state security headquarters where the documents had been previously stored. A different approach would have spared private citizens and researchers long, exhausting trips to Bucharest only to exercise their right to read their own security file.

The outcome of 2004 parliamentary elections and the clear victory of a pro-European, anti-communist centre-right coalition, led by newly elected president Traian Băsescu, produced a major positive impact on the CNSAS and archive policies in Romania. On February 28, 2005 the **Supreme Defence Council (CSAȚ)** issued a resolution to ask for the urgent transfer of 12,000 rm. of documents in addition to the 700 rm. of documents transferred by the SRI to the archives in the previous five years (**see the 2006 annual report of CNSAS**). Urgency decree (Ordonanța de Urgență – **OUG**) No. 149 dated November 10, 2005 set out new provisions to guarantee the regular business of the institution.

In 2006, further positive developments were advanced by the imminence of Romania's membership into the European Union. On February 22, **Emergency government decree No. 16** (OUG 16/2006) expanded the circle of those eligible for lustration and required persons holding important public offices to fill in a form to clarify their position concerning cooperation with the former Securitate. In the case that their declaration proved to be false, they could be held accountable according to this decree. In March, a new executive board was appointed at the CNSAS, this time including the author of the 1999 lustration law, Constantin Ticu Dumitrescu. On December 16, president Traian Băsescu solemnly condemned communism as an “unlawful and sinful” political system.

Further documents were transferred to CNSAS in 2007; when the quantity of documents handed over to the archives reached 20,000 rm., the CNSAS could fully comply with obligations set out in the institution's founding act. The mixed committee formed by CNSAS experts and representatives of the special services convened 32 times throughout that year to promote document transfers and the screenings of a total of 17,734 individuals. 4,159 of

these proceedings were launched automatically based on statutory provisions, while 13,575 were initiated on request of CNSAS. Finally, the Board passed 4,610 resolutions. 101 persons were declared “collaborators” (that is, secret informants) of the Securitate, and another 381 were found to have been in a professional relationship with the political police as officers. In 341 additional cases, the Board passed resolutions on collaboration based on individual submissions. In 2007 security screenings almost tripled compared to the previous year. It must be underscored that in the meantime, the institution's headcount did not increase. Even though the budget would have allowed for a staff of 300, only 255 positions were filled (**see the 2007 annual report of CNSAS**). Although the year 2007 provided major impetus to screening, identification of former agents, research and document transfers, a horde of legal measures passed in 2008 brought a turnaround at the institution in terms of screening and research of the recent past.

A major conflict concerning the attributions of the CNSAS erupted in early 2008, upon a lawsuit about the alleged involvement with secret services of Senate vice-chairman **Dan Voiculescu**. Attorney **Sergiu Andon**, chairman of the Lower House requested the review of Act 187/1999 for compliance with the constitution. Constitutional Court Resolution No. 51 of January 31, 2008 declared the unconstitutionality of the 1999 act establishing the CNSAS and of the subsequent government decree that regulated its activities. The liberal government of **Călin Popescu-Tăriceanu** prevented a full setback by quickly passing two complementary emergency decrees. With the decisive support of the prime minister's security policy advisor, public intellectual **Marius Oprea**, Parliament unanimously passed act 293/2008 in December that year. The act is still in effect and sets the framework for the institution's operation. The new law ordered that each resolution issued by the CNSAS Board declaring the involvement of an individual with the secret police must be reviewed and decided on by a court. [Thus the final verdict must come from a court in each case.] This procedure of law application reduced the effectiveness of the CNSAS and the Board. It required that once approved by a majority vote of the Board, all cases processed in the archives (ACNSAS) by the responsible directorate in charge must be submitted to the Bucharest Court's public administration department. While the proceedings are free of charge, the CNSAS is required to attach to all submissions, authentic copies of the relevant archived documents. The person subjected to scrutiny is entitled to contest the court decision. The court is required to publish its non-appealable final decision in the Official Gazette.⁴ As a consequence, the screening procedure has become more complicated and lengthy. In accordance with the new legal provisions, the CNSAS Board submitted 292 cases to the Bucharest Public Administration Court in 2008. Dated early 2010, the 2009 annual report showed that 213 cases were still underway at the court, 12 cases were voided owing to the subject person's death, while collaboration was confirmed in 53 cases and allegations of collaboration were rejected in 11 cases. For a comparison, the corresponding figures from the CNSAS' counterpart organization in Germany can be quoted. In the first ten years of operation, the Joachim Gauck-led BStU screened 1.7 million persons, identifying 950,000 STASI officers and agents.

⁴ See in detail Dragoș Petrescu, “Public Exposure Without Lustration”, in Lavinia Stan, Lucian Turcescu, eds., *Justice, Memory and Redress in Romania*, Cambridge: Cambridge Scholars Publishing, 2017, 131–136.

Year	Identified individuals
1999	Establishment of CNSAS
2000	none
2001	1 collaborator
2002	2 collaborators
2003	26 collaborators ⁷
2004	60 completed identifications ⁸
2005	49 completed identifications
2006	270 collaborators 156 officers
2007	330 collaborators 402 officers
2008	610 collaborators 210 officers
2009	739 collaborators 298 officers
2010	847 collaborators 337 officers
2011	867 collaborators 234 officers
2012	858 collaborators 206 officers
2013	888 collaborators 253 officers
2014	914 collaborators 214 officers
2015	1047 collaborators 121 officers
2016	not published yet

Table 1. Number of those involved in the lustration process.
Source: CNSAS annual reports, 2000–2015.

Moreover, despite the well-sounding definition put into the 2008 law, *unveiling* (“*deconspiracy*”) only refers to the identification of an alias. This can only be initiated by the target person (or his legal predecessor) who was the subject of the monitoring. The new law made accountable and liable the owners or tenants of “covered” flats,⁵ that is to say individuals who agreed to make their homes available for hosting meetings between state security officers and their secret informants. Often they also allowed state security officers to carry out “operational tasks” at work places. These homes were technically equipped for facilitating secret investigation actions, like roping in agents, having conversations with network members, intimidation, defamation and other actions. A major controversy emerged around the role of the clergy after the extent of the collaboration with the communist state security had started to emerge, causing public scandal among believers and distress in the ecclesiastical hierarchies. According to the law in force since 2008, security screening of church leaders had been removed from the Board’s responsibilities. However, scholarly research carried out by accredited persons has been not restricted.

A new hope emerged in the wake of an international treaty signed in Berlin in December 2008 that placed cooperation between Bulgarian, Czech, Polish, German, Hungarian, Romanian and Slovak archives in a new foundation, which has helped embedded the CNSAS to increase its international visibility. 2009 marked the first time when indemnification of the victims of communism was enabled. There is symbolic significance in

the fact that the *act* regulating indemnification was numbered Act 221.⁶ The rules and procedures of this act were hardly comprehensible. While relatives were also eligible for legal remedy, the related provision was very difficult to apply as the Court of Constitution declared it non-compliant in 2010 (ruling no. 1358, dated 21 October 2010). Finally, the issue of indemnification was escalated to the European Court, but the proceedings were still underway in 2015.

THE CNSAS ARCHIVES: STRUCTURE AND ROLE

The laborious genesis of the CNSAS archives as described in the previous paragraph has several structural reasons that must be mentioned before describing what the archives look like. In compliance with the 1996 archives law, the CNSAS has been defined as the stakeholder and the manager of the Securitate archives. The CNSAS was not allowed to rearrange the incoming documents or to alter the structure of the archive collections as inherited. The CNSAS was compelled by legal force to preserve the documents as they had received them from the former secret services. If these declassified materials had been transferred in the 1990s, their archival processing could have been more efficient and might have involved a larger quantity of documents. Contrary to the method used in Germany and Poland, Romania chose to centralize the document processing, instead of establishing county-level branches of the CNSAS, which would have enabled them to act as stakeholder. On top of this, centralization is not yet over, since the transfer of documents does not mark the end of the process, for individual papers cannot be used unless all documents have been sorted in an inventory. The documents taken over from the Romanian Foreign Intelligence Service (SIE) are structured in the same manner as those of the counter-intelligence (eg. former Securitate) archives. Both possess an “intelligence” archival fond (*Fond Informativ*), a “network” fond (*Fond Rețea*), and a “documentation” fond (*Fond Documentar*). The files of military counter-intelligence have not yet been systematically processed by the CNSAS staff. For the time being, most professional researches and private inquiries have focused on the three aforementioned sub-fonds.

Another initial shortcoming was that the state organs that transferred declassified materials to CNSAS did not hand over any electronic inventories of these files. The list of fonds and sub-fonds was put together by a professional team of the state security

5 The owners and tenants of covered houses (*in Romanian: gazde case conspirative*) were individuals who agreed to make their homes available for hosting meetings of secret agents. Often they also allowed state security officers to carry out “operational tasks” at the work places. These homes were technically equipped for facilitating secret investigation actions, like roping in agents, having conversations with network members, intimidation, defamation and other actions.

6 For a curious combination, 221 was the number of the act that ordered the establishment of the General Directorate for People’s Security (*Direcția Generală a Securității Poporului*) in 1948.

7 The 2003 annual report was controversial regarding the identification of agents. While the “number of unveiled agents” line in the summary chart on page 42 says that 26 identifications were finalized in 2003, the main text on page 36 says that the Board issued a certification of collaboration about three persons and found 46 people to have been officers of the former political police.

8 The 2004 annual report also is ambiguous about the number of identified collaborators and officers, respectively. The only reliable indicator is the 60 completed identifications.

archive personnel only on the basis of the sorting order of the received documents that had been worked out by the Securitate's recording and archiving rules back in the 1970s. The fate of investigation files (*Fond Penal*) can aptly illustrate how difficult it was to sort documents belonging to the same fond. The investigation files had a turbulent past because they shed light on the politically inspired court rulings, and the number of those imprisoned based on political motives in communist Romania between 1945 and 1989. Although some believe that such rulings only existed until 1964, when some 15,000 political prisoners had been released upon a general amnesty, archival evidence shows that politically motivated proceedings continued until 1989, the last political trial being staged in March of that year. During the communist regime, the investigation files were divided among several state institutions, and nothing happened after 1990 to restore the unitary feature of these files. Some of these files were preserved by the Romanian Intelligence Services (SRI) until 2000, when the transfer of the archives to the CNSAS began, while the Ministry of Justice held other significant portion of documents. Thus, the CNSAS was practically forced to initiate cooperation with the Ministry of Justice as well. Owing to other responsibilities, the ministry was required to safeguard the investigation archives. This arrangement generated multiple shortcomings, for whenever a private applicant or a researcher requested insight into the documents of a specific case, those documents may have been kept at two or more different locations. At the same time, the Ministry of Justice had to work with the very same documents in certain rehabilitation proceedings. The situation was worsened by the circumstance that the political rehabilitation of former political prisoners began in the same year, when the CNSAS was established, and the Ministry of Justice launched related proceedings. Judges and attorneys used former Securitate files as a starting point, and many of those files were held at said ministry, while another part of them at the SRI. Parallel to this, the CNSAS requested the transfer of the papers based on its legal obligations. Finally, the CNSAS managed to collect the dossiers of the investigation fond from the SRI, the Ministry of Justice and the Ministry of Public Administration. After the mass document transfers to the state security archives in 2005–2007, the last years of the expansion of the archives slowed down considerably to a yearly rhythm of approximately 200 rm of paper-based documents.⁹ The CNSAS currently stores 25,000 rm of paper documents at the Central Archives of Bucharest (DAC – Direcția Arhiva Centrală), and at the Popești-Leordeni Archives (DAPL – Direcția Arhiva Popești-Leordeni). In addition to paper-based documents, the archives also store microfilm. As of early 2017, more than 600,000 micro films were in possession of the archives. Most of them being transferred in the past three years. When taking micro film and mechanized data storage devices into consideration, the quantity of paper-based data kept in the archives can be actually doubled. Thus if all data on such media were printed, the length of documents kept at the CNSAS would amount to nearly 50 000 rm. This makes the CNSAS the third largest document collection repository, on the activities of the Communist state security, in Eastern Europe.

PROBLEMS AND SUGGESTIONS CONCERNING THE ACCESS TO STATE SECURITY ARCHIVES

Sticking to the principle of “keeping those involved [with secret services] away from public matters”, announced in the March

1990 Timișoara Proclamation, the CNSAS represents a key institution for revealing the past and contributing to transitional justice in its capacity as the main stakeholder of the documents of the communist dictatorship's secret services.¹⁰ Unfortunately, over the last almost twenty years, the societal “high hopes” towards moral regeneration have by far exceeded the narrow manoeuvring space given to the CNSAS by the lawmakers. Day-to-day lustration of the state apparatus has been triggered or slowed by a combination of unwillingness and inertia.

One of the most important public achievements of the CNSAS has been the ability for individual access to state security files. **Eligible individuals entitled by law can get access to relevant files** concerning their security past. However, research conditions are far from ideal due to several factors, such as the small size of the research room, or the excessive workload of archival staff. Professional researchers and individual citizens asking for their own file have to wait for longer periods, and this might especially hurt those belonging to the elder generations, in their right to access relevant documents. Time-consuming procedures for the identification of former informants and/or officers is another potentially disadvantageous factor for elderly applicants. The CNSAS does not possess an integrated catalogue that could provide guidance on which documents are still with their former stakeholders (special services and/or other branches of the public administration), thus one applicant may not receive, upon his first request, all the documents pertaining to him.

Procedures for academic research are in place, albeit there are inconsistencies. In this regard, it would be very helpful to the CNSAS, if the external research staff were allowed to contribute to agent identification as well, although this would require a change to the legal framework. Second, more computers would be needed for a faster and more effective examination of the applications. A personnel increase at all the archival branches of the CNSAS would be one precondition. From an archiving standpoint, as of today, the CNSAS has only processed and utilized a very small portion of the documents received from other archives, as it does not have either enough staff, nor the appropriate technological assets for carrying out any major inventory taking or archiving chores. The headcount at the Archives Directorate (DAC) located in the headquarters is 20, while another 15 staff works at the repository in Popești-Leordeni (DAPL) that was established after 2008. As per applicable regulations, however, the latter staff are not responsible for processing documents for archiving purposes. If the organizational unit comprising 20 archiving

9 CNSAS annual reports 2005–2016, and interview taken by the author with the director of the archives of CNSAS, dr. Laura Stancu (Cornea). Bucharest, March 2, 2017.

10 One major step forward in revealing the Securitate's institutional history was the institutional and organizational history monograph written by the CNSAS research community and published in 2016, titled *Securitatea 1948–1989*, edited by **Florian Banu** and **Liviu Țăranu**. The publication is a piece of academic work encompassing nearly ten years of research in various archives (ACNSAS – **National Council for Investigating the Securitate's Archives**; ACNJ – **Archives of the Gendarmerie's National Command**; AMAE – **Archives of the Ministry of Foreign Affairs**; AMI – **Archives of the Interior Ministry**; AMR – **Romanian Military Archives**; ANIC – **Central National History Archives**; ANR – **The National Archives of Romania**; ASRI – **Archives of the Romanian Counter-Intelligence Services**). Another significant work is a monograph by Florian Banu, a renowned researcher at the CNSAS, published in 2016 and titled *From the SSI to the SIE. The History of Romanian Espionage in the Communist Era (1948–1989)*. This monograph relies on archive sources and reviews organizational history topics along with operational ones.

associates processed 160 files a day, it would take them at least 100 years to create a comprehensive, searchable inventory list that encompasses the entire archives. This calculation assumes static conditions while we know that approximately 100–200 rm of additional documents are transferred to the CNSAS each year. Thus, the processing timeline mentioned above would be extended with additional decades. Digitalization is one possible way for efficient, secure and lasting document processing and retention. An example of a step in the right direction is that the CNSAS has begun to scan archived materials and selectively publish them on their website. However, with the current human resource and financial constraints, it seems a very distant goal to make 10,000 rm of documents available for digital research within the foreseeable future.

Thus the rules of procedure for screening is very complicated and lengthy, as private submissions from eligible individuals, cases revealed through academic research, and investigations triggered by legal requirements all land on the Board's table. The number of staff at the unit charged with preparation is just 20, which even in the election year didn't change. Further, the legal provisions enacted in 2008 slowed down the process of publishing the names of collaborators and secret service professionals who bear responsibility for wrongdoings.

As far as the administration and management are concerned, the CNSAS suffers a serious and structural problem of public underfunding. If decision makers charged with budgeting took into consideration the fact that in terms of size, the CNSAS comes third after its German and Polish counterpart institutions, it would bring significant improvements to the institution's position. While the headcount of these units is several thousand strong, the number of CNSAS employees decreased from 250 after the enactment of new regulations in 2008 to 228 by the end of 2015. Similarly, the CNSAS annual budget of EUR 2.5–3 million between 2008 and 2015 is much lower than that

of the German BsTU or the Polish IPM. Filling the currently vacant general director and deputy positions at the CNSAS could definitely improve the coherence of the organization and its relationship with Parliament. Management representation would bring improvement to the institution. The centralization of the inventory of the archive fonds and sub-fonds, while developing the infrastructure and professional criteria for the searching of materials could improve the flow of information and make the institution even more open to the academic community and society as well.

The screening process of public servants in Romania is still underway. As much as the circumstances allow, the CNSAS delivers on its duties. Regarding the future, the primary objective of the institution is to continue with the process. As the German Lutheran pastor and intellectual Karl Bonhoeffer reminds us, however, the most difficult task in dealing with the totalitarian past is to overcome lethargy. Still, we must proceed through the phases of understanding if we really want to get to know what happened before 1989. Like in every other spheres of life, getting to know the facts can change the quality of our existence in respect to the secret service archives as well. The second task is even more difficult. The harm done to society must be remedied with relentless efforts. However, it requires the identification of the collaborators who contributed to the establishment and sustenance of the past regime. We may hate communism, but no democratic political system can authorize anyone to harm those who dream of reviving the fallen political system of the past. At the same time, tolerance (not acquiescence) and forgiveness should set the path which cannot be brought to conclusion with proceedings based on agent lists. Let us not degrade the need for historical revelation and public access to information to the level of power struggles. Let us prove that we can bear the sometimes painful truth of a better explored past, and that we are bold enough to have faith in a better future.

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LUSTRATION

LUCIANA JINGA

Romania adopted several lustration law projects, but none of them was fully implemented. No politicians or other public persons ever lost official authority positions because of a juridical act condemning their past collaboration with the communist regime.

FORMS OF PROTECTION OF THE NEWLY ESTABLISHED CONSTITUTIONAL, POLITICAL AND ECONOMIC STRUCTURES

THE PROCLAMATION OF TIMIȘOARA, MARCH 1990

The Proclamation of Timișoara was published for the first time in its final form on March 8 1990 and publically presented on the 11th of March in an assembly that took place in the Opera Square, in Timișoara. The 13-point document called for continuing to build on the victory over the communist dictatorship achieved in December 16-20, 1989. The inhabitants of Timișoara, the city where the Romanian Revolution started, wanted a wider recognition of their sacrifice. The proclamation thus demanded the symbolic recognition of the city's key role in the revolution. The authors also made practical demands for economic reform and for establishing authentic democratic practices. They called for temporarily (for the first three running legislatures) banning former Communists and Securitate officers from running for office and also demanded a ban on former party activists running for the position of President of the country. Such a ban would have disqualified Ion Iliescu, and other former communists from leadership in political life.

THE EVOLUTION DURING 1990s

After The Proclamation of Timișoara, the first legislative proposals regarding the access to personal files and the disclosure of the Securitate as political Police came quite early, when Constantin Ticu Dumitrescu, the President of the Association of Former Political Prisoners made an amendment to the Electoral Law in March 1990, asking for restrictions on former members of the Romanian Communist Party. The amendment did not pass. In 1992, after the first parliamentary elections in Romania, Constantin Ticu Dumitrescu initiated a Parliamentary motion banning any person, who during 1945-1989, had worked consciously as an informer for the Securitate, delivering notes and information about other persons, to be elected, or to maintain a state office or an administrative or teaching position. This motion was signed by 114 Senators and 200 Deputies and was discussed by the Parliament, and voted by a majority. The motion never came into force. Because of this, one year later, in 1993, Ticu Dumitrescu presented a legislative proposal with the same content. It was never discussed in the Romanian Parliament during 1993-1996. In the electoral campaign of 1996, the Romanian Democratic Convention (CDR) made a promise to reveal

the past. Many voted for the CDR because of this promise. It was the biggest issue separating the CDR from the other important candidate, the PDSR party.. In 1996 the Democratic Convention won both the general and the presidential elections. Emil Constantinescu, the candidate of the Democratic Convention had an incredible campaign, in which he promised the renewal of a political class, with no former communist officials and secrets agents among future politicians. The Romanians were swayed by all these promises and voted for a change. The general disappointment was as high as the hope invested in president Constantinescu when he announced that the new government wouldn't support a lustration law because such a legislative act would demonstrate the ruler's weakness, incompetence and incapacity to use the power given to them by people. Many voters felt betrayed and withdraw their support for the newly elected authorities. Between 1997 and 1999 the Democratic Convention collaborated with the Social Democrats in changing the essence of the initial law project presented by Constantin Ticu Dumitrescu.

USE OF SECRET SERVICE ARCHIVES

In 1999, a year before the general elections, the Romanian Parliament adopted Law No. 187/1999, on Access to Securitate Files and the Unveiling of the Securitate as a Political Police. The law has 26 articles that cover the following distinctive themes:

The right of any Romanian citizen to see his/her own files, and to find out the identity of the Securitate agents and collaborators who created and offered information present in that file.

The right of any Romanian Citizen, Romanian public institution, or NGO to know if those already appointed or running for certain public offices are agents or collaborators of the former Securitate and the obligation of all candidates for the named positions to give a certified declaration whether she/he worked as an agent or a collaborator for the Securitate, and if the nature of this involvement can be considered **political police**.

The law defines the terms:

- *political police* – all structures within the Securitate, created for the establishment and maintenance of the totalitarian communist power, as well as for the repression or limitation of fundamental human rights and liberties
- *Securitate agents as political police* – any person who had an operative position (formal position) within the Securitate (1945-1989), including those working undercover.
- *Securitate collaborators as political police* – persons who received money or any another benefits for his/her activity in this capacity, held a secret house or a meeting house for the use of the Securitate, was a *resident* (was not an agent, but conducted operative actions), and any other person who gave information to the Securitate, that affected, directly or indirectly, fundamental human rights and liberties. A notable exception is the information obtained during the investigation of political prisoners.

The National Council for the Study of the Securitate Archives (CNSAS), set up as an independent public institution, controlled by the Romanian Parliament, mandated to investigate the past of public officials and electoral candidates based on the secret files.

The law produced little effects because:

The law said nothing about the transfer of the archives from The Romanian Information Service (the intelligence agency) to the National Council for the Study of the Securitate. The Romanian Information Service had the right to deny access to those files that contained information concerning a “national security matter”. As the law did not specify what a “national security matter” is, the SRI acted discretionary and the files of post-communist politicians were kept under lock. The transfer of the files started in 2005 and according to SRI officials, most of the archive is now stored by CNSAS.

The law did not include any sanctions for politicians who chose to lie in their declaration.

At the time, the problem was not that evident, as the law stipulated any false declaration will be punished according to the Penal Code. An example of this is the case of Dan Voiculescu, at the time of the verdict, the leader of the Conservative Party and owner of the successful media Consortium, Antena 1. The CNSAS investigated his case in 2008 and gave the official verdict of collaborator of the Securitate in 2011. This also meant that Dan Voiculescu lied in his declarations (2004, 2008) by not admitting his liaisons with the Securitate. One month after the CNSAS verdict, the General Prosecutor was petitioned to send Dan Voiculescu to trial for false statement. To a general surprise, the prosecutor ruled that Voiculescu couldn't go to trial for false statement in his declarations. The explanation was simple. His act of lying had no legal repercussions. Of course, it was an immoral, but not an illegal gesture, as the Romanian Constitution has no provisions for vetting former Securitate agents and collaborators.

ATTEMPTS FOR LEGAL REGULATION OF LUSTRATIONS

Both civil society and public opinion were divided on whether a lustration law, almost 20 years after the fall of the communist regime, would contribute to the cleansing of the political scene. President Băsescu, elected in December 2004, publically declared his support for a lustration law, while Crin Antonescu, leader of the Liberal Party, said that a late lustration law would have no real effects in the Romanian society.

Despite the general believe that Romania would never find the tools to fight former communist activists and Securitate agents still active in politics and the economy, in 2006, the Romanian presidency and government showed the political will to condemn the political past. President Traian Băsescu publically condemn the communist regime in the Romanian Parliament (December 2006); The Institute for the Investigation of Communist Crimes started its activity (May 2006), and the government approved the Emergency Governmental Ordinance No. 16/2006, which expanded confession-based lustration in Romania and entrusted the CNSAS with the task of verifying personal statements signed by public office holders and detailing their past collaboration or non-collaboration with the Securitate. The final verdicts were to be published in the state gazette, *Monitorul Oficial*. A step forward was that if the verdict differed from the public

statement, the CNSAS had the authority to notify the courts, as the act of signing a false declaration is a legal offense, in the case of state representatives, punishable with the loss of public office.

According to the same Ordinance, any collaboration (not only as political police) with the Securitate of judges and prosecutors holding or seeking administrative leadership positions in the court system, or the prosecutor's offices, or elected to the Superior Council of the Magistracy, led to disqualification. This provision was in force from 2004, according to Law No. 303/2004, as well as Law No. 247/2005, concerning the professional status of judges and prosecutors. All three legislative acts affected only those appointed after the laws came into force (2005) and not those still occupying public offices, but appointed before. In practice, as the case Florica Bejenariu shows (judge elected to the Superior Council of the Magistracy; before 1989 she wrote 52 informative reports for the Securitate), the judicial system refused to apply this provisions.

One of the political leaders unveiled by the National Council as a former secret agent was Dan Voiculescu. He not only refused to apologize for his activity as secret agent of the Securitate, but contested the verdict and asked the Constitutional Court to review the constitutionality of the entire lustration legislation. In January 2008 the Court found Emergency Ordinance No. 16/2006 unconstitutional, invalidating all verdicts that the Council had handed down up to that moment, and threatened to shut down the CNSAS completely. IICCR researchers and other members of civil society joined CNSAS employees for public protest in support of the CNSAS and its activity. The government solved the situation by limiting the CNSAS mandate to storing secret documents and granting citizens access to their files, while transferring to the courts the right to decide who was (or was not) a former agent or collaborator of the Securitate.

A lustration law project was introduced in 2006 by four Liberal legislators, including Deputy Mona Muscă. After a lot of procrastination and political wrangling, in May 2010 the Chamber of Deputies adopted the proposal, while the Senate petitioned the Constitutional Court on its constitutionality. The Court agreed that lustration infringed the constitution by blocking some citizens' access to elected positions and failing to individualize guilt. As a direct consequence the law was modified only to include nominated public offices. The liberal-democrats also eliminated from the law any mention of the Communist Youth League leaders, as the Prime Minister at the time, Emil Boc, served as a Communist Youth League leader in Cluj County.

In February 2012, Mihai Răzvan Ungureanu, head of the External Information Service from 2007 to January 2012, replaced Emil Boc. Ironically, Ungureanu also served as a leader of the Communist Youth, from 1985 to 1989. The person chosen to replace Mihai Răzvan Ungureanu, as director of External Information Service, was Teodor Meleşcanu, an old school diplomat of the communist government. Soon, Romanian officials realized that the lustration law project also mentioned the vetting of communist diplomats. Subsequently this professional category was eliminated from the law.

The bill affected neither former Securitate agents who continued their activity as agents of the post-communist intelligence services (because their files were considered an issue of national security), nor those whose secret files mysteriously vanished, as in the case of presidents Ion Iliescu and Traian Băsescu, both important party leaders before 1989.

Romanians started to make jokes about the situation, saying that in its final form, the law will mention only Nicolae Ceaușescu and his wife, already dead in the Romanian Revolution.

The leaders of the Hungarian minority in the Romanian Parliament also asked for the law to include the removal of all communist prosecutors, but the proposal was rejected by the *Committee for legal matters* of the Parliament. A former political prisoner asked the Committee for a re-evaluation of the provision, offering as motivation, his own history of abuses perpetrated by communist prosecutors. In the end, the Parliament plenary adopted the amendment.

Besides the prosecutors, the law included persons who held remunerated political positions in the central and local structures of the Romanian Communist Party, full members and alternates of the party's Central Committee, ministers in the communist governments, and the directors of the publishing houses.

The law was adopted by the Romanian Parliament on 28 February 2012. Just a week later, on March 7 2012, the Constitutional Court, petitioned by the professional organizations of judges and prosecutors, found the Lustration Law unconstitutional. The project was dropped; in the last five years no other legislative initiative replaced it.

IMPLICATIONS FOR THE STATE AND SOCIETY

On March 29, 2012, the CNSAS elected a new leading structure. One of the members elected was Corneliu Turianu. Immediately, the civic organization Miliția Spirituală, responsible for revealing names of Securitate agents and collaborators, published an article showing that Corneliu Turianu, was a former member of the Romanian Communist Party, held leading political positions in the 1970s, as secretary of the party organization at one of the regional law courts in Bucharest and was responsible for the ideological and political training of the judges within Bucharest Tribunal. Andrei Muraru, a researcher at the Institute for the Investigation of Communist Crimes and the Memory of the Romanian Exile, and later president of the same institution, publicly accused Turianu for his communist past and asked for his vetting from the leading structure of the CNSAS. Corneliu Turianu accused Andrei Muraru of misleading the public and won. The judges pointed out that Andrei Muraru, in his declaration, placed Turianu as secretary of the party organization of the Bucharest Tribunal, and not of the regional law court, as mentioned

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in the documents. Turianu kept his leading position at the CNSAS until his death, in November 2016.

Without a lustration law, Securitate agents and collaborators, communist prosecutors and judges held positions of authority in key post-revolutionary Romanian Institutions.

Two excellent political scientists, Lavinia Stan and Raluca Grosescu, in their studies, showed that the Romanian Revolution resulted in elite reproduction, not elite replacement. The second echelon of the communist leadership (local leaders, Communist Youth League leaders, party members that held authority position in different economic structures) replaced the first echelon (namely the Executive Committee of the Communist Party). The historian Marius Oprea joins the two political scientists with his analysis on how the former communist officials and the Securitate agents are the big winners of the Revolution, representing the majority of new political and economic elites.

LESSONS LEARNT AND RECOMMENDATIONS

A quick overview shows that former communist officials and Securitate agents dominated the cabinets and the Parliament after 1990, 1992 and 2000. More recently, for the elections in 2012 and 2016, mass media campaigns revealed another troubling phenomena. Former communist leaders and Securitate officers have been replaced by active officers of the Romanian Secret Service, the successor of the former Securitate. The first three post-communist presidents, Ion Iliescu, Emil Constantinescu, and Traian Băsescu, seven of the nine prime ministers (Petre Roman, Nicolae Văcăroiu, Victor Ciorbea, Mugur Isărescu, Adrian Năstase, Emil Boc, and Mihai-Răzvan Ungureanu,) were drawn from the ranks of the communist state, party, economic, or student leadership. After 2012, the concerns regarding the communist past of the President and Prime Minister were replaced by scandals of corruption that reopened the discussion about the necessity of a real lustration process in Romania. The admission process to NATO and the European Union might have been an instrument to put real pressure on Romania to keep the newly established constitutional, political and economic structures. It seems, however, that the Western partners have come to terms with the reality of a geo-strategically important country, where ubiquitous security agencies have conquered the role of political king-makers. A central issue for the next years will be how to limit the growing power of this unelected ruling elite without affecting national and regional security.

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INVESTIGATION AND PROSECUTION OF THE CRIMES OF THE REGIME

STEFANO BOTTONI

This chapter analyzes the instruments the Romanian juridical system has adopted since 1989 to deal with the crimes perpetrated by different state agencies during the communist regime, and reconstructs the rugged path towards the establishment of a framework of legal regulation that would make possible the criminal prosecution of perpetrators and their political supervisors.

A JURIDICAL FARSE: THE CEAUȘESCU TRIAL OF DECEMBER 25, 1989

The first act of the transitional justice in Romania was the trial of Nicolae and Elena Ceaușescu on December 25, 1989. During and after the process, the entire responsibility for the multifaceted crimes committed throughout several decades in their modern repressive bureaucracy was directed on a single and highly symbolic target, the presidential couple. The personalization of the criminal past allowed many co-executors to avoid any civil and criminal liability.

On December 22, 1989 Ceaușescu and his wife fled the capital in a military helicopter but were captured and taken into custody by the armed forces. The idea of the public trial announced on December 23 by Ion Iliescu was quickly set aside. The jury was also chosen by the National Salvation Front (NSF). Two lawyers from Bucharest were called to “recite” the part of the office defense, respectively for Elena and Nicolae. The NSF’s choice to form an extraordinary military tribunal alleviated some of the normal procedural guarantees and was therefore functional in the hurry to liquidate the President, but this posed serious legal challenges.

First, Nicolae Ceaușescu’s repeated invocation of a judgment before the Grand National Assembly (GAN) was legally founded. Every member of the GAN was in fact protected by immunity and according to the 1965 Constitution was still in force, he/she could not be “stopped, arrested or sentenced in criminal trial without the prior approval of the Grand National Assembly during its sessions, or the State Council, in its sessions.” The GAN was also invested in the power to elect and revoke the President of the Republic, as well as controlling its actions. In strictly legal terms, Ceaușescu was right to raise this objection, because the GAN had not yet been officially dissolved.

Obviously, any reasoning for the legitimacy of the judiciary conflicted with the crude reality of the institutional limbo that culminated on December 25, with the execution of the presidential couple. The legitimacy of the NSF was, in fact, to be demonstrated, and the shape of the new regime was still in the forefront, because the NSF turned itself into the nation’s government on December 26. In that political void, the tribunal defined itself as “the people,” and proclaimed that it had formed a new power structure. The Ceaușescus, on the other hand, refused to recognize the tribunal and regarded their overthrow

as a foreign-directed “coup d’etat”, a thesis that would become popular after 1990 among former Securitate officers and opinion makers.

Even if one takes for granted that the military court was legally entitled to judge the case, a further contradiction emerges. Although Ceaușescu had proclaimed a state of emergency on December 17, authorizing the military courts to operate in an exceptional procedure, such circumstances could not rule out the regular celebration of the trial. The two office lawyers provided to Ceaușescu talked about their special client in the most despicable terms and did not provide the slightest defense, even reaffirming at every opportunity the guilt of the defendants. The behavior of the judge was also far from correct, as he began to apostrophise the deposed President as a “coward,” who had organized “orgies” and had worn “luxurious clothes”.

On the other hand, the crimes that had been challenged by the two Ceaușescus and confirmed by the judgment – genocide, usurpation of state power, acts of diversion and compromise of the national economy – were all largely unfounded, with the exception of the compromise of the national economy. The latter, in fact, found easy evidence (though not exposed in a story) in the disastrous condition of the Romanian economy, a direct result of the policies of Ceaușescu. The rest of the accusations would probably have been dismantled by any defender under normal circumstances. A further element that contributes to undermining the legality of the trial was the complete lack of an investigation phase: the charges of imputation therefore revealed all their fragility and improvisation. The accusation of genocide, in fact, was based on the number of victims of repression. These were calculated on the basis of unsubstantiated estimations of 12,000 casualties, in Timișoara, provided by East European news outlets, that had spread stories of torture, massacre of pregnant women and children, of mass graves, of attempts to sabotage nuclear power plants and aqueducts, of snipers refugee in underground tunnels, and of foreign terrorists. The tribunal therefore spoke of 64,000 casualties, which were purported to be a result of the orders of the former President, which would have allowed, at least theoretically, to speak of genocide. The indiscriminate repression of more than 60,000 people in a few days could have not been assimilated to a mass extermination, but the absence of the conditions for that charge was already evident at that time. It is not a coincidence that, in the subsequent trials of the suspects responsible for the victims of Timișoara, the original charge of “genocide” was transformed into “aggravated killings”.

The other two charges related to usurping of the powers of the state and of having committed acts of diversion held a strong symbolic value, but besides being inaccurate at the procedural stage, contained few legally relevant elements. The institutional system that converged on Nicolae Ceaușescu was in fact based on constitutional and legislative pillars, and in principle, was not the product of the abuse of power. If communist practices were found to be forbidden by the new power, they were rather

linked to the nomenclature which cynically exploited its privileged position. Ceaușescu's institutional architecture in Romania was not condemnable in terms of democracy and the rule of law, but the President's despotic role was written in clear letters in papers and statutes. Even in the case of the December 1989 events, Ceaușescu's behavior was morally despicable but legally unimpeachable. The President and Chief of the Armed Forces defended the power of what was seen by the threatened institutions as an attempt at subversion and sought, violently and unsuccessfully, to restore public order. The disputed diversionary acts are correctly referred to in article 163 of the Penal Code, which provided for the death penalty for such offenses.

To further undermine the legal validity of the trial, the death sentence was most probably written before the trial began. There was no room for any alternative to the condemnation, no one mentioned the possibility of appeal. There was no time span between the self-proclaimed prosecution and the shooting; the ten days provided for by the Code of Criminal Procedure for the referral to appeal, or the five days of grace before the deaths of the perpetrators were not expected.

EARLY TRANSITIONAL JUSTICE: THE ANTI-COMMUNIST TRIALS OF THE 1990s

Between late December 1989 and January 1990, the new provisional government abolished numerous measures of illegal character – like the infamous abortion ban – and “contrary to the interests of the Romanian people” ordered on December 30 the dissolution of the communist State security agency (*Departamentul Securității Statului*). However, the new government's activity soon raised serious doubts about the commitment of the authorities to decommunize. The 1965 Constitution was not formally abrogated: it was essentially forgotten and acted in an extra-constitutional space, at least until the decree of March 18, 1990, which entrusted the future parliament with the task of adopting a new Constitution. The Securitate was not dismantled, but merely integrated into the Ministry of Defense and subsequently renamed the Romanian Information Service (SRI). Thirdly, the allegiances of the Warsaw Pact were kept loyal, wiping out any doubts about the ideological position of the new rulers: reformism within a system of values that was inherited from the previous regime and that no one intended to question. Finally, the orders, the directives, the institutional restructuring, and the same appointments came entirely from the political body, the Council of the Front, that assumed full powers. The Council of the Front also gave itself the power of nomination and revocation of the government, definition of the electoral system, nomination of the Committee for Constitutional Reform, approval of the state budget, signatory of international treaties, declaration of State of war, and the power to introduce capital punishment.

In the first months after the victorious revolution of December 1989, the new transitional power allowed and even stimulated some attempts at giving justice to the casualties of the revolutionary period. Extraordinary military courts were set up nationwide according to a decree published on January 8, 1990. The machinery of justice began with an emphasis on the prosecution of so called “terrorists”, but their existence could not be proved and none of the supposed targets were brought to justice. A number of public trials took place in 1990–1991 against former

dignitaries and army officers, and although none of the trials showed the same disregard for fair juridical procedures as that against Ceaușescu, they nonetheless contributed to undermine public confidence in the judiciary, due to exaggerated charges that had to be later changed or even dropped.

The first of them concerned Ceaușescu's four closest aides: former Interior Minister Tudor Postelnicu, former deputy Prime Minister Ion Dinca, former RCP organization chief Emil Bobu, and former deputy PM Manea Mănescu. The four dignitaries faced accusation of complicity in “genocide” because of the orders issued to fire on peaceful demonstrators in December 1989. They were sentenced to life imprisonment, and all of their properties were confiscated. In March 1990, a series of proceedings that came to be known as the “Timișoara Trial” charged 25 Securitate and criminal police (*Miliția*) officers with complicity in genocide for the mass killings in Timișoara. The trial lasted almost two years, during which the charges were downgraded to aggravated murder and complicity in murder. When the sentence was passed, on December 9, 1991 only eight defendants were jailed with sentences ranging from 15 to 25 years. Six defendants were acquitted, one had died during the process, while ten defendants were convicted but subsequently pardoned or released for their time served in prison taken into account. By 1994, all the previously convicted persons for the Timișoara massacre had been released for different reasons. The same happened for the trial started in Bucharest against the members of the Political Executive Committee of the RCP in July 1990. Just as in Timișoara several months before, the initial charge of “genocide” had to be modified to instigation of aggravated murder. At the end of the procedure, only 9 out of 21 defendants received relatively mild sentences for “complicity in murder” and “negligence of duty”, and even those sentenced were soon liberated for health reasons. As Edwin Rekosh has shown in his analysis of the lustration process in Romania, the post-1989 trials shared the worst aspects of two contradictory political impulses. “They started as highly politicized show trials caught up in the hysteria of the moment, but in the end the concrete results were effectively subverted through indirect means, presumably due to political influence.”¹

Only the 1996 government change and the coming to power of the Democratic Convention made it possible for new, more professional and unbiased wave of trials. In 1997, military prosecutors brought to justice generals Victor Stănculescu and Mihai Chițac Athanasius as the main people responsible for the armed repression in Timișoara. In 2000, the generals were sentenced to serve 15 years in prison, but after a new political change, which brought back to power the postcommunist Social Democrats, the General Prosecutor of Romania made an appeal for annulment in 2001. The case was reopened and the defendants were released from custody. Finally, on October 15, 2008, the High Court of Cassation and Justice convicted the two generals to serve 15 years each in prison for involvement in the massacre of Timișoara. On March 2013, the European Court of Human Rights (ECHR) in Strasbourg compelled the Romanian Government to pay compensation of around 350,000 Euros to victims of the 1989 Revolution in Timișoara. “During these procedures, the examination of the case by the courts was repeatedly interrupted,”

1 Edwin Rekosh, Romania: A Persistent Culture of Impunity, in Naomi Roht-Arriaza, ed., *Impunity and Human Rights in International Law and Practice*, New York-Oxford: Oxford University Press, 1995, 134.

noted ECHR in its resolution, and “it took another eight years before the case file was settled”.

THE CASE OF FORMER MINISTER OF INTERIOR DRĂGHICI

It must be noted that although the victims of Romanian communism have to be numbered in the hundreds of thousands of arrested, deported or executed people, until very recently only four indictments laid by public prosecutors referred to crimes ordered or committed by communist dignitaries before those of December 1989 (the so called “revolution file”). On the one hand, the state did not take any action to investigate the killings or inhuman treatment committed in the interrogation cells of the Securitate or in communist prisons. On the other hand, the complaints lodged with the prosecutor’s office by the victims were investigated with a slowness equivalent to inaction. Certain criminal investigations were quickly stopped due to the death of incriminated persons, others were interrupted on the grounds of lack of evidence. In other instances, a combination of internal and external pressures stopped any attempts of justice. In August 1992, after former political prisoners had long asked to open a case against Alexandru Drăghici, former Interior Minister between 1952 and 1967, and one of the main men responsible for the mass repression of the Stalinist era and post-1956 period, the Romanian general prosecutor asked for Drăghici’s extradition from Hungary, where the former high-ranking dignitary had fled with his wife after the 1989 revolution. In 1993, Drăghici and three Securitate officers were accused of instigation and aggravated murder. However, the accusations did not make reference to political crimes, but to the shooting, in 1954, of an individual

having a personal conflict with Drăghici. Thus, the indictment did not refer to the role that Drăghici had played in repressing political opponents, but only to an act of personal abuse, which had no relevance to the political repression of the communist regime. The extradition request was rejected by the Hungarian authorities, which argued that the statute of limitation for this crime had expired. Drăghici died undisturbed in December 1993 in Budapest, although a Romanian court had found him guilty in another case of incitement to murder, and sentenced him *in absentia*.

LESSONS LEARNT

As shown well by Raluca Ursachi and Raluca Grosescu in their analysis of post-communist juridical practices of lustration, from a juridical perspective, the trials against former communist dignitaries in Romania after 1990 were based on the same legal framework of the time of the facts, according to the principle *nulle crimen sine lege*. The investigation of the various cases and their judgment in court were confronted in this context with a number of difficulties of juridical order, the major obstacles being: 1) the amnesty of certain crimes by presidential decree enacted at the end of Ceaușescu regime; 2) the statute of limitation; 3) the difficulty to frame these crimes and abuses as imprescriptible crimes as defined by the socialist Criminal Code. The extreme politicization of trials involving persons belonging to the former communist, and the social composition of courts that, where until very recent times judges and prosecutors whose career had started well before 1989, were in a dominant position, can also explain why the post-communist wave of trials failed to achieve the goal of providing justice for both communist crimes and the mass repression in December 1989.

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REHABILITATION OF VICTIMS AND COMPENSATIONS

LUCIANA JINGA

In terms of rehabilitation, Romania represents a special case in the former Soviet Bloc. Most post-communist countries passed rehabilitation laws in the early 1990s: Bulgaria and Czechoslovakia in 1990, Germany and Hungary in 1992, Albania in 1993.

Romania offered rehabilitation with considerably delay. The first law that annulled the communist-era convictions handed down on political grounds came in 2009, only to be declared unconstitutional and blocked. The compensation program, on the other hand, was one of the first measures taken by the first post-communist government, but provided mostly symbolic benefits and very little financial support.

SCOPE AND TYPOLOGY OF THE REHABILITATION

First of all rehabilitation of those convicted on political grounds is a symbolic gesture that speaks itself about the abuses of the communist courts. Second, after December 1989, many former political prisoners were asking for rehabilitation for practical reasons. They needed a clean record in order to occupy public positions or to get a travel Visa. Access to the public system jobs still had the condition of a clean record by Romanian authorities. In the eyes of Romanian society, political prisoners were no better than any other convict. Colleagues, neighbours, and even family members were reluctant to associate with them.

LEGAL FRAMEWORK OF THE REHABILITATION AND THE COMPENSATION PROGRAM

DECREE-LAW NO. 118/1990

In 1990, Romania adopted Decree-Law No. 118, regarding some of the Rights for People Persecuted for Political Reasons during the Dictatorship Installed in Romania on the 6 March 1945, which covered those who were displaced, deported, imprisoned, abused in psychiatric institutions, or confined to a particular place of residence by the communist courts or the Securitate, if the measure was taken as a means of political persecution. The Decree-Law provided symbolic financial compensation for each year of imprisonment (200 lei) or displacement endured, free medical assistance and medication, free use of public transportation, and means and income tax exemptions. Here it is important to stress that a larger category of persons (retired persons for example) benefited from similar measures. The time spent in prison, labor camp, or obligatory residence was recognized as working time for pension purposes. Those who spent time in prison or psychiatric wards could count towards their state pension, both the time period and the time they could not work because of the invalidity resulting from imprisonment. When calculating pension rights, each year of persecution counted as eighteen months. These rights

extended to persons who could not work because the Securitate monitored them for some political reason. The victims' living relatives could claim small pension rights as successors. Local commissions consisting of representatives of the Ministry of Labor and the Association of Former Political Prisoners decided which former victims could qualify for these rights. The decision could be appealed within fifteen days after notification of the claimants.

Individuals who were convicted for crimes against humanity or who were proven to have conducted fascist activity within an organization or movement could not enjoy reparations granted through this law. This is an important distinction which was maintained in other laws and in judiciary practice as well.

Until 1996, the Social Democrat government continued to deny the criminal character of the communist regime and refused to raise compensation to more meaningful levels, and adopt the rehabilitation law

EMERGENCY ORDINANCE NO. 214/1999

Emergency Ordinance No. 214/1999, repeatedly amended between 2000 and 2015, also provided reparations to the victims of the communist regime. Based on this legal document, those persons who were convicted for crimes committed for political reasons or subjected to administrative abuse, as well as individuals who participated in activities of armed opposition or forced the overthrow of the communist regime between 1945 and 1989 were entitled to be granted the status of "fighter in the anti-communist resistance". According to article 2 of this law, the main acts which could qualify as crimes committed for political reasons are protests against the communist dictatorship and its abuses, the support for pluralist and democratic principles, propaganda for the overthrow of the communist social order, armed opposition against the communist regime, and respect for human rights and fundamental freedoms. The status of "fighter against anti-communist resistance" is granted by a committee formed by representatives of the Ministry of Justice and the Ministry of Administration and Interior, as well as representatives of the Association of Former Political Prisoners in Romania. The holders of the "fighter against anti-communist resistance" status benefited by receiving restitution of confiscated goods and rights provisioned by Decree-Law No. 118/1990. Again, the title was not granted to members of the far-rightist Iron Guard movement. Law No. 568/2001 extended these benefits to those who engaged in armed fighting against the regime during the 1945–1964 period or who were expelled by the communist regime from schools and universities on political grounds. The consequences of the two laws remained minor as the additional benefits were mostly symbolic. More than that, the ordinance was applied differently across the country, generating a series of discrepancies between former victims who had similar cases but resided in different localities.

1990–2009 – REHABILITATION ON INDIVIDUAL BASIS

For two decades the Romanian post-revolutionary governments passed no measures regarding the rehabilitation of former political prisoners. The rehabilitations were decided on an individual basis at the discretion of the prosecutor general, who could invoke an appeal to the court of last resort (recurs în anulare). This procedure allowed a political figure appointed by the executive to overturn definitive court orders. The prosecutor general used the procedure to block both the return of property awarded by the courts, and also to challenge the legality of the criminal and administrative court verdicts handed down before 1989. Another possibility of obtaining rehabilitation was to convince the courts to reopen the case. Former political prisoners, however, did not use this legal solution because of the time, money, and time consuming procedure. What they wanted was for the state to recognize its past mistakes and grant rehabilitation automatically.

In 2000, sixteen former political prisoners condemned to forced labour by the communist courts from 1951 through 1954 were rehabilitated and their jail sentences were annulled, but the procedure remained discretionary

LAW NO. 221/2009

In 2009, the Romanian Parliament passed Law No. 221/2009 on the Politically Motivated Convictions and Administrative Measures Handed Down from 6 March to 22 December 1989. The project was initiated in 2007 by the historian Marius Oprea, the first president (2005–2010) of the Institute for the investigation of Communist Crimes and the Memory of the Romanian Exile, Constantin Ticu Dumitrescu, head of the Association of Former Political Prisoners, and Minister of Justice, at the time, Monica Macovei. The law rehabilitated all persons sentenced for political reasons by communist courts to jail, forced labor, or forced domicile on the basis of criminal code stipulations, communist laws, and administrative measures that condemned acts of dissidence and opposition, armed or unarmed. The law extended to persons who had already benefited from Decree-Law No. 118/1990 and Government Ordinance No. 214/1999. All abusive court sentences were annulled and erased from all records. In addition, within three years of the law's adoption, politically persecuted persons, and their descendants, could apply to the Romanian state for compensation of moral damages for the time spent in prison and for property lost in abusive confiscations that accompanied the court sentences to jail, forced labor, or forced domicile. Persons who had been demoted to an inferior army rank could also ask for the reversal of that decision. As in the case of previous legislation on rehabilitation, these advantages did not extend to the “persons condemned for crimes against humanity, and those who had promoted racist and xenophobic ideas and doctrines that encouraged hate or violence toward ethnic, racial or religious groups”, mostly referring to members of the Ion Antonescu regime and the Iron Guard. According to the law, a crime had a political nature, if the person expressed opposition or protested against the totalitarian regime, had an affiliation with democratic principles by protesting against the communist dictatorship, the communist ideology, the abuse of power by those who held the reigns of the country, supported principles of democracy and political pluralism, participated in propaganda that was aimed to revert the social

order to democracy, used weapons to eliminate the representatives of the communist regime by force, respected human rights and liberties, or eradicated communist discriminatory measures grounded in religion, political opinion, wealth, or social origin. The political nature of these convictions had to be assessed by the court, because communist sentences rarely mentioned the political opinions of the accused or the country's political situation.

As in the case of the previously discussed law, article 7 mentions that the provisions of Law No. 221/2009 are not applicable to persons convicted for crimes against humanity or for carrying out racist, xenophobic or anti-Semitic propaganda. This specification is important as it allows us to ascertain that the political nature of a conviction is determined by the reason for the conviction, and not only by the conviction's legal grounds. While most claims were rather small, a handful of them reached hundreds of thousands of Euros. For the government, already facing a global financing crisis, it became evident that the total sum of claims could seriously burden the national budget and decided to put a cap on the amount of compensations, by the Ordinance No. 62/2010.

One month later, an Romanian Ombudsman challenged Ordinance No. 62/2010 in the Constitutional Court, arguing that it violates provision regarding equality of rights stipulated by article 16 of the Constitution. Basically, the Ombudsman pointed out that the ordinance establishes differential legal treatment between persons who have already had a final decision based on Law No. 221/2009, and persons whose requests had not been settled at that moment. The Constitutional Court acceded to this perspective and ruled that the provisions of Ordinance No. 62/2010, which established thresholds for compensations, are contrary to Romanian fundamental law. Furthermore, the Court considered that the application of the ordinance to situations in which there is an undefinitive judgement, in the first instance, also violates the principle of non-retroactivity, stipulated by article 15 (2) of the Constitution.

However, on 21 October 2010, The Constitutional Court settled the objection of nonconstitutionality raised by the Ministry of Public Finances, in the Tribunal of Constanța with several files regarding the application of Law No. 221/2009. The Court found that there are two legal norms which provision allows for the allocation of money to persons persecuted for political reasons by the communist dictatorship, namely Decree-Law No. 118/1990 and Law No. 221/2009. As Decree-Law No. 118/1990 established the conditions and the value of the monthly compensation, a second regulation with the same objective infringes on the supreme value of justice proclaimed by article 1 (3) of the Constitution. Furthermore, the parallel regulations regarding these types of compensations also infringe on article 1 (5) of the Constitution regarding the mandatory observance of laws. As a consequence, the Court declared as unconstitutional article 5 (1) (a) thesis one, according to which the state is obliged to allocate compensation for moral damages caused by political convictions.

Furthermore, the ruling of the Constitutional Court is also relevant regarding the nature that reparations have in the Romanian legislation. According to this decision, the objective of compensations for moral damages suffered by the victims of the communist regime is not the restoration to the situation before the gross violations of human rights law occurred. The aim is rather to produce a moral satisfaction through the acknowledgement and

condemnation of measures which violated human rights. Furthermore, the Court considered that the obligation to allocate compensation to persons persecuted by the communist regime has only a moral nature. This view is motivated by the Constitutional Court, through several rulings of the European Court of Human Rights, which found that the provisions of the European Convention on Human Rights do not impose on member states specific obligations to repair injustices or damages caused by previous regimes.

SOCIAL SATISFACTION

According to some voices, approximately one million Romanians could have benefited from the provisions of Law No. 221/2009. However, by the time the law was passed the number of political prisoners still alive had quickly declined. In September 2010 there were 174 cases in which the courts handed down definitive decisions awarding compensations in virtue of Law No. 221/2009. The courts awarded compensation packages ranging between 300 and 1 million euros.

One of the arguments in favour of the law was that another important category of victims, the victims of and participants in the 1989 revolution, had already benefited from Law No. 341/2009 that granted substantial benefits including monthly compensation of 3,672 Lei (equivalent to 900 euros) for those disabled during the events, and 2,200 Lei (500 euros) for the participants and the their surviving relatives, as well as free housing, public transportation, access to public cemetery plots, and access to public crèches and kindergartens for their children.

After Law No. 221/2009 came into force, several former political prisoners asked the Romanian government for reparations proportional to the time they spent in communist prison and the suffering they endured.

One of the beneficiaries was Ion Diaconescu, politician and former political prisoner, who was awarded 500,000 Euros by the Bucharest Tribunal in June 2010. Following this groundbreaking decision, the Romanian Government issued Emergency Ordinance No. 62/2010 to amend Law No. 221/2009 and established a threshold of 10,000 Euros for the compensation of the convicted persons, 5000 Euros for the husband / wife and first grade descendants and 2500 Euros for second grade descendants.

The law also included among the beneficiaries, persons persecuted for their participation in the 1987 workers' protests in Braşov, who were assigned forced residences, were relocated to other towns, or were deported.

It is important to stress that according to that piece of legislation, no other group of communist-era victims qualified for that series of advantages, including the miners who participated in the 1977 protests, which were very similar to the events in Braşov 1987. This law also made no reference to other categories of victims, such as the women that suffered or died as consequence of the pronatalist law, the children that suffered and died in the homes for "unrecoverable minors", or those committed to detention centres for minors. The exclusion is odd, taking into consideration that Marius Oprea, the most vocal initiator of the law, as President of IICCR, supervised a team of researchers that documented these situations.

ORGANIZATIONS OF FORMER VICTIMS

THE ASSOCIATION OF FORMER POLITICAL PRISONERS IN ROMANIA (AFDPR)

The first, and still most representative organisation of the former political prisoners created on the 2nd of January 1990, is Asociația foștilor deținuți politici din România, The Association of former political prisoners in Romania. It was formed for the expressed purpose of seeking reparations for the suffering of its members. The initiative group included well known former political prisoners like Constantin Dumitrescu, Radu Ciuceanu, and Constantin Lățe. In December, the organisation reached 120,000 formally registered members and 41 national branches. The headquarters was established in Bucharest, and the first Congress of the AFDPR was in October 1990, in the presence of 600 active members, who elected Constantin (Ticu) Dumitrescu as president of the organization. This event also marked the first official split between the founding members, which resulted in the expulsion of Radu Ciuceanu. 1995 represented a second turning point of the organization. With the support of the The Christian Democratic National Peasants' Party, a group organized around Cicerone Ioanițoiu, they left the AFDPR. The Congress, held the same year, reaffirmed the unity of its members and confidence for the historical leader, Constantin (Ticu) Dumitrescu. As president of the Association of Former Political Prisoners, his initiatives touched on all the important aspects of Romanian transitional justice. The first major breakthrough was the rehabilitation of former political prisoners (Law No. 118/1990). Subsequently, in 1991, he addressed a criminal complaint against those responsible for the crimes of the totalitarian regime. In 1993, he initiated what later become the Ticu Law (Law No. 187/1999 on Access to the Securitate Files and the Unveiling of the Securitate as a Political Police). His last important initiative was the 2007 law project concerning the legal redress for those who received politically motivated convictions, and the administrative measures from 6 March 1945 to 22 December 1989, adopted as Law No. 221/2009, a year after his death.

His successor Octav Bjoza was re-elected for a new mandate until 2019. In 2012 the social democrat government appointed him as honorary ambassador for the European Union, and since 2014 he has been head of the State Office for acknowledging the merits of those who fought the communist regime in Romania. The same year he was decorated by the Romanian President Klaus Iohannis. Recently, Octav Bjoza teamed up with Radu Ciuceanu, the director of the Institute for the National for the Study of Totalitarianism and other representatives of former political prisoners, against Law No. 217/2015 (on the ban of organizations and symbols of fascist, racist or xenophobic character and of the promotion of the cult of people that are guilty of crimes against peace and humanity), by questioning the fascist nature of the Romanian Legionary Movement.

OTHER NATIONAL OR LOCAL ORGANISATIONS OF FORMER POLITICAL PRISONERS

Federația Română a Foștilor Deținuți Politici și Luptători Anticomuniști/ The Romanian Federation of Former Political Prisoners and Anti-Communist Fighters, or Fundația Luptătorii din Rezistența Armata Anticomunista/ the Foundation

“The Fighters in the Armed Anti-communist Resistance”, although an active part in the public actions of former political prisoners remained in the shadow of AFDPR.

ICAR FOUNDATION

Another important organisation is the ICAR Foundation, created in 1992, which provides medical, psychological, legal, and social rehabilitation services to survivors of communist-era political persecution and gross human rights abuses. ICAR is the only organization in Romania that has set out and implemented such a program. It helped to establish 2 other rehabilitation centres that offer a various range of rehabilitation services to victims of serious human rights abuses (such as arrest, condemnations on political, ethnical or religious ground, deportation, exploitation, extermination in concentration camps, torture, inhuman or degrading treatments) among former political prisoners and their immediate families either by in-house services or by referral to external professional networks.

OUTCOMES OF THE LAW NO. 221/2009

NEGATIVE

The National Council for the Study of the Securitate Archive and the Institute for the Investigation of Communist Crimes, the two institutions that could provide the documents and legal assistance to former political prisoners, were quickly overwhelmed by petitions from potential beneficiaries, but also from the courts who asked them to acknowledge their rights. In March 2012, the total number of such requests for the CNSAS reached 11.000, the IICCMER had less than 20 researchers who had to solve another 2.000 petitions.

Former political prisoners denounced the stipulations of the law that required them to go to court to find justice. The law recognized as political in nature only the convictions expressly included among communist laws and criminal code provisions after 1964, that were listed in article 1.2, and asked the courts to demonstrate the political character of all other convictions. The law obliged political prisoners who received non-political sentence, usually charged with petty crimes, to petition the courts to have their rehabilitation rights recognized. A category particularly problematic concerned those committed to psychiatric facilities, and literally, forgotten by the system and their families. Despite the existence of Securitate records on their names, without medical documentaion, the courts, in many cases, did not granted any reparation packages.

Emergency Government Ordinance No. 62/2010 limited moral damages for political imprisonment to a total of 10.000 Euros for victims, 5000 Euros for their spouses and children, and 2500 euros for their grand-children. It was assumed that the victims who received reparations through Decree-Law No. 118/1990, Emergency Ordinance No. 214/1999 and Law No. 568/2001 qualified for lower compensation levels than the victims who had received no support prior to 2010, whereas victims who had suffered for longer periods of time and from more serious human rights violations were entitled to higher compensation levels.

In November 2010 the Constitutional Court invalidated Emergency Government Ordinance No. 62/2010 and Law

No. 221/2009. This decision blocked the reparations program and reversed compensations to the meagre levels in force prior to the adoption of Law No. 221/2009.

The quick and unexpected evolution of the situation generated confusion among potential beneficiaries and divided former communist-era victims into three categories: 1) those to whom court decisions handed down between the adoption of Law No. 221/2009 and Emergency Ordinance No. 62/2010 who were awarded unlimited reparations, 2) those to whom court decisions handed down between the adoption of the Emergency Government Ordinance No. 62/2010 and the Constitutional Court decisions of 2010 granted reparations not exceeding the equivalent of 10.000 Euros, and 3) all other victims who either did not aske for compensations or in whose cases the courts were unable to reach a decision by late 2010 (the vast majority). The Small Judicial Reform of November 2010 scrapped the possibility of contesting restitution verdicts at the Supreme Court with a second appeal. Different appeal courts gave different solutions to similar restitutions cases, adding more frustration to former victims.

The total number of communist-era victims who have asked for reparations and rehabilitation remains unknown. According to the Ministry of Work and Social protection, the total number of communist era victims that received compensations decreased from 63.259 in 2009 to 54.378 in 2013. According to the AFDPR, in 2014, 30.000 wives and descendants entitled to compensations, 20.000 persons deported, and 3000 former political prisoners were still alive.

The court practice shows that the vast majority of requests were for restitution, which implies rehabilitation as first step, and very few asked for rehabilitation alone. Because of the considerably delay; only a small fraction of the former political prisoners were still alive and could benefit from it.

The compensation program, although one of the first measures taken by the first post-communist government, provided mostly symbolic benefits and very little financial support. The Law No. 221/2009 that was meant to expand the compensation scheme produced effects for less than 12 months and was quickly replaced by other less favourable legislative measures. But not even the less favourable Emergency Ordinance No. 62/2010 produced effects because, both legislative stipulations were soon declared unconstitutional and blocked.

The rehabilitation law come into force two decades after the fall of other communist regimes. Because of the considerably delay; only a small fraction of former political prisoners were still alive and could benefit from it.

The associations of victims are pushing for a historical reconsideration of the fascist nature of the Iron Guard. This would increase the number of possible beneficiaires but by default is raising public notoriety of the Romanian extreme right extremists.

POSITIVE

In 2014, the leaders of the Liberal Party initiated a law project to raise the monthly amount of compensations, from 200 lei to 400 lei (90 Euro). The law passed in February 2015.

In 2014, the Romanian Government transformed the former State Office for the victims of and participants in the December 1989 revolution to the State Office for the acknowledgement of merits for those who fought the communist regime in Romania between 1945–1989. This State Office is organised as public institution,

subordinated to the Government, has a clear objective to initiate new legislation and to coordinate the application of current Romanian legislation regarding the rights of the revolutionaries of December 1989, the fighters of the anti-communist resistance, but also persons that suffered after participating in the 1987 anti-communist events of Braşov. The exact categories concerned by the activity of this institution are those described by Law No. 341/2004, Law No. 221/2009 and the Decree-Law No. 118/1990.

The institution is organised as a link between the associations of victims and the Romanian public authorities, both at local and central level. Besides the legislative responsibilities, other objectives include:

- Financing programs initiated by the anti-communist fighters or by associations of victims,
 - Elaborate studies in order to identify sustainable financial resources for the programs initiated by the anti-communist fighters or by associations of victims,
 - Insure the creation and administration of a national data base of all the anti-communist fighters;
 - Offer support to all the associations of victims in organizing national and international events.
 - Initiates memorialisation programs and projects.
- The Current head of the State Office is Octave Bjoza, the president of AFDPR.

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EDUCATION AND PRESERVATION OF SITES OF CONSCIENCE

ȘTEFAN BOSOMITU

During the communist era, the memorialization practices excluded everything that had any connection with the old regime, favoring a new typology of symbols that advocated the communist party's policies and ideals. City and street names were changed, and places that had connections with the short but eventful history of the communist party became places of memory – such as Doftana prison (an important penitentiary where communists were incarcerated on political grounds during the inter-war period), and the Tg. Jiu Camp (a concentration camp where several communist party members were detained during World War II). The situation reversed with the fall of the communist regime in 1989. The transition period involved a set of practices that were supposed to mark the end of the dictatorship and the total disavowal of a dictatorial and traumatic past – renaming localities, public squares, streets, institutions by replacing the names of former communist leaders with new ones dedicated to the fight against communism and democracy. In this respect, special attention was granted to former repression sites – as places of memory that marked the resistance and the struggle against the dictatorship. Thus, several projects intended to commemorate the communist past ensued, most of them related to different sites that illustrated the traumatic existence during the late regime.

From this perspective, the Romanian case presents some curiosities. The first initiatives emerged and developed from civil society, as the political power installed after the fall of the Communist regime failed to engage in the unfolding of the traumatic experience of communism. These unofficial initiatives marked a turning point that prompted, and later influenced, official advancements in the field. Still, the major and the most important project requested and advanced by civil society is still unfulfilled – as of today, a Museum of Communism in Romania is nothing but a project. In the same respect, educational projects related to the traumatic past tend to suggest a similar pattern. Even if important steps were made, and significant projects implemented, the overall image remains confuse. As will be explained, the impact of these projects is inconclusive, while a new generation of nostalgia for the communist regime proliferates.

The first initiative that intended to curate and memorialize communism as a traumatic past occurred in early 1990's, and it was an unofficial enterprise, introduced by civil society. Ana Blandiana, poet and former dissident, president of the Civic Alliance, at that time, advanced the idea of founding a Memorial dedicated to the victims of communism. The Memorial for the Victims of Communism and to the Resistance was established in 1993, as an initiative of the Civic Academy Foundation (*Fundația Academia Civică*). The Memorial consists of an International Center for Studies in Communism, based in Bucharest, and a Memorial Museum, established in 1995, within the precinct of the former prison of Sighet; a small town in North-Western Romania. The project of the Memorial was submitted to the Council of Europe in 1993 and, after two field visits by the CE

experts, the Memorial was taken under the aegis of the Council of Europe in 1995. The Memorial Museum was inaugurated in 1997, when the Romanian authorities recognized the Memorial as a *site of national importance*. One year later, the Memorial was recognized as a “site of conscience” by the Council of Europe, along with the Auschwitz Memorial, and the Peace Memorial in France. Even if initially, the Memorial Museum focused mainly on the traumatic history of the Sighet penitentiary during Communism, the curated themes evolved, and were supplemented over the years; thus, nowadays, the Memorial Museum intends to offer a comprehensive overview on, the history of Central and Eastern Europe under Communism, the establishment of the Communist rule in the Soviet Bloc countries, the Stalinist terror, the 1956 events in Poland and Hungary, the “Prague Spring” of 1968, and the history of “Solidarność” in Poland.

Since 1998, the Civic Academy Foundation organizes each year a summer school dedicated to students aged 14–18. In this event, the former prison becomes a non-traditional classroom where youngsters have the opportunity to learn about different aspects related to the communist past. The students attend conferences and seminars introduced by prominent historians, participate in round tables and debates, and visit the thematic exhibitions presented during the summer school.

Another important actor of the civil society that launched several projects related to the traumatic communist past is the Association of Former Political Prisoners (AFDPR). Founded in January 1990, the Association gathers former political prisoners, deportees, and other persons who suffered different types of persecutions during the communist regime. The Association is organized as a central organization, based in Bucharest, with subsidiaries in every county. Since 1990, AFDPR initiated the largest and most important “memory project”, erecting more than seventy-five monuments dedicated to the victims of communism, and posting several other marble plaques in places considered to be sites of memory and consciences related to communist repression. Such monuments and/or marble plaques were constructed adjacent to famous political prisons or labor camps: Aiud, Gherla, Târgșor, Poarta Albă, Căvnic, Pitești, Miercurea-Ciuc. Other monuments were erected in villages where armed resistance fighters fought Securitate troops, and in villages where uprisings occurred against collectivization: Teregova, Caransebeș, Sâmbăta, Nucșoara, Răstolnița, Ibănești, Mesentea, Oravița. Moreover, monuments dedicated to the struggle against communism were also constructed in different towns and cities around the country: Alba-Iulia, Bistrița, Brăila, Cluj-Napoca, Craiova, Cugir, Călărași, Drobeta Turnu Severin, Oradea, Râmnicu Vâlcea, Reșița, Satu Mare, Târgoviște, Timișoara. Two monuments were also erected abroad, in Paris and Thonex (Geneve).

Another important project launched by the AFDPR is the monument dedicated to anti-communist resistance recently assembled in a central public square in Bucharest. Initiated in 1997, the project was only finalized in May 2016, when the 30

meters high monument “Wings” was inaugurated. The monument was built on the place where a statue of Vladimir Illich Lenin used to rise during the communist regime. The statue was removed in 1990 (not by the authorities, but through a private initiative) with applause from the crowd. The granite pedestal of the Lenin statue was recuperate in 2014 and used for the pedestal of the new monument; as a historical reparation, this intended to exorcise Romanian society from the evil of the communist dictatorship.

The existence, and activity, of the Sighet Memorial, supported by the continuous efforts and advancements of the AFDPR, preceded and anticipated the official condemnation of the communist regime as “criminal and illegitimate” (December 18, 2006). The condemnation was based on an official and comprehensive report compiled by several experts that formed the Presidential Commission for the Study of the Communist Dictatorship in Romania.

The official report, compiled by the Presidential Commission, included several recommendations related to issues such as condemnation, memorializing, legislation and justice, research and archives, and education. The recommendations related to the need to memorialize the traumatic communist past referred to establishing a National Day for the Commemoration of the Communist Victims, the erection of a Monument of the Victims of Communism in downtown Bucharest, the establishing of distinct sections dedicated to the “communist horrors” within history museums in the country, the establishment of a Museum of the Communist Dictatorship in Romania, the organization of conference series within the major Romanian universities, discussing themes related to the Communist past, the review of the final report within an abridged and adapted to didactic purposes form, in order to be used as a high school textbook. The recommendations also stated the need to institute twelve presidential scholarships, to be awarded to young researchers interested in the study of the communist past.

Simultaneously with the presidential initiative, another similar initiative was instituted, but by the Government. This parallelism was due to the political rivalry between the President Traian Băsescu (member of the Democrat Liberal Party) and the Prime Minister Călin Popescu Tăriceanu (member of the National Liberal Party). The above-mentioned parties ran together in the 2004 elections, as a coalition and managed to defeat the Social Democrat Party with a powerful anti-corruption and anti-communist discourse. In once, of the disputes between the President and the Prime Minister, both institutions tried to capitalize on the major theme of the electoral campaign – anticommunism. The Institute for the Investigation of Communist Crimes and the Memory of Romanian Exiles (IICCMER) is a government organization founded in December 2005. Formerly named the Institute for the Investigation of Communist Crimes in Romania (IICCR), the institution was created when governmental ruling 1724/2005 was passed. The merger in November 2009 between the latter (IICCR) and the National Institute and Memory of Romanian Exiles (INMER) represents its current form. The objectives of the Institute include, but are not limited to, investigating and identifying human rights violations and abuses during the dictatorship, providing appropriate resources for those wishing to take action in such cases, preserving the memory of the Romanian exile, and of the crimes, which had transpired during the regime in all former communist countries. Since its foundation, IICCMRE became one of the most important institutions

that dealt with the communist past, introducing and promoting several memorialization and educational projects.

The “Prison of Silence” Memorial in Râmnicu Sărat and the Educational Centre on Communism in Romania are two of these projects. IICCMRE aims to transform a former place of isolation into one of reflection about the criminal nature of Communism. The prison in Râmnicu Sărat had operated for several years as a transit point for political prisoners who were being transferred to other detention centers to serve their sentence. A series of representatives of political parties, clergymen, as well as other unwanted persons were incarcerated for longer periods of time in “The Prison of Silence”. Among the most famous prisoners were former leaders of democratic parties. In June 2007, IICCMRE took over the administration of the former prison in Râmnicu Sărat and initiated a series of actions destined to raise awareness among policy makers, and inform the public about the commemorative value of the site, but also aiming to reach practical solutions in regard to the restoration of the building that is now in an advanced state of decay.

Another important project developed by IICCMRE was the establishment of a Museum of Communist Crimes in Romania. According to IICCMRE, the necessity of such an initiative lays in the low levels of interest about the recent past among the younger generation and the pedagogical challenge of transmitting historical data. Moreover, such an undertaking concerns the process of strengthening the rule of law by offering a more detailed knowledge of the mechanisms of an arbitrary state rule. IICCMER undertook numerous actions in order to raise awareness for the necessity of founding a Museum of Communist Crimes in Romania (MCCR), such as the campaigns *The Right to Memory*, *The Reasons for Building a Museum of Communism in Bucharest*, organized in partnership with the Romanian Television, and the debate for *The Right to Memory. The Museum of Communism in Romania* aired for four months on Adevărul LIVE, the online platform of the most popular Romanian newspaper. An international workshop was also organized to gather and analyze the rationales behind building the MCCR in Bucharest.

Beside these museum projects, IICCMRE organizes various educational programs for secondary school pupils, college students, and teachers: summer schools (e.g. The Summer University from Râmnicu Sărat and Făgăraș-Sâmbăta de Sus Summer School), as well as workshops, seminars, competitions, conferences, exhibitions and other events dedicated to young people from Romania and abroad. The IICCMRE’ educational activity is focused on professional cooperation with schools and institutions of higher education, in order to enrich the supply of pedagogical materials and facilitate the teaching of recent history. Considering the lack of both curriculum and handbooks dedicated to the history of communism in Romania, IICCMRE sought to become a lobby agent for the implementation of an adequate program of study on Romanian communism. In July 2008, in response to IICCMRE’s recommendation, the Ministry of Education drew up the syllabus for an optional course entitled “A History of Communism in Romania”. The same year, IICCMRE in collaboration with experts from the Advisory Presidential Commission for the Study of the Communist Dictatorship in Romania, the National Council for the Study of the “Securitate” Archives, and the Ministry of Education, published a first textbook on communism in Romania; a first such initiative at the European level. The textbook offers a package of lessons related to communism during the interwar, the taking over of

power, state institutions, the destruction of civil society, political repression, the economy, private life, resistance and dissidence. In 2008, IICCMRE launched a methodological teacher-training program, which intended to promote specific teaching methods in the area of the history of communism. These trainings were based on school curriculum and the didactical materials put at their disposal by the Ministry of Education.

Another important educational project implemented by IICCMRE refers to a MA program on Communist studies. Initiated in collaboration with “Al. I. Cuza” University of Iasi, a MA program on the “History of Communism in Romania” was launched in 2008. The partnership between the two institutions also involved the founding of a Center for Communist and Post-Communist Studies in Iasi. The program was dismantled in 2014, due to the lack of interest from both students and the university administration. In 2014, a similar program was launched through an initiative by the Faculty of History, University of Bucharest. The MA program in Bucharest is still functional.

The collaboration between IICCMRE and the Advisory Presidential Commission for the Study of the Communist Dictatorship in Romania, and their lobbying towards the authorities led to another important advance related to the memorialization of the communist past. Law No. 198, which passed on November 11, 2011 established that August 23 became the National Day for the Commemoration of the Victims of Fascism and Communism, while December 21 became the National Day for the Memory of the Communist Victims in Romania.

Besides the state founded initiatives, several private projects that in the recent years aimed to memorialize communism were launched. An interesting fact is that all these memorialization projects doubled by educational initiatives.

An important initiative was linked with a preeminent former prison – Jilava. The prison started to function at the beginning of the 20th century, within the precinct of a former military fort; part of a defense belt built around Bucharest in the 1870's. The Jilava Fort 13 became one of the most important prisons in Romania in the 20th century, being decommissioned only after the fall of the communist regime. Several official and unofficial initiatives attempted to transform the former prison into a museum or a memorial. The most recent one was promoted by the Association of the Former Political Prisoners (AFDPR), and the Romanian Foundation for Democracy – a NGO managed by the former President Emil Constantinescu. In 2013, the former prison administration was transferred from the National Administration of Penitentiaries to the Ministry of Culture, with the explicit task of inaugurating a memorial to the victims of communism. The project of the Jilava Fort 13 Memorial was thus launched as an initiative of the Romanian Foundation for Democracy, with the support and the assistance of the Association of Former Political Prisoners, and the Institute for the Investigation of Communist Crimes in Romania. Further collaborations were also initiated, the most important one was with the Ministry of Education. As a result, in 2016, an educational pilot center was established within the precinct of the former prison – the Center for the Study of Recent History in Romania. The educational pilot center is aimed at high school and college students, and provides a space equipped with IT and multimedia devices. From an educational point of view, this project intends to capitalize on the long and complex history of Fort 13 Jilava, which is a place of memory, representative of the 20th century, with all the horrors of totalitarianism. According to a press release, “the educational

approach is primarily aimed at young people who are obliged not to forget history and keep alive the memory of those who have paid with their life and freedom, and for their courage to face the abuses and crimes of the communist dictatorship”.

Another similar initiative is related to the Pitești prison. Established in 2011, the Foundation Pitești Prison Memorial purposes to transform the precinct of the former Pitești prison into a memorial. The Pitești Prison Memorial was opened in 2014 and its main task is to develop educational projects and exhibitions related to anticommunist resistance and the communist penitentiary system. In 2014, the former prison was opened to the public; visits are available by prior appointment, on request. The Memorial intends to develop a permanent memorial museum. In partnership with the Center for Studies in Contemporary History, a summer school project was launched in 2014 – “The Pitești Phenomenon” Summer School, which intends to “preserve the memory of what people suffered and the people who suffered, through a series of lectures held by renowned researchers, important personalities in the field of culture, and former political prisoners”.

Another private/unofficial initiative was related to the Făgăraș Fortress (built in 1310), which was used as a prison for political detainees between 1949 and 1960, and became a museum of the city in 1968. Since 2004, the Negru Vodă Foundation initiated the founding of a Memorial within the precinct of the fortress – the Memorial Museum of the Anticommunist Resistance Făgărași.

This succinct overview of the major museum and educational projects initiated in post-communist Romania may allow us to draw some conclusions related to the positive and negative aspects of these advancements. The memorialization and educational projects related to the traumatic communist past were implemented as early as the 1990's, both by official (the state authorities) and unofficial (civil society) actors. These advancements implied both positive and negative consequences.

A major issue related to these problems of the removal of communism and its symbols from public spaces after 1989, was that they were sometimes replaced by national and chauvinistic symbols; this refers to the interwar fascist Iron Guard and/or the figure of pro-fascist Marshal Ion Antonescu (ruler of Romania during World War II), mainly due to their relentless anti-communism. This type of symbolism is sometimes also associated with the anti-communist resistance and the Romanian gulag – still several of the political prisoners were related to the fascist Iron Guard movement.

In the same respect, post-communist society also experienced the emergence of a new generation of nostalgia for communism. Some of them are nostalgic for their youth, others because they believe that the communist regime offered them social and economic stability that post-communist democracy failed to deliver, and others identify themselves with the nationalism promoted by the Ceaușescu's regime. The nostalgia for communism is also due to the inability of the authorities, historians, and civil society to document and explain the crimes of communism, and its intrinsic totalitarian nature. The evolution of political elites after 1989 also influenced the process. The fact that most of the political leaders were, in fact, members of the second (or third) echelon of the former communist ruling class, their ignorance and refusal to discuss the recent past, their reluctance to pass laws on lustration, access to the Securitate files also explain the growing numbers of the nostalgics.

Another important issue to emphasize relates to the fact that the hegemonic discourse on the traumatic past was strongly shaped and influenced by political power. After the fall of the communist regime, Romanian authorities ignored and even refused to challenge and debate the recent past; a situation that led to the radicalization of civil society's narratives on communism. Thus, the major narratives related to this issue were generally both simplistic and "Manichean", as it portrayed the communist past as a confrontation between "good" and "evil". The symbolic narrations on communism appear as the expression of the triumph over it, as in a winner's version of the past. It speaks about what should be remembered from the past, and what should be forgotten. Subsequently, with the official initiatives related to the "discussion" of the communist past (the Presidential Commission established in 2006, and the government agency - IICCMRE, established in 2005), the situation did not necessarily improve, as the two institutions were considered as "actors" of political disputes between the parties, many of the achievements of these institutions were ignored or considered as politically biased. Still, the recent advancement of the historiography seeks to balance the type of narratives that are strongly influenced by the traumatic past, in order to provide a scientific account on the illegality and criminality of the communist dictatorship, raise awareness on the constant violation of human rights, and restore the dignity and the memory of the victims of the regime.

Moreover, another major theme that these memorialization projects illustrate is that of communism as an accident in the history of Romania, induced by external forces (i.e. the Soviet Union), and maintained during half of century through violence and terror. In this respect, the responsibility for the horrors of communism is transferred to an amorphous group of foreigners and aliens, while the Romanians are exonerated by any responsibilities or blames.

Although a Museum of Communism has not yet been established in Romania, there are several initiatives that intend to accomplish the task. Still, all these initiatives do not attempt to complete the projects independent from the authorities, considering that it is the state's responsibility to commit to and finance such an enterprise. Even if there are several politicians that consider the founding of a Museum of Communism as a stringent necessity, a vast majority ignore the issue, while the economic and social problems of the Romanian society serve as an alibi for their disregard. Moreover, on this particular issue, it is important to highlight the preference of the major actors for quantity, and not necessarily for quality. The existence of several competing projects related to the establishment of a Museum of Communism proves the lack of consensus between

the important institution on themes and issues: the name and location of the projected museum, the mission of this museum, what it should highlight, how the traumatic past should be displayed, etc. It also proves the existence of a competition between the different actors regarding this endeavor for official/unofficial primacy over the project. Even if a Museum of Communism in Romania remains a problematic issue, such a project could be facilitated by the collaboration of all the actors involved in these types of undertakings, but also by a consequential involvement of the authorities, that could accelerate the project.

LESSONS LEARNT AND RECOMMENDATIONS

Related to the educational projects developed during the past years, a few comments are necessary. A cursory overview of these achievements may suggest that, even if tardily, many important projects were implemented. But the implementation of these projects was both lengthy and inconclusive. Despite the efforts of IICCMRE and the Ministry of Education, which led to the introduction of an optional high school course, and their constant interest in providing constant and meaningful feedback to schoolteachers on the latest didactical materials and methodological upgrades, the success of this project was limited. This situation is due to the school curricula's planners' permanent lack of interest and consideration for the history courses, in general (the number of history courses dramatically declined over the past years - resulting to a single course/week), the congested curricula that hardly approves the introduction of new courses, and the lack of interest/knowledge of teachers, who were supposed to gain new qualification. Moreover, the optional high school course "History of Communism in Romania", introduced in 2008 was distress by the introduction in 2015 of a new optional course - "The Recent History of Romania" (a project funded by the EU), which practically annulled the previous course. A similar pattern of lack of success refers to the MA program on Communist studies introduced in 2008 at the University of Iasi. The program concluded in 2014, due to the lack of interest of both the students and the university administration. However, another similar program was introduced in 2014 at the University of Bucharest, a project in progress. These educational projects ineffectiveness is due to several causes: the late and lengthy implementation, the lack of interest from both students and teachers, and a congested and inadequate curriculum. But by far, the most severe cause relates to their optional status in the curricula. For more coherent and more efficient politics on education and on preserving the memory of the traumatic past, extensive and compulsory programs need to be introduced.

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TIMELINE OF THE MAJOR EVENTS

November 20–24, 1989	14th congress of the Romanian Communist Party in Bucharest. Despite the peaceful collapse of communist regimes throughout Eastern Europe, Nicolae Ceaușescu turns down general expectation of internal change and promises to maintain the leading role of the Party
December 2–3, 1989	Summit in Malta between US President George Bush and CPSU General Secretary Mikhail Gorbachev. Although the fate of the increasingly isolated Romanian communist was not in the agenda of the meeting, according to available evidence, Romanian intelligence informed Ceaușescu of a plan orchestrated by the great powers to get rid of him
December 4, 1989	Last Gorbachev–Ceaușescu meeting in Moscow. The Soviet leader urges his Romanian counterpart to launch reforms resembling those undertaken in the Soviet Union and the rest of the Eastern Bloc
December 14, 1989	Rumours of an aborted anti-regime meeting in Iași
December 15–16, 1989	Ethnic Hungarian Reformed priest László Tóké speaks out publicly against Ceaușescu in Timișoara. More and more citizens of all faiths back him amid the attempt of the authorities to forcibly remove him. First clashes between the riot police and groups of young protesters
December 17, 1989	A huge crowd marched on the communist headquarters at city hall in Timișoara. Portraits of Ceaușescu are burned and thrown from the building. The army intervenes against the anti-regime protesters on Ceaușescu's order before he leaves for Iran on a previously planned official visit. More than sixty people are killed, their dead bodies brought to Bucharest to be cremated
December 18–20, 1989	The revolt extends to other cities in Western and Central Romania. After returning home from Iran, Ceaușescu proclaims martial law during a television speech and blames Hungarian irredentism for the turmoil
December 21, 1989	The protest reaches Bucharest while Ceaușescu addresses the crowd in a live broadcast outdoor speech. The army and the special security forces commit further bloodshed in Cluj, Sibiu, Brașov and other cities. During the night, December 21 to 22, bloodshed is perpetrated in Bucharest, leaving over 150 victims and hundreds of injured
December 22, 1989	More demonstrators reassemble early in the morning and huge crowds of workers march to downtown Bucharest from the industrial platforms and are locked in a standoff with the army in the main square of Bucharest. Ceaușescu tries to speak from a balcony, but is shouted down. The presidential couple flees the capital by helicopter. A National Salvation Front is appointed to handle the chaotic situation of the victorious revolution. Heavy fighting erupts throughout the country until December 25 amid rumours of terrorist groups activity, most probably members of the still loyal Special Antiterror Unit (USLA)
December 25, 1989	Ceaușescu and his wife Elena are put on trial and executed. Armed fight abruptly ends after their lifeless bodies are shown on TV
December 27, 1989	The entire executive power is assumed by the Council of the National Salvation Front (CNSF), supported by the Army and all "healthy forces". Former communist. Ion Iliescu is elected president of the CNSF
December 30, 1989	Repressive security services (<i>Departamentul Securității Statului</i>) are dissolved via decree by the CNSF. In reality, officers continue to receive their salary and many of them perform operative duties at the service of the new power structure
January 12, 1990	The Romanian Communist Party is outlawed by decree of the CNSF
January 18, 1990	All party properties are nationalized by decree of the CNSF
January 29, 1990	The post-communist CNSF calls for miners from the Jiu Valley to attack political rivals amid growing internal tensions
February 6, 1990	The National Salvation Front becomes a political party and decides to run for the first democratic elections
February 18, 1990	Second violent visit of the Jiu Valley organized by miners to Bucharest
March 11, 1990	The Proclamation of Timișoara is publically presented on the 11 in a mass rally assembly in Opera Square of Timișoara. The 13-point document calls for total lustration in the spirit of the 1989 anti-communist revolt

March 15–21, 1990	Interethnic clashes in Târgu Mureş between Romanians and Hungarians leave several casualties and hundreds of injured
March 26, 1990	The Romanian Intelligence Service is established formally as the new independent security agency. According to independent estimates, its staff is overwhelmingly composed by higher officers from the dismantled Securitate
May 20, 1990	The National Salvation Front wins a landslide victory in national elections, receiving more than two-thirds of all votes cast, and NSF leader Ion Iliescu is elected President of Romania for a two-year term with 85 percent of the vote. The NSF victory over the anticommunist opposition makes it impossible to start any lustration procedure in the following period
November 21, 1991	A new Constitution is adopted by the Romanian parliament and then approved by popular referendum. The text defines Romania as a “national, sovereign, independent, unitary, and indivisible state”; and enshrined the return to multiparty democracy and the rule of law. However, the structure of powers and the collective mentality inherited from the communist period prevent the application of the declared principle of the separation of executive, legislative and judicial powers
December 7, 1993	The chairman of the Association of Former Political Prisoners, senator Constantin Ticu Dumitrescu introduces a motion on secret informants that amounts to a lustration proposal. Although the text only refers to part-time (non professional) informants and excludes officers, the Romanian Parliaments does not support the motion
December 7, 1999	The Romanian Parliament adopts Law No. 187/1999 on Access to the Securitate Files and the Unveiling of the Securitate as a Political Police. The Law covers 1) the right of any Romanian citizen to see his/her own files and to find out the identity of the Securitate agents and collaborators who created and offered information present in that file; 2) the right of any Romanian citizen, Romanian public institution or NGO to know if those already appointed, or running for certain public offices are agents or collaborators of the former Securitate, and the obligation of all candidates for the named positions to give a certified declaration of whether she/he worked as an agent or a collaborator for the Securitate. The law prescribes the creation of the National Council for the Study of the Securitate Archives (CNSAS), set up as an independent public institution, controlled by the Romanian Parliament, and mandated to investigate the past of public officials and electoral candidates based on the secret files
December 18, 2006	The Presidential Commission for the Study of the Communist Dictatorship in Romania, formed in April 2006 as a panel headed by political scientist Vladimir Tismăneanu and focused on examining the activity of institutions that enforced the communist dictatorship, presents its final report to Parliament. The 660-page text is adopted as an official document of the Romanian Presidency and published on its website. The report made Romania the third former Eastern Bloc country, after the Czechoslovakia and Bulgaria, to officially condemn its Communist regime
January 31, 2008	A major crisis affects the activity of CNSAS after the Constitutional Courts ruled that Law No. 187/1989 on lustration was unconstitutional, since the CNSAS College has been given the status of parallel judicial structure and simultaneously performs the double function of prosecutor and judge. The governments allows the CNSAS to continue its operation through two Emergency Governmental Ordinances
November 14, 2008	Law No. 293/2008 establishes a new comprehensive frame for the activity of CNSAS
July 7, 2008	The Institute for the Investigation of Communist Crimes in Romania officially launches the first high school curricula, and later text book, on the History of the Romanian Communist regime
February 28, 2012	The Romanian Parliament gives the final vote on the Lustration Law
March 7, 2012	The Constitutional Court, petitioned by the professional organizations of judges and prosecutors, finds the Lustration Law unconstitutional and the project is dropped
July 23, 2015	Alexandru Vişinescu, a communist-era Romanian prison commander is convicted of crimes against humanity for the deaths of 12 inmates, is sentenced to 20 years in prison, in the country’s first such trial. It is considered a historic sentence because any crimes committed in the communist era can also be condemned. Vişinescu case is initiated and documented by the Institute for Investigation of Communist Crimes and Memory of Romanian Exile (IICCMRE)
June 1, 2017	Following the success of the Vişinescu’s case, IICCMRE files a denunciation to the Prosecutor’s Office for the inhuman maltreatment of children admitted to foster homes during the communist regime in Romania. The case mainly refers to the sick or disabled children who used to be admitted in the hospital foster homes in Cighid, Pastrăveni and Sighetu Marmăţiei, where over 10,000 children were subjected to inhuman treatment and aggression

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