

**THE TRIAL OF THE ANTONESCU GROUP (MAY 6 – 17, 1946)
AND THE COMMUNIST TAKEOVER IN ROMANIA.
A HISTORICAL INTERPRETATION**

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ABSTRACT

The aim of this dissertation is to examine the trial of the Antonescu group (May 6- 17 1946) and its larger extra-judicial implications on Romania political life during the immediate postwar years. Arguably the most important local war crimes trial of the period, the criminal prosecution of Marshal Antonescu and twenty-three of his former political and military collaborators attracted considerable media attention due to the high profile of the defendants (all of them were former members in the wartime Antonescu cabinets) and the severity of their offenses ('war crimes' and 'contribution to the country's disaster'), generating significant public controversy on account of the partiality and expediency that accompanied the court proceedings.

Starting from the premise that the ad-hoc Bucharest People's Court which heard the case deliberately deviated from the established legal norms and judicial procedures, this dissertation intends to demonstrate that this particular trial exceeded its original retributive purposes and became inextricably entangled in the early Cold War rivalries between the Soviet Union and the Western Allies, and the local struggles for power between the rising Romanian Communist Party and the traditional political forces opposing a Communist takeover. More concretely, the Soviet Union and its local protégée, the Communist-dominated Groza government, exceed their prerogatives and turned this highly controversial trial into a medium to advance their political and propagandistic objectives, namely the vilification of the Communist political rivals as 'fascists' and 'collaborators', the glorification of the Communist alleged leading role in the wartime 'anti-fascist struggle' or the coup of August 23, 1944, as well as the harnessing of popular support for the forthcoming local parliamentary elections. The end result of this partisan interference was the transformation of this trial into a glaring example of 'political justice'.

*To the optimist few who, despite all my 'trials and tribulations',
continued to believe that this thesis would see the light of day.*

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LIST OF ABBREVIATIONS

ACC	Allied Control Commission for Romania (<i>Comisia Aliată de Control</i> in Romanian)
CC	The Criminal Code adopted in Romania in 1936 (<i>Codul penal</i> in Romanian)
CCP	The Code of Criminal Procedure adopted in Romania in 1936 (<i>Codul de procedură penală</i> in Romanian)
CNSAS	<i>Consiliul Național pentru Studierea Arhivelor fostei Securități</i> (National Council for the Study of the Archives of the former Department of State Security)
DANIC	<i>Direcția Arhive Naționale Istorice Centrale</i> (The Central Historical National Archives in Bucharest)
DJCAN	<i>Direcția Județeană Cluj a Arhivelor Naționale</i> (The Municipal Branch of the National Archives in Cluj)
IMT	The International Military Tribunal seated at Nuremberg (1945- 1946)
MAE	<i>Ministerul Afacerilor Externe</i> (the Romanian Department of Foreign Affairs)
NDB	The National Democratic Bloc (<i>Blocul Național Democrat</i> in Romanian)
NDF	The National Democratic Front (<i>Frontul Democrat Național</i> in Romanian)
OSS	Office of Strategic Services
PCR	<i>Partidul Comunist Român</i> (The Romanian Communist Party)
PNL	<i>Partidul Național Liberal</i> (The National Liberal Party)
PNT	<i>Partidul Național Țărănesc</i> (The National Peasants' Party)
SSI	<i>Serviciul Special de Informații</i> (The Romanian Intelligence Service)
SMERSH	<i>Smert shpiyonam</i> ('Death to all spies' in Russian, the Soviet Counter-Intelligence)
USHMM	United States Holocaust Memorial Museum (Washington D.C.)

1. INTRODUCTION

Tomorrow begins, before the People's Tribunal, the trial of the major war criminals, headed by the blood-stained couple Ion and Mihai Antonescu. This trial is of utmost importance. Because the ones who had betrayed our interests and subordinated our country to the invading Fascist-Hitlerite enemies to further their goals of world domination, plunder, enslavement, exploitation and physical destruction of peoples are now to stand trial before the entire nation. [...] They must receive a severe sentence for their deeds. This is what the people desires and demands!¹

This is how the Communist daily *Scântea* announced with great fanfare, in a front-page editorial published on May 6 1946, the beginning of the much-awaited trial of Marshal Antonescu and 23 of his former collaborators. Officially known as 'the trial of group no. 16 of war criminals' and unofficially as 'the trial of the great national betrayal', these highly publicized proceedings represented the culmination of the series of diplomatic maneuvers, political negotiations and legal preparations initiated by the transition Romanian governments during the immediate postwar years with the purpose of addressing the wrongdoings of the deposed Antonescu regime. Between May 6- 17 1946, the Bucharest People's Court examined the case against this group of 24 defendants, all former high-ranking members of the wartime Antonescu cabinets, now fallen from their positions of influence and power and standing accused of 'responsibility for the country's disaster and war crimes'.

The trial of the Antonescu group fully captivated the attention of the Romanian press of the time, Communist or otherwise, which labeled it 'the greatest trial of the century' on account of the high profile of the defendants, the seriousness of the crimes under review and the political issues that it raised. This description, however far-fetched might appear today, was not just an overused cliché intended to draw the readers' attention. In fact, this trial was meant to occupy a

¹ Nicolae Moraru, 'Poporul acuză!' in *Scântea*, year 16, no. 517 (May 6, 1946): 1 -2 (unless otherwise noted, all translation from Romania into English were produced by the author).

singular place in the annals of Romanian justice due to the legal innovations that it introduced. There was no precedent in local jurisprudence for the prosecution of the members of a deposed political regime, namely the wartime Antonescu cabinets, for the official acts carried out in the exercise of their state functions by a successor regime, i.e. the postwar Groza cabinet. Equally unprecedented were the gravity and scale of the crimes under review, which had required the adoption of special retroactive laws to define these offenses (responsibility of the country's disaster and war crimes) as well as the establishment of exceptional, mixed and ad-hoc 'People's Courts' seated in Bucharest and Cluj in order to render judgement on them.

These unprecedented judiciary proceedings also acquired a distinct historical significance because they were supposed to create public accountability for the massive destructions, losses, hardships and horrors of the war. Postwar Romania was still living under the long shadow and suffering the dire consequences of the ill-fated decisions taken by the accused while in power. Therefore, by preparing this so-called 'trial of the great national betrayal' under close Allied (Soviet) supervision, the Groza government was determined to publicly expose the defendants' wartime responsibility for a long list of offenses, ranging from high treason and collaboration with the Axis Powers to war crimes, and to punish them for having brought the country on the verge of economic collapse and military disaster. Although this tense atmosphere, saturated with hostility and rivalries, was not exactly conducive to impartial judicial proceedings, the effort to hold the deposed Antonescu regime publicly accountable for its crimes resulted in the creation of a massive documentary record of the wartime atrocities. This record, although partial, described at length the most dramatic episodes in the history of Romania between 1940- 1944.

For most Romanian contemporary observers, the legal and historical significance of the trial was overshadowed by the political dimension that it acquired. In the agitated and

increasingly polarized postwar political context, the trial of the Antonescu group served not only retributive (legal) and documentary (historical) functions, but also a propagandistic one. In the able hands of the Communist Groza government, which was engaged in a bitter struggle for power with the traditional right-wing parties, the trial became entangled in a web of political calculations and anti-fascist propaganda that ultimately turned the courtroom into a public forum for denouncing the evils of fascism, the looming threats of collaboration and the overall superiority of Communism. As a result, the vindictiveness displayed by the public prosecutors while arguing their case cast a long shadow over the independence of the court, while the bias of Communist propaganda which infused all official trial records compromised the impartiality of the documentary record produced.

1.1. Research Goals and Scope

The purpose of this dissertation is to provide a comprehensive historical and legal analysis of the trial of the Antonescu group by situating it in the political context of the immediate postwar years, reviewing the critical legal issues that it raised and assessing its impact on public opinion in postwar Romania. By studying the circumstances and conditions in which the trial took place, I intend to demonstrate that this trial, arguably the most important war crimes trial that took place in Romania, assumed the typical characteristics and functions of a ‘political trial’. Situated within the larger field of ‘political justice’, defined as the use of the judicial process for political or ideological purposes by Otto Kirchheimer², ‘political trial’ is understood in this dissertation as a particular type of highly publicized court proceedings during which the

² Otto Kirchheimer, *Political Justice: the use of legal procedure for political ends* (Princeton: Princeton University Press, 1961), 4.

normally neutral legal process is manipulated by the ruling elite or dissenters in order to achieve certain political goals. In line with Barbara J. Falk's research, this dissertation claims that the inclusion of the trial of May 1946 in the category of political trials can be justified not only by the context of rapid political transition in which it took place, the defendants' high-profile, the political nature of their crimes or the constraints placed upon the activity of the court by the political factors, but also by the didactical functions that it served³, i.e. the sanctioning by the Romanian courts of law of the regime change that took place after the coup of August 23, 1944.

In attempting to explore the claims of political interference in the preparations and course of trial of the Antonescu group, this dissertation will address the following research questions: (1) what were the specific interests of the domestic and international political actors (the local Communist Party and respectively, the Soviet Union) involved in this trial? (2) what means were employed to advance these objectives? and (3) to what extent were they truly put into practice?

The starting premise is that the trial of the Antonescu group cannot be explained outside of the emerging Cold War context in which it unfolded. Due to the polarized political settings in which it took place and the calculations of the political actors who prepared and supervised it, the trial of May 1946 transcended its standard retributive function and was deliberately transformed by the Groza government into a 'political arena', where some of the key domestic political and ideological struggles of the moment came to be debated. Without losing sight of the legal analysis, this dissertation aims to explore the full range of discernible direct and indirect political pressures that affected almost every aspect of the trial, as well as the manner in which the People's Court served as a medium for the legitimation of the postwar political situation.

³ Barbara J. Falk, 'Making Sense of Political Trials: Causes and Categories' in *Controversies in Global Politics & Societies* VIII (2008), 58- 60.

Starting from the hypothesis that the real motivation behind the politicization of the trial went beyond the vindictive Communist attempts to settle ‘old scores’ or exact revenge, I intend to demonstrate that the trial of May 1946 became a stepping stone in the Romanian Communist Party’s rise to power. In fact, the trial was used to symbolically sanction the overturn of the deposed Antonescu regime and to give weight to the tenuous legitimacy claims of the successor Communist regime. More specifically, the trial assumed a salient propagandistic role because it served to delegitimize the wartime Antonescu regime as ‘fascist, imperialist and traitorous’, to denigrate Iuliu Maniu and Dinu Brătianu, the leaders of the traditional political forces and the Communists’ political rivals, as Marshal Antonescu’s ‘fascist collaborators’, and to legitimate the rise of the PCR to power on account of its alleged leading role in the wartime resistance movement, the preparation of the coup of August 23, 1944 and postwar anti-fascist campaign.

In order to validate this research hypothesis, this dissertation will explore three interrelated aspects of the trial associated with the postwar political context, the course of the legal proceedings and, respectively, the press coverage of the trial. First, in terms of historical analysis, this dissertation will attempt to reconstruct the domestic and international political background of the trial. The agitated and polarized political context of the immediate postwar years influenced the trial to such a point that many of the controversial decisions adopted by the Bucharest People’s Tribunal cannot be understood in isolation from the political and ideological tensions that shaped the early years of the Cold War. After Marshal Antonescu’s removal from power on August 23, 1944, the course of Romania’s history has been shaped by two crucial factors: the bitter struggle for power between the local Communist Party and the traditional right-wing political forces, and the consolidation of the Soviet influence over Eastern Europe. The mounting Communist pressure affected virtually every aspect of the trial, from the selection of

the defendants to be included in the Antonescu trial group to the ‘selective pardoning’ offered to the defendants found guilty and sentenced to death. The Soviet influence was more discrete, yet no less decisive, since the decisions to transfer Marshal Antonescu to the Soviet Union for interrogations, to extradite him to the Romanian authorities after a long period of imprisonment (September 1944- April 1946) in the custody of SMERSH (the Soviet counter-intelligence) and to have him prosecuted in Bucharest ultimately rested with the authorities in Moscow.

Second, in terms of legal analysis, this dissertation will examine the pre-trial and courtroom proceedings in order to discuss and contextualize the main jurisprudential issues that they raised. The trial of the Antonescu group was arguably the most important judicial proceeding in the long series of war crimes trials organized by the postwar Romanian governments under the provisions of the Armistice Convention signed with the Allies on September 12, 1944. The legal basis for these trials was the special war crimes law adopted in April 21, 1945, which transferred the jurisdiction over ‘responsibility for the country’s disaster and war crimes’ to two ad-hoc extraordinary People’s Tribunals. The Bucharest People’s Tribunal which heard the case of the Antonescu group had to deal with complex issues, like the interpretation of the definition of ‘war crimes’ and ‘responsibility for the country’s disaster’, the admissibility of certain categories of evidence, the distinction between individual and collective criminal responsibility, the validity of defense arguments such as acting under superior orders and so forth. The panel of people’s judges, selected on the basis of social or political criteria instead of competence, played the crucial role in determining which facts and pieces of evidence were relevant to the case. Particular attention will be given to the legal or non-legal factors that shaped the judicial decision-making process in order to cast some light on how the Bucharest People’s Court reached some of its most important decisions, particularly the verdict.

Third, in terms of press coverage, this research will analyze the treatment of the court proceeding in the Communist press in an effort to assess its intended and actual impact on public opinion. The Romanian newspapers of the time followed avidly this high-profile political trial, each trying to influence their respective readers' opinions in respect to the alleged guilt or innocence of the defendants before, during or after the passing of the verdicts. Yet, none was more violent in its spiteful attacks and consistent in its blatant prejudice than the Party dailies *Scântea* and *Romania liberă*. These newspapers spared no effort in creating a tense atmosphere of hostility against the defendants prior to the trial, building up to a public outcry during the almost two weeks of court proceedings, which culminated with an unrestrained expression of total support for the stern verdicts imposed by the court. Following the Party's instructions, these newspapers filtered the information according to the goals of the larger ongoing anti-fascist campaign and dedicated more space to the blanket condemnation of the 'criminal fascist regime' and the consequences of the alliance with the Axis rather than the deportations to Transnistria. Although the Communist coverage of the trial was prejudicial to the defendants due to the open support of the prosecution's case, its discernible effect upon the general population's perception of the defendants' guilt or the fairness of the verdict was less dramatic than the PCR anticipated.

The biased Communist press coverage of the trial deserved particular attention because it casts light upon the extra-legal purposes associated with the court proceedings. As mentioned above, the Communist press campaign associated with the trial intended to vilify the defendants, the wartime regime they established in 1940, as well as their alleged collaborators. This deep-seated hostility stemmed not only from the minor political threat that the defendants still posed to the postwar regime, but also from the ideological opposition to what the defendants purportedly represented, i.e. the last remnants of 'fascism' and 'collaborationism' in Romania. Presenting the

trial as an ‘ideological battle against fascism’ was part of the broader Communist strategy of disseminating a pedagogical metanarrative about the recent past, which blamed the ‘fascist’ regime’ for all the evils that had befall Romania during the war and glorified the Communists for their heroic resistance against ‘the fascist dictatorship’ and ‘German occupational forces’, as well as for their unwavering ‘allegiance to peace and democratic values’. This reductionist narrative, centered on the binary opposition fascism vs. Communism, was intended to educate the public about the grave dangers of fascism and the looming threat posed by the remaining wartime collaborators. Its ultimate purpose, however, was to consolidate the political legitimacy of the Communist Party by presenting it as the true defender of democracy and the champion of peace, two essential prerequisites for the fast recovery of the Romanian society in the postwar years.

*

Due to the vastness and complexity of the subject-matter, a number of ‘exclusionary decisions’ had to be made when the temporal and geographical boundaries of the dissertation were defined. In terms of chronological framework, the focus is placed on the period between August 1944 and December 1947, traditionally regarded in Romanian historiography as the period of transition from the wartime Antonescu dictatorship to the postwar Communist totalitarianism⁴. The former date, specifically August 23, 1944, represents a crucial date in the history of the Antonescu regime (the ousting of Marshal Antonescu from power) and the course of Romania’s participation in World War II (the volte-face against the Axis). The coup of August 23, 1944 also marks the arrest of Marshal Antonescu and his collaborators in slight anticipation

⁴ Gheorghe Onișoru, *Alianțe și confruntări între partidele politice din România – 1944-1947* (București: Fundația Academia Civică, 1996).

of an ensuing trial. The latter date, particularly December 31, 1947, was chosen in a more arbitrary fashion in order to reduce the volume of the research data to a manageable size. Although not directly related to this trial, this date marking the forced abdication of King Mihai also corresponds to the end of the transitional regime that had supervised the trial of May 1946.

The analysis sometimes exceeds these chronological limits in order to identify the premises or the consequences of certain events set in motion during the period under review. This dissertation, being an analysis of the postwar trial of the Antonescu group and not of the actual Antonescu regime, examines the period during which Marshal Antonescu ruled as *Conducător* in Romania (1940- 1944) in a selective manner. Due to space limitations, particular attention is given only to those wartime policies and actions related to the substance of the criminal charges brought against the Antonescu group in May 1946 and thus, directly relevant to the trial.

As for geographical boundaries, this dissertation focuses primarily on the national context in which the trial of May 1946 took place, thus taking the form of a monographic study which discusses how the interaction of diplomacy, politics and law in postwar Romania shaped the course of this trial. As tempting as it may seem, a comparative study on the trial of May 1946 and other Romanian trials of major war criminals was not seen as feasible due to the status of the available national trial records (largely unpublished and dispersed among various local archives). Also, a transnational comparison with other war crimes trials that took place simultaneously in postwar Europe was considered too challenging due to the many differences in terms of national legal framework or political context between the potential study-cases. Conducting this type of comparative studies is perfectly legitimate, but would require access to different primary sources.

1.2. Literature review

The state of research on the trial of May 1946 presents a curious paradox: while there is a plethora of studies on the Antonescu regime (1940- 1944)⁵ and the Communist takeover during the postwar years (1945- 1947), no book-length critical study on the trial has been published so far. This visible lacuna in Romanian historiography derives from a variety of reasons, out of which three are perhaps the most relevant: the state of the primary sources, the complexity of the topic and the controversies it has been generating. As a result, many of the studies on the topic present deficiencies in regards to the level of analysis, interdisciplinary approach or detachment.

The peculiar situation of the primary sources is partially responsible for this situation. The official trial transcripts are scattered among several Romanian archives and no complete edition in Romanian has been published until today. A first attempt was made shortly after the trial in 1946, when the Communist authorities published a limited selection of these transcripts, containing some abridged or censored documents⁶. A more detailed and reliable edition was published by Marcel-Dumitru Ciucă in the late 1990s, which, in spite of its respectable size, includes only a selection of the war crimes legislation, trial transcripts and other trial-related papers⁷. This can be complemented by the collection of documents edited by Radu Ioanid in 2006, containing the full transcripts of the preliminary interrogations of the members of the Antonescu group taken during their imprisonment in Moscow by the Soviet counterintelligence⁸.

The recollections left by the participants in the trial are in no better state than the actual trial

⁵ The titles of some of the most representative studies (collections of documents, articles, books) were included in Gheorghe Buzatu, *Mareşalul Ion Antonescu. Biobibliografie* (Iaşi: Casa Editorială Demiurg, 2010).

⁶ *Procesul marii trădări naţionale* (Bucureşti: Editura Eminescu, 1946); re-edited after 1989 by Ioana Cracă, ed., *Procesul lui Ion Antonescu. Document* (Bucureşti: Editura Eminescu, 1995).

⁷ Marcel-Dumitru Ciucă, ed., *Procesul Mareşalului Antonescu. Documente*, 3 vols. (Bucureşti: Editura Vestala and Editura Saeculum I.O., 1995 – 1998).

⁸ Radu Ioanid, ed., *Lotul Antonescu în ancheta SMERŞ, Moscova, 1944-1946. Documente din arhiva F.S.B* (Iaşi: Editura Polirom, 2006).

transcripts. Due to the political and ideological constraints of the time, most of the judges, public prosecutors, defense attorneys and witnesses involved in the proceedings, except Alexandru Voitinovici⁹, Radu Boroș¹⁰ and respectively, Olivian Verenca¹¹, refrained from publishing any personal accounts about the trial. Also, the defendants' memoirs, written while in prison and published posthumously after 1989, included little usable information about the trial itself¹². Left with so little to work on, many researchers had to rely on the recollections of contemporary eye-witnesses, such as George Magherescu¹³, or the defendants' last surviving relatives, such as Ion Pantazi¹⁴ and Șerban Alexianu¹⁵, who tended to glorify Marshal Antonescu for his courageous stand in the courtroom and describe this politicized trial as a typical case of 'victor's justice' or a shameful 'show trial' handed down by the Soviet victors through their local Communist agents.

The complexity of the topic represents a second reason for the limited number of dedicated interdisciplinary studies. Examining this trial requires a good command of both the historical context and the legal issues raised by the proceedings, as well as a nuanced interpretation of the theoretical concepts underpinning the research. The few historical studies on the topic, published in post-1989 Romania, have usually leaned towards understating the legal dimension of the trial, focusing instead on the historical revelations of the documents or testimonies presented in court and the outcome of the trial rather than the legal reasoning of the judgements. Conversely, the even fewer legal studies on the topic have either decontextualized the proceedings or examined

⁹ Ion Ardeleanu and Vasile Arimia, eds., *Ion Antonescu. Citiți, judecați, cutremurați-vă!* (București: Editura Tinerama, 1991), Doc. 5 (December 1984), 87- 102.

¹⁰ '23 august 1944: Procesul lotului Antonescu/ Dezvăluirile avocatului Radu Boroș, consilier juridic al Comisiei pentru aplicarea armistițiului', in R 415/Arhiva de Istorie orală – Societatea Română de Radiodifuziune, interview taken by Emilian Blînda and Octavian Silivestru on May 5, 1996.

¹¹ Olivian Verenca, *Administrația civilă română în Transnistria, 1941- 1944* (București: Editura Vremea, 2011).

¹² Radu Lecca, *Eu i-am salvat pe evreii din România* (București: Editura Roza Vânturilor, 1994); Constantin Pantazi, *Cu Mareșalul până la moarte. Memorii* (București: Editura Publiferom, 1999).

¹³ George Magherescu, *Adevărul despre Mareșalul Antonescu*, 3 vols. (București: Editura Păunescu, 1991).

¹⁴ Ion Pantazi, *Soldat al mareșalului Ion Antonescu. Convorbiri cu Ion Pantazi* (București: Editura Vremea, 2011).

¹⁵ Șerban Alexianu, *Gheorghe Alexianu: monografie. Transnistria, un capitol în istoria omeniei românești* (București: Editura Vremea, 2007).

specific contentious procedural issues raised by the trial. Both types of studies have typically devoted scant attention to the concepts underpinning their research, i.e. ‘political trial’, ‘show trial’ or ‘politicized justice’, supposed to critically explain the trial of May 1946.

The capacity to generate intense controversy represents the third reason responsible for the general lack of detachment in the study of the trial. Located at a critical juncture in Romanian history and symbolizing either the inglorious end of the leaders of the Antonescu regime or the ill-fated beginning of the Communist dictatorship in Romania, the trial of May 1946 cannot be easily extricated from larger, controversial topics, such as Fascism, World War II, the Holocaust or the Communist takeover. The fact that Marshal Ion Antonescu, the main defendant in the trial, came to be associated with all these four contentious topics has made the attempts to critically examine the trial particularly difficult. Alternately praised as a national hero who fell victim to the postwar ‘victor’s justice’ or a rightfully condemned war criminal, the latter remains one of the most controversial figures in Romanian historiography, able to lend himself to diametrically opposed interpretations, which, in turn, influence the evaluation of the fairness of the trial.

After making these general observations on the state of research, it is now time to turn to the analysis of the historiographical production on the trial. Due to the fact that the number of general studies which make direct and detailed reference to the trial outnumbers those dedicated to the actual prosecution of the Antonescu group, a selection of the most representative studies had to be made based on their perceived significance. These general and specialized studies will be examined from both a chronological and thematic perspective, with an emphasis on their authors’ adherence to the larger trends in Romanian historiography or competing interpretations on the nature of the trial and the influence of the domestic and international political context.

1.2.1. *General studies.*

As noted above, there are scores of general studies on Marshal Antonescu, each supporting competing interpretations on the nature of his wartime regime, which directly influence their respective authors' evaluation of the perceived fairness of the trial of May 1946. Reviewing the majority of these studies would exceed the scope of this dissertation and hence, attention will be paid primarily to the most representative ones, grouped, for the sake of simplicity, under three categories of analysis conventionally labeled as 'fascist', 'revisionist' and 'Holocaust-centered'.

The first category ('fascist interpretations') emerged during the trial itself as an extension of the main arguments of the prosecution case, which reduced the Antonescu regime to a 'fascist and imperialist dictatorship' and depicted the *Conducător* as the most notorious Romanian Quisling, guilty of all criminal charges brought against him and deserving of an exemplary punishment. The Communist historiography reinforced this reductionist interpretation of 'the trial of the great national betrayal', but failed to add any new layer of analysis because Marshal Antonescu's name became largely a taboo. The Marxist-Leninist ideology and Party politics worked hand in hand to deliberately distort and censor the representation of Romanian history during World War II. Thus, the Party ideology perpetuated 'the fascist interpretation' of the Antonescu regime, reducing it to a collection of half-truths about fascism and distorting clichés about class-struggle, best summarized in Mihail Roller's Stalinist history textbook¹⁶. Following closely the Party's directions, the official historiography also censored research into the early stages of the war, now seen as inconvenient, particularly the campaign against the Soviet Union, and presented a self-serving version of the coup of August 23, 1944 and the 1944- 1945

¹⁶ Mihail Roller, *Istoria R.P.R. Manual pentru învățământul mediu* (București: Editura de Stat Didactică și Pedagogică, 1952), 643- 644.

campaign on the side of the victorious Red Army¹⁷. The trial of May 1946 was subjected to the same policy of manipulating the archival sources: the trial transcripts were published in 1946 in a censored and abridged edition that set the tone of the official postwar historical discourse, which aimed to brand all major war criminals as ‘fascists’. Still, no revised second edition or important study dedicated to the trial were published afterwards.

The former dictator began to receive a more ‘lenient’ treatment in the national-communist historiography starting with the 1970s, as the aggressive tone of the anti-fascist propaganda began to soften and the interpretation of World War II was not as openly dictated by Marxism-Leninism as before¹⁸. This re-evaluation of the national history stimulated research into previously ‘off-limits’ topics, which led to the partial rehabilitation of some historical figures labeled as ‘nationalists’ or ‘fascists’, including Marshal Antonescu. Earnest historians such as Aurel Simion¹⁹ published studies that relied on previously sealed archival documents in order to draw a distinction between the *Conducător*’s ultra-conservative, nationalist political outlook and the fascist orientation of his Legionary allies. Also, celebrated writers, such as Marin Preda, turned the wartime dictator into a literary character imbued with a striking human dimension in their novels²⁰. This rehabilitation was only partial and quickly reached its limits when the Soviet press denounced the Romanian initiatives regarding the rewriting of World War II history or local Party historians, such as Mihai Fătu, reasserted the fascist nature of the Antonescu regime

¹⁷ Andrei Florentina Dorina, *Perspective istoriografice și politice asupra generalului Ion Antonescu în primele două decenii ale comunismului românesc* (Alexandria, 2013), 8.

¹⁸ Dennis Deletant, *Hitler's Forgotten Ally: Ion Antonescu and His Regime, Romania 1940–1944* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2006), 265–269.

¹⁹ Aurică Simion, *Dictatul de la Viena* (Cluj-Napoca: Editura Dacia, 1972); Simion and Maria Covaci, *Insurecția națională antifascistă armată din august 1944* (București: Editura Politică, 1973); Simion, *Regimul politic din România în perioada septembrie 1940 - ianuarie 1941* (Cluj-Napoca: Editura Dacia, 1976); Simion, *Preliminarii politico-diplomatice ale insurecției române din august 1944* (Cluj-Napoca: Editura Dacia, 1979).

²⁰ Marin Preda, *Delirul* (București: Editura Cartea Românească, 1975).

by claiming that the main difference between Marshal Antonescu and the Legionary Movement was not one of political outlook or programme, but, in reality, of the actual choice of means²¹.

The second category ('revisionist interpretation') developed after 1989 as a refutation of the Communist interpretation of the nature of the Antonescu regime and validity of the guilty sentence imposed by the People's Court. Relying uncritically on the arguments presented by the defense during the trial in 1946, the supporters of Marshal Antonescu's full rehabilitation praised the patriotic and anti-Soviet dimensions of his regime, glorified him as a victim of Communist and Soviet reprisals, and denigrated the trial of May 1946 as a shameful 'travesty of justice'.

The emergence of this revisionist interpretation after the fall of the Communist regime was part of a larger trend of rewriting national history by deconstructing the reductionist interpretations imposed by the Party-controlled historiography. The removal of the Party's ideological control over historiography granted historians access to previously sealed archives and scholarly research. Taking advantage of this new found liberty of expression, trained and untrained historians from Romania²² or returning from exile²³ published scores of studies on Marshal Antonescu, driven by the commendable intention of uncovering new facts about the former dictator and restoring him to his 'proper place' in national history. Distance and time have tended to soften judgments on Marshal Antonescu and this rehabilitation drive striving to compensate for the biased Communist treatment of World War II soon led to the emergence of a multi-faceted revisionist trend, which fused together disparate anti-Communist, anti-Soviet, anti-

²¹ Mihai Fătu, *Contribuții la studierea regimului politic din România (septembrie 1940- august 1944)* (București: Editura Politică, 1984), 7-8.

²² See, for example, Gheorghe Buzatu's representative collections of documents and studies on Marshal Antonescu published during the early 1990s: *Mareșalul Antonescu în fața istoriei: documente, mărturii și comentarii*, 2 vols. (Iași: Editura B.A.I., 1990); *România cu și fără Antonescu: documente, studii, relatări și comentarii* (Iași: Editura Moldova, 1991); *Așa a început Holocaustul împotriva poporului român* (București: Editura Majahonda, 1995).

²³ See, for instance, Nicolae Băciu, *Procese celebre- mari erori judiciare* (București: Editura Continent XXI, 1994); Iosif Constantin Drăgan, ed., *Antonescu- mareșalul României și războaiele de reîntregire* (Venetia: Centrul European de Cercetări Istorice, 1991); Șerban Andronescu, *Glorie, adversitate, infamie. Eseu personal despre Mareșalul Ion Antonescu* (New York: American Institute for Writing Research, 1995).

monarchist and Holocaust denial elements into a loose nationalist narrative²⁴.

The third category (labeled ‘Holocaust-centered interpretation’ in lack of a better term) took shape as a critical reaction to the exaggerations of these revisionist studies, particularly in respect to sensitive topics such as the Holocaust. Initiated by a group of Romanian ‘moderate’ historians and Western scholars specialized in the fields of World War II²⁵ and/or the Holocaust²⁶, this type of interpretation has explored previously inaccessible or under-researched sources concerning the wartime anti-Semitic policies and strove to examine with less passion and more critical spirit the evolution of the Antonescu regime. One of its major achievement was the publication in 2004 of a new history treaty on the Holocaust in Romania²⁷. However, the debates on this topic are far from being settled and the issue of Marshal Antonescu’s responsibility for the racial policies adopted by his regime during World War II remains locked between two extreme and virtually incompatible positions: absolute innocence or total culpability.

1.2.2. *Specialized studies*

The historical circumstances in postwar Romania have ensured that the trial of May 1946 had gone largely under-researched until 1989. However, scores of studies have been published

²⁴ Mihai Chioveanu, ‘A deadlock of Memory. The Myth and Cult of Ion Antonescu in Post-Communist Romania’ in *Studia Historica* 3 (2003), 102-123; Chioveanu, ‘The Authoritarian Temptation: Turning a Modern Tyrant into a Political Role Model in post-Communist Romania’ in *Analele Universității din București. Seria Științe Politice* 15, no. 1 (2013): 74- 75; Deletant, *Hitler’s Forgotten Ally*, 4-6.

²⁵ Some of the most representative studies were authored by Dennis Deletant: ‘Transnistria: soluție românească la ‘problema evreiască’ in *Despre Holocaust si comunism. Anuarul Institutul Roman de Istorie Recenta* (Iași: Editura Polirom, 2003), 79- 101; Deletant, ‘Ghetto experience in Golta, Transnistria, 1942-1944’ in *Holocaust and Genocide Studies* 18, 1 (2004), 1- 26; Deletant, *Hitler’s Forgotten Ally*; Deletant and Ottmar Trașcă, eds., *Holocaustul în România în documente ale celui de-al III-lea Reich. 1941-1944* (Cluj: Editura Dacia, 2006).

²⁶ Some of the most influential and recent studies on the topic are the following: Jean Ancel, *The history of the Holocaust in Romania* (Lincoln: University of Nebraska Press; Jerusalem: Yad Vashem, 2011); Randolph Braham, ed., *The Tragedy of Romania Jewry* (New York: Columbia University Press, 1994); Radu Ioanid, *The Holocaust in Romania: the destruction of Jews and Gypsies under the Antonescu regime, 1940-1944* (Chicago.: Ivan R. Dee, 2000); Vladimir Solonari, *Purificarea națiunii. Dislocări forțate de populație și epurări etnice în Romania lui Ion Antonescu, 1940-1944*, trans. Cătălin Drăgășineanu (Iași: Editura Polirom, 2015).

²⁷ Tuvia Friling, Radu Ioanid and Mihai E. Ionescu, eds., *Final Report of the International Commission on the Holocaust in Romania; president of the commission: Elie Wiesel* (Iași: Editura Polirom, 2005).

on this topic after the fall of Communism, either in the form of individual studies, articles or book chapters, which vary greatly in terms of approach, focus and quality. For the sake of simplicity, they will be grouped in six categories: individual studies on the trial, monographs on Marshal Antonescu, Holocaust studies dealing with the trial of May 1946, studies exploring the influence of the political context on the postwar politics of retribution, studies on other local war crimes trials and legal studies focused on the trial of May 1946 or the Communist justice system.

The individual studies on the trial of May 1946 written in Romanian remain, up to this day, few and far between. The first one (and arguably the most detailed) was authored by Ioan Dan, a military prosecutor and represents a sustained attack on the overall legality and fairness of the trial. Although it includes useful information on the background preparations and some of the technical legal aspects of the proceedings, the book relies heavily on the arguments made by the defense during the trial and lacks both the much-needed rigour for accurately contextualizing the court proceedings in their historical background or detachment for objectively evaluating the court's most problematic judgements. Rather than being a rigorous and balanced examination of the trial, this book turns out to be a stern critique of this 'prejudiced and unfair trial' and an apologetic presentation of Marshal Antonescu, 'who did not commit any of the crimes of which he was accused, pledged his life to serving loyally the interests of the Romanian people and his country and died as a martyr for the Romanian people from the enemy's bullets'²⁸.

Another specialized study was written by Gheorghe Buzatu²⁹, probably the most prolific and one of the most representative revisionist historian in post-1989 Romania, who took I. Dan's arguments a step further. As early as 1993, G. Buzatu described in an article the trial of the Antonescu group as a 'sinister show trial', similar to the infamous Moscow 'purge trials', which

²⁸ Ioan Dan, *'Procesul' Mareşalului Ion Antonescu* (Bucureşti: Editura Tempus, 1993), 369.

²⁹ Gheorghe Buzatu and others, *Procesul şi execuţia Mareşalului Antonescu* (Iaşi: TipoMoldova, 2010).

were orchestrated by the vengeful Soviet Union and implemented in postwar Romania with the help of its ‘Communist minions’³⁰. He did not write a book-size study on the trial, but actually produced a series of articles which further developed his ‘revisionist theses’. According to them, Marshal Antonescu was a patriot martyr who fell victim to the Communist and Soviet postwar repression and hence, the trial of May 1946 was intended not to render justice, but actually to consolidate Soviet control over defeated Romania³¹. Despite the fact that they reproduced in extenso new archival documents related to the course of the trial, G. Buzatu’s studies remain somewhat questionable when it comes to historical approach and research methods. For instance, he adopts uncritically the pro domo arguments raised by Marshal Antonescu in his own defense during the trial without giving the slightest consideration to the prosecution’s case, his definition of the notion of ‘show trial’ is barely outlined, while his interpretation of the legal reasoning of the court is rather reductionist and dismissive due to his refusal to acknowledge from the start the legal validity of the Indictment or the jurisdiction of the People’s Court over the defendants.

The third study, written by Marcel-Dumitru Ciucă, represents, in fact, a lengthy introductory chapter to the three volume collection of documents on the trial published in the late 1990s³². Even though the author does not fully distance himself from the revisionist perspective, this well-documented study summarized the main stages of the pre-trial and trial proceedings, and included useful background details about the functioning of the new People’s Tribunals.

Apart from individual studies on the trial, there are also several useful historical monographs dedicated to Marshal Antonescu’s political and military career, which examine in depth the trial of May 1946 as the former *Conducător*’s inglorious end. Dennis Deletant’s monograph analyzes the achievements and failures of the Antonescu regime in a well-researched

³⁰ Buzatu, ‘O farsă stalinistă – ‘Procesul’ Antonescu’ in *Magazin Istoric* 8/ 317 (August 1993), 24.

³¹ Buzatu et al., *Procesul și execuția Mareșalului Antonescu*, 9- 18.

³² Ciucă, ed., *Procesul Mareșalului Antonescu*, 1: 17- 42.

and balanced manner³³. He dedicates a separate chapter to the trial of the Antonescu group, in which he critically examines both the agitated political background and the most salient legal issues associated with the court proceedings. The author makes many insightful remarks about the overall fairness of the proceedings, compellingly arguing that ‘despite the procedural flaws in Antonescu’s trial, it is hard to escape the conclusion that a court set up by the Western allies would have found him guilty of war crimes on the evidence available at the time’³⁴

The studies on Marshal Antonescu published in Romanian usually tend to be influenced by historical revisionism. G. Buzatu’s contributions, which usually include a section about the deposed *Conducător*’s wrongful prosecution, have set the tone for the attack on the trial as a ‘travesty of justice’³⁵. The historian Petre Țurlea embraced a similar line in his study of Marshal Antonescu’s political career, claiming that the ‘unconstitutional and illegal’ trial of May 1946 had more to do with political revenge than postwar retribution and hence, amounted to nothing less than ‘an assassination, decided in Moscow and executed by the Communist Party, supported by the majority of the Legionary Movement and accepted with callous indifference by King Mihai’³⁶. Dan Botez’s more recent monograph on Marshal Antonescu also criticizes, albeit in a less dismissive manner, the trial of May 1946 as a glaring instance of ‘political partisanship’. The legal arguments employed by the author to expose the procedural flaws in the trial and the insufficiently proven ‘union of law and incriminating facts’ to justify Marshal Antonescu’s conviction are not without merit. Still, his interpretation of the defendants’ innocence is more asserted than proven by historical documents and openly favors revisionism when he argues that ‘[m]arshal Antonescu should not have been punished because he had served a historical period

³³ Deletant, *Hitler’s Forgotten Ally*, 245- 261.

³⁴ Ibid., 245- 261.

³⁵ See, for instance, his latest biography (in fact, a collection of articles and primary sources) of Marshal Antonescu: *Mareșalul Ion Antonescu. Forța destinului. O biografie* (Iași: Editura Tipo Moldova, 2012), 605- 667.

³⁶ Petre Țurlea, *Ion Antonescu între extrema stângă și extrema dreaptă* (București: Editura Semne, 2009), 419.

shaped by circumstances outside of his will, over which the Romanians had no control at all³⁷.

Another type of contributions includes Holocaust studies that analyze the manner in which the wartime persecution, deportation and destruction of ethnic and religious minorities in Romania were represented during the war crimes trials. Radu Ioanid's study of the treatment of the Jewish and Roma minorities during the Antonescu regime makes brief, yet very informative references to the trial of Marshal Antonescu and his collaborators³⁸. The topic is analyzed in more depth in a separate chapter of the 2004 treaty on the Holocaust in Romania, which pays close attention to the substance of the war crimes charges brought against Marshal Antonescu and the other co-defendants in the trial of May 1946. The authors argue that, despite the undue political interference and certain flaws in the trial's procedure, the guilty verdicts passed by the court had merit³⁹. Contrary to the arguments advanced by some revisionist historians, the *Final Report* concludes that 'aside from certain errors and awkward moments, aside from a certain penchant to politicize the trials (particularly the trial of Ion and Mihai Antonescu), the trials of war criminals had a legal basis [...] The trials were part of a coherent postwar context and historical logic and had a similar legal basis to that of the Nuremberg Trials.'⁴⁰

The next category, historical studies focusing on the influence of the early Cold War setting on the trial, either at a national or a regional level, also deserve special attention. In respect to the Romanian political context between 1944- 1947, Gheorghe Onisoru's⁴¹ and Dinu C. Giurescu's⁴² studies provide a careful assessment of the struggles for power and the

³⁷ Dan Botez, *Ion Antonescu. Destinul unui Mareșal al României* (Craiova: Editura Scrisul Românesc, 2012), 242.

³⁸ Ioanid, *The Holocaust in Romania*, 287- 295.

³⁹ Friling, Ioanid and Ionescu, eds., *The Final Report*, 313- 331.

⁴⁰ Ibid., 330.

⁴¹ Onisoru, *Alianțe și confruntări*; Idem, *România în anii 1944-1948. Realități economice și transformări sociale* (București: Fundația Academia Civică, 1998).

⁴² Dinu C. Giurescu, *Guvernarea Nicolae Rădescu* (București: Editura ALL, 1996); Giurescu, *Uzurpatorii: România 6 martie 1945- 7 ianuarie 1946* (București: Editura Vremea XXI, 2004); Giurescu, *Falsificatorii. Alegerile din 1946* (București: RAO Books, 2007); Giurescu, *Lichidatorii. România în 1947* (București: Editura Enciclopedică, 2012),

positioning of the political factors in relation to the issue of war crimes trials. Concerning the larger regional context, the few comparative studies on the politics of retribution against deposed wartime leaders charged with war crimes, collaboration and fascism in ‘liberated Europe’ provide a deeper insight into the contradictions between the declared purposes of war crimes legislation and its implementation⁴³. István Déak’s studies operate a useful distinction between the war crimes trials of the postwar years and the Stalinist show trials of the Cold War era; he argues that the former category, including the trial of the Antonescu group, did not turn into so-called ‘travesties of justice’ because the defendants actually retained some due process rights and the criminal charges brought against them, though contentious, included some valid legal and factual elements. Despite the procedural flaws and undue political and ideological interferences, ‘except for the trials held in the Soviet Union, these [war crimes trials] were not show trials.’⁴⁴

A similar approach was adopted in the monographic studies and collection of documents focusing on individual war crimes trials held before the local People’s Courts between 1945-1946, which aimed to analyze the influence of postwar legal imperatives and political necessities upon the course of the Romanian war crimes trial programme. Ioan Opris’ monograph⁴⁵ and Emil Rus’ collection of documents⁴⁶ about the trial of the nationalist journalists group (May 22 – June 2 1945) explored how the wartime press activity of several leading anti-Communist and/or fascist journalists was criminalized as ‘ideological collaboration’, whereas Andrei Muraru’s solid studies about the Romanian war crimes legislation and the first war crimes trial held before the

Giurescu, *Romania’s Communist Takeover: The Rădescu Government* (Boulder, Colorado: East European Monographs, 1994).

⁴³ István Déak, Jan T. Gross, and Tony Judt, eds., *The Politics of Retribution in Europe. World War II and its aftermath* (Princeton: Princeton University Press, 2000); Déak, *Europe on Trial: The Story of Collaboration, Resistance, and Retribution during World War II* (Boulder: Westview Press, 2015).

⁴⁴ Déak, Gross and Judt, eds., *The Politics of Retribution*, 11.

⁴⁵ Ioan Opris, *Procesul ziariştilor naționalişti 22 mai - 4 iunie 1945* (București: Editura Albatros, 1999).

⁴⁶ Emil Rus, *Delictul de opinie: procesul ziariştilor, 1945* (București: Institutul Național pentru Studiul Totalitarismului, 2012).

Bucharest People's Court in 1945 cast new light upon the responsibility of the Antonescu regime for the wartime atrocities perpetrated in Transnistria⁴⁷. Randolph Braham's documentary study⁴⁸ on the retribution against war criminals in the former Hungarian-ruled northern Transylvania also provides useful background information on the activity of the People's Tribunal in Cluj.

Last but not least, there are several studies which examine the trial of the Antonescu group from a primarily legal and political sciences perspective in order to emphasize its dual, retributive and political, nature. This particular trial has seldom been the focus of scholarly attention outside Romania due primarily to the poor state of the primary sources (most of them available only in Romanian and largely unpublished) and the limited contribution it actually made to the development of the international criminal law. Charles Laughland, one of the few British academics who examined the trial of May 1946 as a distinct topic, managed to overcome these limitations and included a short chapter on the trial of May 1946 in his provocative book on the history of political trials. He argues that the prosecution of Marshal Antonescu served a larger political purpose, namely the denigration of the anti-Communist political leaders and the strengthening of the Communists' legitimacy claims⁴⁹. A similar line of argumentation was pursued by Iuliu Crăcană, a Romanian historian, in his extensive studies on the first decade of the Romanian justice system under Communism⁵⁰. His studies attempt to situate the local war crimes trials within the larger wave of 'Communist political repression via judicial mechanisms'

⁴⁷ Andrei Muraru, 'Legislation and the War Criminals' Trials in Romania', in *New Europe College – Ștefan Odobleja Program, Yearbook 2009-2010*, ed. Irina Vainovski-Mihai (București: New Europe College, 2010), 109-176; Muraru, *Procesele criminalilor de război din Transnistria* (Iași: Alexandru Ioan Cuza University, 2011).

⁴⁸ Braham, Randolph L., ed., *Genocide and Retribution. The Holocaust in Hungarian-Ruled Northern Transylvania* (Boston: Nijhoff Publishing, 1983).

⁴⁹ Charles Laughland, *A History of Political Trials. From Charles I to Saddam Hussein* (Oxford: Peter Lang, 2008), 126-127.

⁵⁰ Iuliu Crăcană, 'Drept și justiție în România comunistă', in *Caietele CNSAS* 3, no. 2 (6)/ 2010, 117- 130; Crăcană, *Dreptul în slujba puterii. Justiția în regimul comunist din România, 1944-1958* (București: Editura Institutului Național pentru Studiul Totalitarismului, 2015).

and argue that, irrespective of the defendants' guilt or innocence, the court proceedings acquired a political function and pursued as a long-term objective the denigration of political enemies⁵¹.

There is, in sum, a significant need for a comprehensive historical and legal analysis of the trial of the Antonescu group. This dissertation attempts to provide that analysis by incorporating some of the findings and building upon the rigorous research of M.-D. Ciuca's, D. Deletant's and I. Déak's studies in order to advance the core argument according to which the trial of May 1946 was as much about legal retribution for the crimes perpetrated during the war as it was about postwar politics. These two aspects need to be examined side by side and the contentious legal and procedural irregularities raised by the proceedings should not overwhelm the weight of the criminal charges brought against the defendants. In order to achieve this, this dissertation relies on a number of theoretical approaches and concepts, which will be presented in the next section.

1.3. Theoretical Framework: relevant theories and key concepts

Based on the specific nature of the topic and the stated research goals, this dissertation will examine the trial of the Antonescu group from the theoretical perspective of 'political justice' and articulate its main arguments around the concept of 'political trial'. These individual choices, which give both direction and focus to the research, will be motivated in the paragraphs below. Close attention will be paid to the theoretical debates surrounding 'political justice', as it has been interpreted by a number of prominent legal and political science scholars, and to the multifaceted concept of 'political trial', regularly employed in the analysis of the trial of May 1946.

⁵¹ Crăcană, 'Legislația pentru sancționarea 'criminalilor de război'', *Revista 'Document'* 16, no. 1 (2013): 95.

1.3.1. 'Political justice' as a theoretical approach to the study of the trial

'Political justice', broadly understood in the present dissertation as the use of the judicial process for the purpose of gaining or limiting political power and influence, represents a concept specific to the fields of legal theory and political science studies. Due to the obvious entanglement of law and politics that it implies, this concept has frequently acquired negative connotations in the traditional studies of legal theory, which perceives the rational, formalistic and normative law as separate from the realm of subjective, fluctuating and interest-driven politics⁵². From the perspective of strict legal formalism, i.e. the strong commitment to the morality of rule abidance, 'political justice' calls into question several of its core principles, particularly the strict separation between politics and law or the complete conformity of individual judicial actions to general legal norms⁵³. Without entering into too many details, it suffices to say that 'political justice' has been frequently perceived as 'the corruption of the rule of law', being associated with analogical legal interpretations and retroactive laws pushed to the extremes and explained as an arbitrary and expedient political act cloaked in judicial robes, which usually occurs due to external political pressure or arbitrary government intervention in times of political crisis or transition⁵⁴.

Nonetheless, scholars from the fields of political science and history have widely used this concept to explain the involvement of politics in the judicial process and the administration of justice. Such was 'the nonlegalistic interpretation' given to political justice by Otto Kirchheimer in his classical study, which has become the point of reference for all subsequent discussions of

⁵² Martin Laughlin, *Sword and Politics. An Examination of the Relationship between Law and Politics* (Oxford and Portland, Oregon: Hart Publishing, 2000), 12- 13.

⁵³ Judith N. Shklar, *Legalism. An Essay on Law, Morals and Politics* (Cambridge, Massachusetts: Harvard University Press, 1964), 1.

⁵⁴ Eric A. Posner, 'Political Trials in Domestic and International Law' in *Duke Law Journal* no. 55 (2005): 78.

the topic⁵⁵. To a certain extent, he argues, all criminal justice is political because no legal system could effectively operate outside the sphere of or without the support of political authority. Hence, the criminal courts can be seen as ‘agencies closely connected to public affairs’ and, under certain conditions, they may be called upon to decide in political matters, including ‘the elimination of a political foe of the regime according to some prearranged rules’ in a manner that ‘authenticates’ this course of action and mobilizes public opinion in support of these actions⁵⁶.

O. Kirchheimer examines the various forms that political justice may take according to the nature of the political regimes under which it operates and the motivations that define the complex relationship between law enforcement and political repression. The abusive use of justice to enforce and legitimize politically-motivated actions increases the inevitable danger of deforming the underlying legal procedures through partiality. His study identifies several reasons why a regime may resort to the courts in order to strengthen its own positions and weaken that of its foes via a public trial, ranging from the need to stabilize its authority called into question to the desire of manipulating public opinion. The latter justification is further elaborated in his description of how the courts reconstruct past events and project desired images of adversaries:

In either case, the prosecuting regime, party, or individual chooses a past action of its foe as a convenient battleground on which to influence the shape of future political action. If the foe has already been eliminated from political competition, the prosecution will try to surround the fact of his defeat with a wider frame of historical and moral justification. The technique may be to seriously limit the area of proof, producing a telling snapshot of the adversary. Or it may be to try and elaborate a full-fledged historical thesis in the image of the initiators of the trial. In any case, past events are reconstructed in court in order to shape desired images of persons or groups.⁵⁷

This general interpretation can be directly applied to the study of trial of the Antonescu group because it provides a rationale for the salient propagandistic dimension of the Romanian

⁵⁵ Kirchheimer, *Political Justice*, vii.

⁵⁶ Ibid., 5.

⁵⁷ Ibid., 422.

study case. The Communist-dominated Groza government was eager to use the local courts in order to ‘authenticate’ its own self-serving interpretation of the coup of August 23 that led to the abrupt fall of the ‘fascist and imperialist’ Antonescu regime and paved the way for the Communist Party’s meteoric rise to power. The aged Marshal Antonescu and his former collaborators had already been eliminated from political competition and were no longer a political threat in 1946, but their fall from power still had to be justified in the eyes of their former supporters. Thus, the coup of August 23, 1944 was projected in the larger frame of the global struggle between Communism and fascism and interpreted as ‘the inevitable victory’ of democracy over tyranny. This one-sided interpretation of the past excluded certain ‘uncomfortable truths’ from the area of proof, such as the 1939 non-aggression pact between the Soviet Union and Nazi Germany, and, to a certain extent, anticipated the emergence of the full-fledged Communist interpretation of the coup, which legitimized the Party’s claims of political hegemony and denigrated all its actual or potential political opponents as ‘fascists’.

Another useful contribution to the study of ‘political justice’ was made by Judith Shklar, who built upon O. Kirchheimer’s interpretation in order to examine the limitations of the strict legalist interpretations and to offer a critique of the insistence upon a rigid distinction between law and politics⁵⁸. In essence, she argues that the legalistic moral orientation may sometimes be inappropriate because legalism does not represent a simple question of adherence (or lack of) to an absolute standard of justice, but, in fact, a matter of degree. Also, the law is not apolitical in practice, given that ‘all legal decisions are said to express political values’ and may serve political functions, depending on the nature of the political system in which the courts operate⁵⁹.

⁵⁸ Shklar, *Legalism*, 142- 143.

⁵⁹ *Ibid.*, 143.

Interpreting ‘political justice’ as the manipulation of the judiciary apparatus by a political regime in power with the purpose of disgracing or eliminating a political foe, J. Shklar argues that the most visible manifestations of this type of justice, namely political trials’, can neither meet the high standards set by strict legalism, nor be included in the range of legalistic generalizations due primarily to the unstable political context in which they occurred. They should not be simply dismissed as ‘miscarriages of justice’, but examined in terms of their implicit political value (‘necessity and contribution to a future stable order’) and impact on public opinion (presenting a didactical interpretation of the recent past). Although these trials may represent ‘an obviously lower level of legalism than domestic trials within a constitutional system’, this does not mean that they cannot embody some legalistic values. Above all else, it is entirely a matter of degree and the focus should not be placed only on the extra-judicial interferences with these trials, but also on the political values that they were intended to serve⁶⁰.

J. Shklar’s ‘consequentialist’ approach to political justice can prove very useful in analyzing the various functions fulfilled by political trials, including the one which forms the topic of this dissertation. Following her arguments, the trial of the Antonescu group can be examined from a perspective that tries ‘to do justice’ to its dual legal and political nature. The admission of the fact that this trial was politicized does not inevitably entail that it ‘degenerated’ into a travesty of justice. In effect, this may indicate that, despite the fact that it had to adhere to a lower level of legalism, the Bucharest People’s Court did not abandon the principle of due process altogether. In line with this view, the trial of the Antonescu group should be evaluated on a scale of degrees of legalism, not of extreme opposites (the presence or absence of due process standards), while due consideration should be given to the political function that it served, i.e. the legitimization of the Communist rule by producing a self-serving account of the recent past.

⁶⁰ Ibid., 220.

One of the main strengths of this ‘consequentialist’ approach lies in the attention given to the role of the political context in determining the legal response to the crimes perpetrated by a deposed regime. Irrespective of their legal aims, trials of deposed regimes are usually shaped by the transitional context in which they occur and the successor regimes, in their efforts to hold the deposed leaders accountable for collective state crimes, may stretch the domestic law system to their limits and go as far as adopting repressive laws to punish the leaders of deposed repressive regimes. The trial of the Antonescu group presented the same paradox: the Communist successor regime, which styled itself ‘democratic’ and publicly denounced the illegal nature of its predecessor’s repressive acts, adopted retroactive and punitive laws to address the injustices of the dictatorial Antonescu regime. J. Shklar’s interpretation will give more weight to one of the premises of the present dissertation, namely the transformation of the trial of the Antonescu group into ‘a political arena’ in which the local court not only condemned the leaders of the deposed Antonescu regime, but also sanctioned the transition from ‘the old’ to ‘the new order’.

1.3.2. *The concept of ‘political trials’*

The present dissertation will adopt, for the specific purposes of this research, a tentative definition of political trials that follows O. Kirchheimer’s and J. Shklar’s ‘realist interpretations’. Thus, political trials are defined as a highly publicized examination before the courts of law during which the normally neutral legal process was manipulated by the ruling elite or dissenters in order to achieve political or ideological goals. In the following paragraphs of this section, close attention will be paid to the nature, classification and functions of political trials in an effort to locate the trial of the Antonescu group within ‘the landscape of politicized justice’.

Considered as ‘the epitome of political justice’, political trials are commonly situated at the intersection of law and politics and, for this reason, do not fit easily within the range of legalistic generalizations. It is difficult to arrive at a universally accepted definition because this concept can be interpreted, depending on the viewer’s vantage point, either as an oxymoron or as a tautology⁶¹. From the perspective of legal formalism, political trials appear as ‘a contradiction in terms’ because the highly undesirable, but sometimes unavoidable, interference of political interests in the distinct realm of law usually results in the politicization of court proceedings. Conversely, proponents of critical legal theory claim that all criminal trials have a political dimension because ‘they include, at their core, a political element that remains alien of the law of which they are an institution’⁶². In addition, they argue, these type of court proceedings serve political aims because law and politics are entangled and most legal acts represent, in fact, a form of political decisions. The question of definition is further complicated by the fact that, given its widespread, but often misleading understanding, ‘political trial’ has become a pejorative term in the popular culture, typically associated with at highly publicized court proceedings perceived as ‘partisan’ or ‘unfair’ by public opinion.

Defining the specific nature and the concrete boundaries of ‘political trials’ represents a second set of difficulties in the study of this divisive topic. This type of trials has been examined from a variety of perspectives, ranging from all-encompassing definitions and typologies based on concrete examples to ‘non-determinative’, generic models that point to the factors likely to lead to the politicization of justice⁶³. Predictably, the results have not been unanimously accepted because the vast typological variation of political trials and their occurrence in different political

⁶¹ Peter Cane and Joanne Conaghan, eds., *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008), 903.

⁶² Bert von Roermund, ‘The Political Trial and Reconciliation’ in *The Trial on Trial*, vol. 2, *Judgement and Calling to Account*, ed. Antony Duff et al. (Oxford and Portland, Oregon: Hart Publishing, 2006), 173- 180.

⁶³ Falk, ‘Making Sense of Political Trials’, 58- 60.

regime have rendered problematic the efforts at generalization. Although political trials may occur, under various guises, in both authoritarian and democratic historical contexts, most of the attempts to define their specific nature identify four necessary, but not always sufficient constitutive elements. These are related to the trial background (there is a political intention to prosecute the defendants), the nature of offenses (the crimes under investigation have a political or ideological aspect), legal process (there is a noticeable deviation from the established legal norms either by the abridgement of due process guarantees or the diminishing of judiciary independence) and trial outcome (the sentence may exceed the original retributive purposes and acquire certain extra-legal functions, such as advancing of a self-serving pedagogical narrative).

Given that the broad category of ‘political trials’ is far from being clearly-delimited, the attempts to craft an all-encompassing definition stressing the manipulation of the normally neutral legal process for political ends as the defining element have proven somehow elusive. Scholars such as Barbara J. Falk focused instead on identifying a group of ‘non-determinative criteria’ that could help establish whether the border between normally neutral judicial proceedings and ‘political justice’ has been transgressed or not⁶⁴. The political motivation behind the trial, the fact that the defendants are political foes or regime adversaries, the susceptibility to ideological contaminations (‘naming and shaming’) and the didactic function, especially in situations of political transition, are some of the factors that could point to the politicization of justice. This approach focuses on the interplay between political and legal agendas and provides a nuanced analysis of the reasons behind the politicization of justice and the didactic role that that trial narratives aim to fulfill.

Despite their potential limitations, both types of approaches can prove their usefulness when exploring the boundaries that separate ‘political trials’ from ‘trials on political issues’. In

⁶⁴ Ibid., 1.

line with O. Kirchheimer's thesis, 'political trials' distinguish themselves from 'regular criminal trials' not only in terms of legal process (deviation or adherence to the established legal norms and standards of due process), but also in an institutional sense, because the former usually occur when the courts are called upon 'to eliminate a political foe of the regime according to some prearranged rules'⁶⁵. Hence, it could be argued that the fine line that separates 'criminal trials on political issues' and 'those trials that are themselves part of politics' is not only content-dependent, but also context-dependent. Criminal trials that examine so-called 'political crimes' such as treason have a high chance of becoming political trials when the regime in power decides to interfere with the proceedings in order to confer a 'propagandistic dimension' to the outcome.

A third set of difficulties arises when trying to classify political trials according to a given set of criteria, such as political motivation, adherence to the standards of due process, gradations of external interference and so forth. Some scholars expressed reserves towards creating fixed typologies, claiming that any efforts to fit historical cases into distinct generic categories would lead to the creation of ideal-type taxonomies⁶⁶. Although not all political trials would fit in neatly, taxonomies like the ones created by Ron Christenson are heuristically tools that could prove useful in identifying the various 'dilemmas' that these trials ultimately come to address. He argues that political trials typically transcend their 'regular' retributive and social roles and are portrayed in a sensational manner by the media because they epitomize a broader conflict⁶⁷.

R. Christenson's category of 'trials of regimes' deserves special attention because it casts new light on issues such as the disputed legitimacy of the successor regimes and the competence of special courts, as expression of the political will of the said regimes, to try leaders of deposed

⁶⁵ Kirchheimer, *Political Justice*, 6.

⁶⁶ Falk, 'Making Sense of Political Trials', 36.

⁶⁷ Ron Christenson, *Political Trials: Gordian Knots in the Law*, 2nd edition (New Brunswick, New Jersey: Transaction Press, 1999), 1-13.

regimes. This category of trials involved similar ‘general dilemmas’ as the prosecution of the Antonescu group did in May 1946: non-independent courts of law, retroactive legislation, ‘victor’s justice’, and attributing individual guilt for state crimes⁶⁸. O. Kirchheimer employed a similar line of argumentation in his analysis of ‘trials *by fiat* of successor regimes’, during which the successor regimes created special *ad-hoc* jurisdictions in order to put on trial the leaders of the deposed regime⁶⁹. In order to sanction the political repression against the latter, these new courts resorted to various legal innovations to criminalize the entire political activity of the deposed leaders by branding them as ‘treasonous’ or ‘tyrannical’, which implied ‘a judgement on erroneous and nefarious policies rather than commission of a definite criminal offense’. Still, not every attempt to couch political responsibility in legal terminology and nullify the legality of predecessor regime yielded the expected results.

While there is considerable scope for disagreement on the definition, nature and classification of political trials, most specialists agree upon the political and ideological functions that ‘political trials’ may fulfill. As concentrated expressions of public law, these distinct types of trials do more than simply examine the guilt or innocence of high-profile defendants and ascertain the judicial truth about the offenses under review. In many cases, they present the regime in power the much-needed opportunity to damage the reputations of their political enemies and isolate them from their former or potential allies by publicly presenting them as criminals or traitors⁷⁰. Due to their great potential to influence public opinion and rally popular support to the cause of the new regime, political trials typically serve a didactical function, which is illustrative of the role of the courts of law in sanctioning the overturn of governments and the legitimacy claims put forward by the successor regimes. When the courts of law are directly

⁶⁸ Ibid., 270- 272.

⁶⁹ Kirchheimer, *Political Justice*, 313- 314.

⁷⁰ Ibid., 461.

dependent on the executive for their functioning, as the Bucharest People's Court was, the legal system offers those in power the opportunity to influence the construction of a 'pedagogical metanarrative' about the past, usually centered on (a number of) binary constructions of 'good' versus 'evil', which may cast the leaders of the deposed regimes in the role of 'villains' and the members of the new regime in the role of 'saviors'⁷¹. Thus, the courts of law have sometimes been placed in a position to create authoritative narratives about the past that were explicitly aimed to educate the general public or implicitly intended to elicit popular support and thus, enforce the legitimacy of the new regimes in power.

Moving to the trial of the Antonescu group, the attempts to situate it within the general framework of political trials has raised a number of difficulties, particularly in regards to its classification. Situated at the intersection of legal practices and political interests, the prosecution of the Antonescu group seems to have acquired the distinctive traits of 'politicized justice', but was it a form of 'successor trial' or simply a Stalinist 'show trial'? In attempting to address this thorny question, different authors have adopted different perspectives (legal, historical or a combination of all two), which, in turn, have brought into focus distinct sets of issues or 'dilemmas', as R. Christenson labeled them. These perspectives will be briefly reviewed in the remaining paragraphs in an attempt to evaluate some of their inherent limitations and indicate their potential usefulness for the study of the trial of the Antonescu group.

From a legal point of view, the trial of the Antonescu group represented a war crimes trial related to the larger wave of 'postwar retribution' that swept the European continent after 1944. These judicial proceedings present similarities in respect to the category of crimes under review, the nature of the courts examining the cases and the set of legal and moral dilemmas they

⁷¹ Leon Friedman, 'Political Power and Legal legitimacy: A Short History of Political Trials' in *The Antioch Review* no. 30 (Summer 1970): 38- 39.

addressed. Apart from the issues of ‘victor’s justice’, these war crimes trials raised difficult legal and moral issues (prosecuting war of aggression and genocide based on retroactive law and employing compromised judicial personnel that served under the wartime regimes) which tended to be eclipsed by more immediate political interests, such as the urgent need to consolidate the legitimacy of the successor regimes and to bring about some form of national reconciliation. Although most legal procedures were covered by law, argued I. Déak, the political settings in which these trial took place made the dominance of the political agenda a constant⁷².

From a historical perspective, however, the trial of the Antonescu group appears to have been heavily influenced by the transitional political context in which it occurred and thus, may be included, with good reason, in the category of ‘trial of regimes’. The high profile of the defendants (deposed leaders of the wartime regime), the political nature of some of the counts of indictment (treason, collaboration with the enemy and participation into a destructive war) and the political and symbolical implications of the trial outcome seem to validate this choice, as does the dilemma that it ultimately raised in the course of its proceedings, i.e. the legitimation by judiciary means of the regime change that occurred on August 23, 1944⁷³. As with many other ‘trials of regimes’, the Groza successor regime, via the prosecution, made efforts to prove the tyrannical and criminal nature of the Antonescu regime and shift the burden of responsibility for the lost war and current economic difficulties on its predecessor. The general benefits of such an approach focusing on the historical context are, at least, two: first, it exemplifies the manner in which the rule of law can be subverted when the courts are directly dependent on political actors for their functioning and second, it brings into focus the extra-legal functions that the trial acquire due primarily to the transitional political setting in which it occurred. Its main drawback,

⁷² Déak, Gross and Judt, eds., *The Politics of Retribution*, viii- xii.

⁷³ Laughland, *A History of Political Trials*, 119- 128; Christenson, *Political Trials*, 255- 282.

however, resides in the fact that the technical legal analysis may have to recede in the background and the main focus would shift on the historical background and the political factors that influenced the planning, preparation and course of the trial.

Adopting a very narrow historical perspective, which clearly downplays the legal aspects of the trial and focuses exclusively on the negative role of political manipulations, presents obvious limitations. As mentioned in the previous section, classifying the trial of May 1946 as a ‘show trial’, i.e. a judicial proceeding ‘staged’ in a non-democratic regime primarily for propagandistic purposes, with the outcome predetermined and no real possibility of acquittal⁷⁴, has been one of the most provocative thesis of the Romanian revisionist historians. More often argues than proved, this provocative thesis has embraced the pejorative meaning of the concept of ‘show trial’, while its sharp critique against the procedural flaws of the trial and the nefarious manipulations of political actors aimed not only to denigrate it as the epitome of the Communist institutionalized political repression, but also to invalidate its final outcome⁷⁵.

The careful analysis of the main arguments in favor of including the trial of the Antonescu group in the category of ‘show trials’ (the involvement of Moscow and the local Communists in the organization of the trial, the ideological coloring of the Indictment, the violence of the Communist press campaign against the defendants and so forth) reveals that there are at least an equal number of pertinent counter-arguments. First, the Bucharest People’s Court, despite its ad-hoc character, generally functioned within the limits of the existing laws; second, the trial took place in a transitional political context, where the local Communist Party had yet to gain the full control over the local state apparatus and press; and third, the defendants were given the chance to present their arguments and defend their past actions. Their attitude in court was sensibly

⁷⁴ Cane and Conaghan, eds., *The New Oxford Companion to Law*, 1083.

⁷⁵ A telling example of this type of interpretation is to be found in Buzatu, ‘O farsă stalinistă’, 19- 24.

different from that of the defendants in the infamous Moscow Purge trials, since they could openly challenge the legitimacy of the tribunals, refute the allegations made by the prosecution and even present their own alternative version of the recent past⁷⁶. In addition, the analysis of the trial from the perspective of a ‘show trial’ casts aspersions against the very factual basis of the Indictment. Not only does it place limitations upon the evaluation of the merits of the criminal charges, but automatically imply that the defendants were innocent of these fabricated charges⁷⁷.

In the remaining sections of this dissertation, the trial of the Antonescu group will be examined, without losing sight of the technical legal aspects, from the perspective of a political trial that acquired the traits of a ‘trial of regimes’ in terms of context, content and functions, as delineated by the above-mentioned studies authored by R. Christenson and O. Kirchheimer. This choice was primarily determined by the potential usefulness of this approach in terms of historical interpretation and research design. In respect to the former, it endeavors to focus less on the decades-old, difficult dilemma of attempting to validate or invalidate the guilty verdict passed by the Bucharest People’s Court in May 1946 with the benefit of historical hindsight and to examine closer the role of the historical context, i.e. the early Cold War years, in turning this trial into a highly publicized ‘courtroom drama’. Such an approach can provide a useful heuristic tool for discerning the role of the involved political actors and groups in the instrumentalization of the trial of the Antonescu group and for casting new light upon the extra-legal functions that it acquired. In fact, it can be argued that, in retrospect, the trial of May 1946 not only exemplified the diminishing of the rule of law in postwar Romania, but also anticipated the establishment of the Communist ‘popular justice’, with its loud ideology-driven courtroom rhetoric.

⁷⁶ Déak, Gross and Judt, eds., *The Politics of Retribution*, viii- xii.

⁷⁷ See, for instance, Dan, ‘*Procesul*’ *Mareşalului*, 368- 369.

1.4. Methodological approach and historical sources

The research methodology of this dissertation derives from the theoretical framework and draws on several elements of (political) history and (national) criminal law that were considered necessary for validating the working hypothesis and constructing the main arguments. This dissertation includes both chronological and thematic chapters. The chronological ones provide a concise historical interpretation of the sequence of domestic and international events, centered around the coup of August 23, 1944, which led to the arrest in Bucharest, ‘extradition’ to the Soviet Union and ultimately, criminal prosecution before the Bucharest People’s Court of Marshal Antonescu and his closest collaborators in May 1946. The thematic chapters examine from a legal and institutional perspective the subordination of the Romanian judicial system by the Communist Groza government and the activity of the Bucharest and Cluj People’s Courts between 1945- 1946. The pretrial procedures and the actual trial are examined from a mixed chronological and thematic approach, considered better suited for exploring the complicated interaction of politics and law during the trial of the Antonescu group.

As for perspective, this dissertation will adopt the more practical formula of a monographic study. Even though it is not intended to be a comparative study per se, the importance of analyzing the trial from a comparative perspective, either national or supra-regional, is implicitly recognized. Hence, in lack of a proper comparative examination that would definitely gain in breadth, but equally lose in depth, a limited comparative perspective will be offered. Thus, at a national level, the trial of the Antonescu group will be compared with the previous trials against other Romanian major war criminals in an effort to contextualize the activity of the Bucharest and Cluj People’s Courts between 1945 and 1946. It should be noted at this point that these

previous local war crimes trials did not actually serve as legal precedents to the trial of May 1946. At a supra-national level, this trial will be briefly and selectively compared with the legal retribution against some other major war criminals and collaborators in the Soviet Union between 1943 and 1946, some of the former Axis satellites fallen under Soviet influence (particularly Bulgaria), liberated France and Allied-occupied Germany. Due to its importance, the Trial of the Major War Criminals before the International Military Tribunal in Nuremberg will serve as a general point of reference and, when suitable, of meaningful comparison.

In respect to the primary sources employed, five categories or materials were of particular importance. The first one includes the official trial records themselves, which were consulted in the original in the Romanian National Archives⁷⁸ and in digital format in the USHMM repositories⁷⁹. These archival records were cross-referenced with the selections of documents included in two principal editions of trial papers, published from 1946 and, respectively, 1995-1998⁸⁰. The second category encompasses private archival documents referring to the preparations for and mechanics of the trial, which touch upon to the manner in which the prosecution prepared its case and the court reached some of its main decisions⁸¹. The third one comprises the unpublished⁸² and published records⁸³ of similar war crimes trials that occurred around the same time in Romania and cast light upon the activity of the new People's Courts. The fourth category groups a careful selection of historical documents pertaining to the

⁷⁸ DANIC, Archival Fond no. 3140 'Colecția rechizitorii, declarații și stenograme ale proceselor unor criminali de război și personalități burgheze', folder no. 3 ('Stenograma dezbaterii procesului intentat lui Ion Antonescu, Mihai Antonescu... ș.a.').

⁷⁹ USHMM, Archival Fond RG-25.004M 'Dosar nr. 40010, Dosar penal Ion Antonescu proces'.

⁸⁰ *Procesul Marii Trădări Naționale*; Ciucă, ed., *Procesul Mareșalului Antonescu. Documente*, vols. 1- 3.

⁸¹ USHMM, Archival Fond RG-25.004M 'Dosar nr. 40010, Dosar penal Ion Antonescu proces'.

⁸² DJAN Cluj, Archival Fond no. 962 'Tribunalul Poporului Cluj, 1945- 1946'.

⁸³ Rus, ed., *Delictul de opinie*; Braham, ed., *Genocide and Retribution*.

Romanian political life between 1944 and 1947 (private diaries⁸⁴, Romanian diplomatic and government records⁸⁵, official transcripts of the meetings of the transitional governments⁸⁶, minutes of the meetings of the Central Committee of the Romanian Communist Party⁸⁷ and so forth), which make reference to the web of political calculations and party interests that affected the trial of May 1946. The fifth category includes a representative selection of the Romanian press coverage on the trial, particularly the articles published in the Communist dailies *Scântea* and *România liberă* prior to, during and immediately after May 1946.

As a side note, the unpublished copies of the official trial records were frequently cross-referenced with the documents included in the two principal editions of the trial papers (the first one published in 1946 and the second one in 1995- 1998). This task was performed not only to verify the accuracy of the trial transcripts, but also to reconstruct, when required, those illegible

⁸⁴ Burton Y. Berry, *Romanian Diaries*, ed. Cornelia Bodea (Iași, Oxford, Portland: The Center for Romanian Studies, 2000); Boris Deșliu, *Momente și portrete* (Constanța: Editura Europolis, 2001); Raoul Bossy, *Recollections of a Romanian Diplomat, 1918- 1969. Diaries and Memoirs of Raoul V. Bossy.*, trans. and ed. George H. and Michel A. Bossy, 2 vols. (Stanford: Hoover Institution Press, 2003); Petru Groza, *Adio lumii vechi!: memorii* (București: Editura Compania, 2003); Ioan Hudiță, *Jurnal politic ((25 august 1944 - 3 noiembrie 1944)* (Pitești: Editura Paralela 45, 2006); Hudiță, *Jurnal politic (4 noiembrie- 6 decembrie 1944)* (București: Editura Dominor, 2007); Hudiță, *Jurnal politic (7 decembrie 1944 - 6 martie 1945)* (București: Editura Dominor, 2008); Hudiță, *Jurnal politic (26 aprilie-31 august 1946)* (Târgoviște: Editura Cetatea de Scaun, 2014); Hudiță, *Jurnal politic (1 septembrie- 31 decembrie 1946)* (Târgoviște: Editura Cetatea de Scaun, 2015); Lecca, *Eu i-am salvat pe evreii din România*; Reuben H. Markham, *Romania under the Soviet Yoke* (Boston, Meador Pub. Co., 1949); Mihail Romniceanu, *Zece luni în Guvernul Groza. Documente, memorii, note*, ed. Nicolae Florescu (București: Editura Jurnalul literar, 2003); General Constantin Sănătescu, *Jurnal*, ed. Simona Ghițescu-Sănătescu (București: Editura Humanitas, 1993); Pantazi, *Cu Mareșalul până la moarte*; Cortland V.R. Schuyler, *Misiune dificilă. Jurnal (28 ianuarie 1945 - 20 septembrie 1946)*, trans. Alina Petricel (București: Editura Enciclopedică, 1997).

⁸⁵ Radu Marin Mocanu, ed., *România, marele sacrificat al celui de al doilea război mondial. Documente*. vol. 1 (București: Arhivele Statului din România, 1994); Mocanu, ed., *România și Armistițiul cu Națiunile Unite. Documente*, vol. 2 (București: Arhivele Statului din România, 1995); Mocanu, ed. *Vremuri satanice: documente* (București: Editura Fundației Culturale Ideea Europeană, 2005); Ioan Scurtu, ed., *România. Viața politică în documente 1945* (București: Arhivele Statului din România, 1994); Scurtu, ed., *România. Viața politică în documente 1946* (București: Arhivele Statului din România, 1996); Scurtu, ed., *România. Viața politică în documente 1947* (București: Arhivele Statului din România, 1994).

⁸⁶ Marcel-Dumitru Ciucă, ed., *Stenogramele ședințelor Consiliului de Miniștri. Guvernarea Constantin Sănătescu*, vol. 1 (27 august- 6 noiembrie 1944) and vol. 2 (20 octombrie- 29 noiembrie 1944) (București: Editura Saeculum I.O., 2011- 2012); Ciucă, ed., *Stenogramele ședințelor Consiliului de Miniștri. Guvernarea generalului Nicolae Rădescu (6 decembrie 1944-28 februarie 1945)* (București: Editura Saeculum I.O., 2013); Ciucă, ed., *Stenogramele ședințelor Consiliului de Miniștri: guvernarea Dr. Petru Groza: instaurarea regimului pro-comunist*, vol. 1 (7 martie- 27 iulie 1945) and vol. 2 (24 august 1945-28 februarie 1946) (Pitești: Editura Ordessos, 2014 - 2015).

⁸⁷ Radu Ciuceanu et al., eds., *Stenogramele ședințelor conducerii P.C.R., 23 septembrie 1944- 26 martie 1945* (București: Institutul Național pentru Studiul Totalitarismului, 2003).

phrases or entire paragraphs from the unpublished official copies of the trial records. In addition, a wide selection of excerpts from these original documents were translated from Romanian into English and included in the body of the dissertation. Naturally, I assume full responsibility for the eventual errors or inaccuracies in these translations.

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The present dissertation will be divided into four general sections, each containing one or several chapters. The first section examines the influence of the historical context (the political and legal setting between August 1944- December 1947) over the planning and preparation of the trial. Chapter 2 deals with the political context of the trial, exploring how the ‘trial blueprint’ emerged out of the complex interaction between the interests of the domestic and international political actors that had a vested interest in influencing the prosecution of the Antonescu group. Chapter 3 examines the legal and institutional context of the trial, particularly the creation, organization and functioning of the judicial mechanisms established in view of prosecuting the major war criminals in postwar Romania under the direct influence and control of the Allies.

The second section investigates the complex preparations undertaken by the Soviet Union and the local Romanian authorities between 1944 and 1946 in order to pave the way for the trial. Chapter 4 examines these protracted preparations from two perspectives: first, the political and diplomatic aspects (the arrest of the members of the Antonescu group in late August 1944, their controversial ‘extradition’ to the Soviet Union for interrogations and their return to Bucharest in May 1946) and second, the legal aspects (the pre-trial procedures initiated in the spring of 1946).

The third section turns to the core arguments of the dissertation, namely the politicization of the court proceedings between May 6-17, 1946. For the sake of simplicity, the subject-matter was divided into two inter-related sections. Chapter 5 explores the initial trial stages, from the opening formalities of the first day to the examination of the defendants (May 6- 8), while chapter 6 discusses the subsequent stages, from the examination of the witnesses and the closing arguments to the reading of the verdict (May 9- 17). To pursue the judiciary process until its final outcome, some brief consideration will be given to the appeals and the execution of sentences.

The fourth section of the dissertation examines the extra-legal functions of the trial. Chapter 7 focuses on the propagandistic dimension of the court proceedings and how the Communist press, in its highly partisan coverage of the trial, sought to de-legitimize the wartime Antonescu regime, denigrate the liberal political opposition to Communism and consolidate the Party's claim on the monopoly of power in postwar Romania.

Finally, Chapter 8 draws a number of conclusions on the role of the trial of May 1946 in postwar Romanian political life and explores its somewhat controversial legacy. In order to facilitate the understanding of the political criteria behind the selection of the defendants in the trial of the Antonescu group, I have compiled a full list of the members of the Antonescu cabinets (September 1940 – August 1944) in the Annex.

2. THE POLITICAL CONTEXT OF THE TRIAL (1944- 1947)

2.1. Introduction

Of all the facts that have cast a shadow of suspicion over the fairness of the trial of the Antonescu group, the interference of the political factors was probably the most noticeable one. As with other cases involving the prosecution of deposed heads of state in times of political transition, this trial was seen by some contemporary observers as a sad example of manipulation of the judiciary for political ends or simply as a 'political affair' par excellence on account of the politicized nature of the criminal charges (war crimes, high treason and collaboration with the enemy), the high-ranking political profile of the 24 defendants (former members in the wartime Antonescu cabinets) and the partisan attitude of the ad-hoc Bucharest People's Court selected to hear the case, which deviated more than once from the traditional 'neutral judicial stance'¹.

These observations may well have been influenced by the tense and confused atmosphere in which they were recorded. For Romania, the year 1946 marked the uneasy transition from a fragile postwar democratic regime to a Soviet-dominated Communist satellite, during which the population's initial enthusiasm for the restoration of the constitutional regime and the newfound alliance with the United Nations was overshadowed by the alarming prospect of Soviet military occupation and Communist takeover. But despite the subjectivity of some of these remarks, there is ample documentary evidence to support the claim that some of the aspects of this trial were subjected to various degrees of political pressures, either from local or international actors. At times, these pressures were indirect and aimed to discretely steer the court hearings in a certain

¹ Berry, *Romanian Diaries*, 397.

direction, whereas on more than one occasion, they assumed a direct form and openly interfered with the course of proceedings. What was it about the nature of this trial that made it highly susceptible to undue political pressure? And what was the purpose of these interferences?

This chapter seeks to address these questions by examining the influence of the early Cold War historical context on the politicization of the trial of the Antonescu group. It argues that this trial got inextricably entangled in the domestic political rivalries and Allied negotiations that shaped Romanian political life between August 1944 and December 1947 and hence, became as much about postwar politics as it was about retributive justice. Three factors stand apart and serve to illustrate how the historical context had a crucial influence on the trial of May 1946. First of all, the decision to hold the trial was a direct consequence of the dramatic changes in the country's political situation and diplomatic alliances (the coup of August 23, 1944 that removed Marshal Antonescu from power and respectively, the signing of the Armistice Agreement with the Allies on September 12 1944, which included a provision regarding the punishment of war criminals). Second, the political actors behind the coup, particularly the Romanian Communist Party, developed a partisan interest in 'staging' a public trial once they realized its potential impact upon the interpretation of sensitive issues such as wartime collaboration and postwar legitimacy. And third, the planning and preparations for the prosecution of the Antonescu group were shaped by the complex interaction between the various political forces that constituted the post-coup transitional governments. In fact, 'the trial blueprint' emerged from the protracted negotiations between the so-called democratic opposition and the local Communists, each with a vested interest in influencing the fate of the forthcoming trial, but more than ready to adjust their own agenda in response to Allied pressures and the changing fortunes of the local politics.

Due to space constraints, the postwar agendas and activities of these political actors are not presented in full detail. The discussion will be organized around four sections: the first one looks at the historical circumstances leading to the arrest and prosecution of the Antonescu group (the coup of August 23, 1944), the second looks at the attitude of the Allies regarding the prosecution of war crimes in postwar Romania; the third analyses the protracted negotiations between the local political parties on this issue from September 1944 to May 1946; and the fourth includes some concluding remarks on the reasons why the trial acquired such great political importance.

2.2. Background: the coup of August 23, 1944

It seems almost a truism to say that the military, political and diplomatic realignments of the final years of World War II influenced decisively the course of Romania's postwar history. This truism, nonetheless, holds true for the trial of the Antonescu group because the coup of August 23, 1944, which stands right at the center of these realignments, had set in motion the chain of events leading to Marshal Antonescu's arrest and imprisonment. As with most historical turning points, the coup has generated lengthy debates in Romanian historiography, as well in the public sphere and it is beyond the scope of this chapter to discuss in full detail the historical circumstances of the coup of August 23, 1944 or the controversies they have generated inside or outside the local academic circles. Instead, a more cursory analysis of the key stages of the coup (premises, planning, execution and post-coup stabilization measures) will be provided in order to assess the impact of the post-coup political realignments over the fate of the fallen *Conducător*, as well as over the planning and preparations undertaken by the transitional Sănătescu, Rădescu and Groza governments for the prosecution of the major war criminals in postwar Romania.

2.2.1. *Preliminaries to the coup*

Marshal Antonescu's overthrow in August 1944 stemmed not only from the increasing fragility of his dictatorial rule or the dramatic reversal of fortune suffered by the Romanian Army fighting on the Eastern front, but also from the determination, acumen and good fortune of the conspirators behind the coup. Identifying the main reasons that led the King, a few high-ranking officers and diplomats or the leaders of the opposition parties to form a secret political coalition in the summer of 1944 in order to bring about a regime change represents a challenging task. The conspirators came from opposite ends of the political spectrum and, despite the fact that they envisaged similar outcomes for the coup, were most likely pursuing distinct long-term goals. Bearing this in mind, it is still possible to identify three general factors that made possible for the members of such a diverse coalition to temporarily put aside their differences and join forces: first, the growing political opposition against the dictatorial rule; second, the changes in the course of the war on the Eastern front after the battle of Stalingrad; and third, the failure of the Antonescu regime to extricate Romania from the disastrous war against the Allies and the alliance with the Axis by concluding a favorable separate armistice with the United Nations.

General (promoted to Marshal in 1941) Antonescu assumed power in September 1940 with the tacit assent of the major domestic political forces and large segments of the population, but quickly exhausted his political capital and popularity due to the controversial decisions that he took in the following four years of his rule. He came to power in the middle of one of the worst political crisis ever faced by the country. King Carol II (1930- 1940) ², who had established a royal dictatorship in 1938, saw the gathering storm-clouds of war over Europe in the late 1930s

² For further details on King Carol II's reign, see Scurtu, *Istoria românilor în timpul celor patru regi*, vol. 3 *Carol al II-lea*, 2nd ed. (București: Editura Enciclopedică, 2004).

and adopted a prudent stance towards the recent shifts in the European balance of power³. In September 1939, he officially proclaimed Romania's neutrality in a desperate effort to defend his country's territorial integrity and to 'plot a safe course' away from the Soviet expansionist aims and Hungarian revisionist claims. His plans crumbled in the summer of 1940, when, left with no allies on the Continent, he had to make major economic and diplomatic concessions to Germany to secure the Axis protection. Still, the price demanded by Hitler was much higher and consisted in satisfying the territorial pretensions of Romania's revisionist neighbors⁴. The ceding of Bessarabia and northern Bukovina to the Soviet Union, northern Transylvania to Hungary and southern Dobrogea to Bulgaria between June-August 1940 did secure the Axis protection, but also threw Romania into a deep state of turmoil. In a last-minute attempt to save his throne, King Carol II appointed General Antonescu as his new Prime-Minister (September 4 1940), but was eventually forced to abdicate on September 6, 1940⁵. Formally, he left the throne to Mihai I, his son, but was actually forced to pass the reins of power into General Antonescu's strong hands.

General Antonescu's rise to power in 1940 arguably changed the course of the country's politics by driving it deeper into the Axis orbit and closer to an authoritarian regime. These decisions were not initially openly opposed by the Romanian political elites because the first steps in this direction have already been taken by King Carol II and in the fall of 1940, they were seen as necessary, short-term palliatives aimed to secure Romania's new borders and to restore internal order. Still, General Antonescu's decision to bring the fascist Legionary Movement to power and to establish an authoritarian, fascist-like regime on September 14 1940 was met with suspicion by most democrat political leaders. The new National-Legionary State triumphantly proclaimed itself to be a 'national, Christian and totalitarian' regime, but represented, in fact, an

³ Rebecca Haynes, *Politica României față de Germania între 1936 și 1940* (Iași: Editura Polirom, 2003), 28.

⁴ Andreas Hillgruber, *Hitler, Regele Carol și Mareșalul Antonescu* (București: Humanitas, 1994), 102- 107.

⁵ Deletant, *Hitler's Forgotten Ally*, 46- 50.

uneasy condominium of power between General Antonescu, the Prime-Minister and head of the Army and Horia Sima, deputy Prime-Minister and leader of the Legionary Movement⁶. The former had a more conservative nationalistic programme for restoring internal order and made efforts to temper Horia Sima's crude attempts to employ propaganda and repression in order to implement his radical social, economic and racial policies inspired by Nazi Germany and Fascist Italy. These tensions, stemming from different choices of methods and long-term political goals, continued to build up and eventually brought the country to the brink of civil war in January 21, 1941, when the Legionaries rebelled against General Antonescu. After securing Berlin's support, the latter firmly suppressed the insurgence and officially removed the Legionaries from power⁷.

After regaining control, General Antonescu rebuilt his dictatorial regime on a charismatic, militaristic, corporatist and ultranationalist basis⁸. This did not mean that there was a complete breakup with the failed National-Legionary State. The new regime did undergo major personnel and institutional changes that virtually removed most Legionaries from their positions of power and abolished the detested 'parallel institutions' they had set up. Still, the autocratic core of the regime remained intact: Marshal Antonescu, as *Conducător* (or Leader), cumulated both the legislative and executive powers and relied on the loyal cadres of the officer corps instead of a single-party to control the state administration and enact his plan of 'national regeneration'⁹. Also, the anti-democratic measures first adopted by King Carol II's dictatorship, such as the banning of political parties, the dissolution of the legislative, the suspension of basic civil rights and the persecution of extremist parties, notably the Communists, continued to remain in effect.

⁶ Constantin Iordachi, 'A Continuum of Dictatorships: Hybrid Totalitarian Experiments in Romania, 1937–44' in *Rethinking Fascism and Dictatorship in Europe*, ed. Antonio Costa Pinto and Aristotle Kallis (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2014), 254.

⁷ Simion, *Regimul politic din România*, 244–272.

⁸ Deletant, *Hitler's Forgotten Ally*, 69–72.

⁹ Simion, *Preliminarii politico-diplomatice*, 14–57.

The Antonescu regime (1941- 1944) did not face major political opposition in its early years because it was seen by most political leaders (except the Communists) as 'the lesser evil'. Supported by the Axis and loyally followed by the Romanian officer corps, Marshal Antonescu presented himself in 1941 as the 'national savior' who had delivered Romania from 'the fascist anarchy' and 'the Communist threat'¹⁰. His boasts, however, failed to convince Iuliu Maniu and Dinu Brătianu, the leaders of the two democratic political parties who had supported King Carol II's abdication in 1940, but refused to lend their full support to the new dictatorial regime. Excluded from political life and left with no public channel to express their views, I. Maniu and D. Brătianu initiated a letter-writing campaign to the *Conducător* in 1941, criticizing the latter's unwise new course in foreign policy, the Army's reckless involvement in Operation Barbarossa and the brutal persecutions of ethnic minorities. Though this criticism provoked a personal reaction from Marshal Antonescu, who firmly rebuked the accusations and defended his policies in lengthy and increasingly hostile replies, the letter-writing campaign had little political impact and the *Conducător* continued to take decisions without seeking Maniu's or Brătianu's advice¹¹.

One of the most sinister aspects of the programme of 'national regeneration' implemented by the Antonescu regime, which gradually unveiled its horrors to the leaders of the democratic opposition, was the state-sponsored racial and religious persecutions. The Antonescu regime inherited from the previous regime a set of racial policies inspired by Nazi Germany, which had stripped many Romanian Jews of their citizenship and excluded them from liberal professions, the Army, the state education system and the public administration¹². In his quest for achieving an ethnically homogenous nation, Marshal Antonescu added new dimensions to this anti-Semitic policy by expropriating Jewish property and nationalizing local businesses (the policy of

¹⁰ Deletant, *Hitler's Forgotten Ally*, 72.

¹¹ Mihai Pelin, ed., *Epistolarul infernului* (București: Editura Viitorul Românesc, 1993), 416- 417.

¹² Solonari, *Purificarea națiunii.*, 223- 244.

‘Romanianization’), establishing a Jewish Central Office to supervise, inter alia, the system of forced labor and special levies imposed on the Jewish population and, ultimately, implementing an ethnic cleansing programme in the newly regained provinces of northern Bukovina and Bessarabia that led to large-scale ghettoization, deportations to Transnistria and extermination¹³. Other ethnic and religious minorities were affected by the new regime’s desire to ‘purify the nation’: around 25,000 Roma were deported to Transnistria in 1942 on account of their alleged social parasitism (those still leading a traditional nomadic lifestyle) and threat to public safety (those with a criminal record)¹⁴, whereas the members of smaller non-Orthodox denominations, such as the Baptists, the Adventists, the Evangelicals and the Innochentists, were subjected to persecutions¹⁵. Although the Antonescu regime halted the deportations in the fall of 1942, the disastrous effects could hardly be minimized and the count of human loses, although still debatable, is estimated by some specialists at around 300,000 Jews and around 11,000 Roma¹⁶.

The second factor that galvanized the political opposition against his regime was Marshal Antonescu's decision to involve the country in the total war against the United Nations. The signing of the German-Soviet Non-Aggression Pact (August 23 1939) and the dissolution of Greater Romania in the summer of 1940 effectively brought the country on the brink of disaster. Left with little choice in terms of allies, Marshal Antonescu decided to place the alliance with Germany at the center of his foreign policy and pledged the country’s economic and military resources to the Axis war effort in the hope that a quick victory in the East would induce Hitler to restore Romania to its former borders and put an end to ‘the Soviet threat’. In other words, he believed that the road to recovering Romania's lost provinces passed through Berlin. The first

¹³ Ioanid, *The Holocaust in Romania*, 289- 290.

¹⁴ Viorel Achim, *The Roma in Romanian History* (Budapest: Central European University Press, 2004), 169.

¹⁵ Achim, ed., *Politica regimului Antonescu față de cultele neoprotestante* (Iași: Editura Polirom, 2013), 13.

¹⁶ Friling, Ioanid and Ionescu, eds., *Final Report of the International Commission*, 177- 178.

steps towards bringing Romania in the Axis camp were taken in late 1940, when Germany sent a military mission to Romania (October 12, 1940), invited Antonescu to adhere to the Tripartite Pact (November 23, 1940) and signed a new economic treaty (December 4, 1940) that reinforced its control over Romanian cereals and oil exports¹⁷. These steps officialized Romania's military and economic collaboration with Germany, formally as an ally, but more typical of a satellite. Still, Romania's subordination to Germany remains a thorny issue because Marshal Antonescu never fully endorsed Hitler's war aims and managed to retain some degree of autonomy¹⁸.

Romania's involvement in the Axis campaign against the Soviet Union remained the key issue of the German-Romanian alliance. The Romanian Army participated to the Operation Barbarossa from the first moment and committed increasingly large resources to winning the war: between June 22, 1941 and August 23, 1944, the total contribution made by the Romanian Army to the Axis war effort raised from 470, 000 troops in June 1941 to more than 800,000 in August 1944. This substantial military contribution, coupled with the massive delivery of Romanian oil to the German war machine (almost 11 million tons between 1941- 1944)¹⁹ placed Romania almost on a par with Fascist Italy as Nazi Germany's Eastern ally and turned the Romanian Army in the second-largest Axis army engaged in the war on the Eastern Front.

Marshal Antonescu's reasoning for engaging Romania in Operation Barbarossa seemed to pay off, at least during the initial campaign of 1941. The Romanian troops became part of the Wehrmacht operation plans for the southern flank of the Eastern front and played a crucial role in the re-conquest of Bessarabia and northern Bukovina (June- July 1941). After crossing the Dniester in August 1941, the Romanian troops captured Odessa after a long siege (August-

¹⁷ Simion, *Regimul politic*, 121- 168.

¹⁸ Vasile Arimia, Ardeleanu Ion and Ștefan Lache, eds., *Antonescu-Hitler. Corespondență și întâlniri inedite (1940 – 1944)* (București: Editura Cozia, 1991), 1: 12.

¹⁹ Alesandru Duțu, ed., *Armata română în al doilea război mondial (1941-1945). Dicționar enciclopedic* (București: Editura Enciclopedica, 1999), 8.

October 1941), autonomous of significant German support. Despite the heavy costs of the campaign of 1941, the Romanian Army continued operations in Soviet territory and became involved in the Wehrmacht summer campaign of 1942 into the Caucasus region, which ended with the crushing Axis defeats at the Don Bend and Stalingrad (October 1942- January 1943)²⁰.

The defeat at Stalingrad represented a major turning point in the course of the war. Stalingrad meant not only 'the beginning of the end' for the Axis troops on the Eastern Front, but also a devastating blow to the general morale of the Romanian population, now faced with the realization that the tide of the war was quickly turning against them. Marshal Antonescu's public statements emphasizing that his country was waging a justified 'parallel war' against the Soviet Union failed to gain currency with Great Britain and the United States and ultimately prompted the Western Allies to brand Romania as 'an enemy Axis satellite'. Antonescu's refusal to end military operations on Soviet territory was followed by an official declarations of war by Great Britain (December 5, 1941). A similar event occurred after December 7, 1941, when Germany compelled Romania to declare war on the United States (December 12, 1944), which the latter reciprocated on June 6, 1942. The American military response materialized on June 12, 1942, when the United States Air Forces organized the first of a long series of air raids over Romania, bombing the main sites of the Ploiesti oil refineries²¹. Thus, by 1942, Romania's 'parallel war' against the U.S.S.R. could no longer be separated from the Axis's total war against the Allies.

The Romanian troops remained heavily committed in the military operations the Eastern front, especially in the evacuation of the Kuban Bridgehead and the defense of Crimea in 1943. But after the battle of Kursk in August 1943, the Axis lost the strategic initiative on the Eastern front and Marshal Antonescu began to realize that his country was now facing the threat of being

²⁰ Ibid., 129-132.

²¹ Mark Axworthy, Cornel Scafeș and Cristian Crăciunoiu, eds., *Third Axis, Fourth Ally: Romanian Armed Forces in the European War, 1941-1945* (London: Arms and Armour Press, 1995), 311.

transformed into a war zone, a prospect that he sought to avoid at all costs. Just as the Axis military situation steadily deteriorated, so did Antonescu's confidence in Hitler's reassurances of the superiority of the Wehrmacht. Even though both leaders had been locked in a bitter fight against the same Communist enemy, their once convergent war aims started to drift apart and the first tensions appeared in the German-Romanian diplomatic cooperation during 1943. Marshal Antonescu doubled his efforts to convince Hitler to dispatch more Wehrmacht troops to defend Romania's Eastern borders, but in parallel initiated a number of secret 'peace feelers' with the Allies that signaled his intention to take Romania out of the war at the first favorable moment²².

This leads us to the third and arguably the most important factor behind the creation of the all-party coalition against the dictatorial regime, namely Marshal Antonescu's hesitation to conclude an armistice with the Allies and thus take Romania out of the war. In early 1943, the Antonescu cabinet initiated the first steps towards changing the country's diplomatic orientation by sounding the position of the Western Allies towards the signing of a separate armistice with Romania. Marshal Antonescu's overall diplomatic objective was to explore the frictions between Soviet Russia and its Western Allies in order to obtain favorable armistice conditions directly from London and Washington²³. He pinned his hopes on an imminent (in fact, illusive) landing of an Anglo-American expeditionary corps in the Balkans. Secret negotiations were initiated with representatives of the Allies in neutral countries (Switzerland, Spain, Portugal, Sweden and Turkey) in the winter of 1943- 1944, but the responses proved quite disappointing. Marshal Antonescu's hopes of receiving guarantees regarding Romania's postwar sovereignty and the recovery of the loss provinces of 1940 foundered on the Western Allies' continued insistence on

²² Simion, *Preliminarii politico-diplomatice*, 336- 337.

²³ Ibid.

unconditional surrender and refusal to take any firm commitments over the head of Moscow²⁴.

These negotiations could not be kept a secret for long and took a somewhat dangerous turn when Germany got wind to them. Deeply irritated by the Romanian peace feelers, Hitler threatened Marshal Antonescu with military occupation in case his regime attempted to conclude a separate armistice with the Allies. Hitler, however, was aware that military threats would have only limited success in keeping Romania fighting in the Axis camp. Thus, during a meeting with Antonescu at Klessheim (March 23- 24, 1944), Hitler told the *Conducător* in confidence that he no longer recognized the validity of the Second Vienna Arbitration²⁵. This clever combination of implied threats, military assurances and territorial promises made Marshal Antonescu vacillate between fully committing himself to the re-opening the armistice negotiations with the Western Allies and significantly increasing the Romanian military contribution on the Eastern Front.

In April 1944, the Romanian and German troops were able to temporarily stave off the advance of the Red Army in the Moldavian sector of the front. The temporary Red Army setback and the Wehrmacht short-term stabilization of this exposed sector of the front between April - June 1944 provided the regime with a much-needed respite to regroup its forces, but could do little more than delay the Soviet advance²⁶. The massive losses on the Eastern front, coupled with the sustained Allied bombardments over Romania, including Bucharest, had taken a heavy toll and added a new sense of urgency to the need to reopen the armistice negotiations with the Allies. The moment had come for Marshal Antonescu to decide which course of action the Romanian Army needed to take in order to avoid getting crushed between the retreating Wehrmacht troops and the advancing Red Army divisions.

²⁴ Ibid., 355- 357.

²⁵ Arimia, Ardeleanu and Lache, eds., *Antonescu-Hitler*, Doc. no. 73 (1944, March 23- 24), 2: 143- 149.

²⁶ Ottmar Trașcă, '23 august 1944. Sfârșitul camaraderie de arme româno-germane' in *Anuarul Institutului de Istorie "George Barițiu" din Cluj-Napoca*, 45 (2006), 179- 224.

2.2.2. Political, military and diplomatic preparations

Marshal Antonescu's vacillation between ending the collaboration with the Axis and re-opening armistice negotiations with the Allies in the spring of 1944 increased anti-government hostility and galvanized into action the political actors who believed that Romania was heading towards disaster. Given that the Royal Palace was the sole institution which had the moral authority to convince these political actors to form an alliance and the political legitimacy to sanction a regime change, the hopes of the anti-dictatorial political forces turned towards King Mihai²⁷. Since his accession to the throne in 1940, the King had been reduced to the role of a 'figurehead' by Marshal Antonescu on account of his youth and lack of experience. Accordingly, while the *Conducător* exercised the real authority, the Royal Palace did not play any significant political role. After the disaster at Stalingrad, however, the young King felt that it was as his duty to become more involved in the country's political life, but his initiatives met with Marshal Antonescu's opposition. Vexed by the latter's authoritarian leadership style and moved by the belief that his country was heading to disaster, the King began to consult discretely with certain political leaders about the country's current predicament²⁸. With the help of his close advisers (Dimitrie Negel, Mircea Ioannițiu and Ionel Mocsony-Stârcea), the King strengthened his ties with certain pro-Allied senior officers and career diplomats, such as Grigore Niculescu-Buzești, and transformed the Royal Palace into a rallying point for the major anti-dictatorial forces.

²⁷ King Mihai (born 1921) was the last monarch of the Hohenzollern-Sigmaringen dynasty who ruled twice over Romania (1927- 1930 and 1940- 1947). He was King Carol II's son and assumed power twice: the first time in 1927, when, as a minor, he succeeded to his late grandfather, King Ferdinand (his father had been disinherited in 1925 and went into exile, but staged a coup that put him on the throne in 1930) and the second time in 1940, after his father's forced abdication. Marginalized from political life by Marshal Antonescu, King Mihai became the main organizer of the events of August 23, 1944. After the coup, he played a more active role in the country's postwar political life. The Communists forced him to abdicate in December 1947 and to go into exile in Switzerland. For further details, see Neagoe Stelian, *Oameni politici români. Enciclopedie* (București: Editura Machiavelli, 2007), 468- 479.

²⁸ Deletant, *Hitler's Forgotten Ally*, 236.

Iuliu Maniu's²⁹ and Dinu Brătianu's³⁰, the leaders of the 'democratic opposition parties', were among the first to rally behind King Mihai. As stated above, their political relations with Marshal Antonescu were not openly adversarial in September 1940. During the war, I. Maniu and D. Brătianu remained true to the pro-Western outlook and liberal values embedded in the political programmes of their parties, yet reluctantly came to accept as 'the lesser evil' the pro-German dictatorship established in September 1940. The two leaders did not sever all channels of communications with Marshal Antonescu and offered him their limited, short-term support in the form of financial experts recruited from the ranks of their Party. However, their 'latent' ideological opposition to dictatorial rule and firm belief in the victory of the Allies prevented the two leaders from reaching a long-term accommodation with the Antonescu regime. The decision to engage the country in the war against the United Nations was the key factor that prompted I. Maniu and D. Brătianu to adopt an open critical position towards the *Conducător*, warning him that Romania was being dragged into a war too big and destructive for such a small country³¹.

I. Maniu's political activities extended beyond criticizing the government's decisions; he kept in touch with several generals and officials working for the Department of Foreign Affairs

²⁹ Iuliu Maniu (1873- 1953) was a leading political figure who remained faithful to his pro-Western democratic beliefs throughout his long political career as President of the National Party (1919- 1926) and then the National Peasant Party (1926- 1933; 1937- 1947). He was a Member of Parliament from 1919 to 1937 and Prime-Minister between 1929- 1930 and 1932- 1933. He was marginalized from political life due to his refusal to reach an accommodation with the dictatorial regimes established after 1938. As one of the planners of the coup of August 23, 1944, he became a minister without portfolio representing the National Peasant's Party in the first Sănătescu transitional government. In March 1945, he withdrew his support after the nomination of the pro-Communist Groza government and became the leader of the anti-Communist opposition. After the Communist consolidated their influence, his party was disbanded and Maniu was tried for high treason and sentenced to life imprisonment in 1947. For further details, see Neagoe, *Oameni politici români*, 428- 434.

³⁰ Constantin (Dinu) I.C. Brătianu (1866- 1950) was another major political figure in interwar Romania. Member of Parliament intermittently (1895; 1902 and 1907) and member of the Ion G. Duca Liberal cabinet in 1933, Brătianu became the leader of the National Liberal Party in 1934. He adopted a similar adversarial position towards the dictatorial regimes established after 1938 and took part in the preparations for the coup of August 23, 1944. He became part of the transitional governments (minister without portfolio and Secretary of War Production in the two Sănătescu governments), but joined the opposition after the nomination of the pro-Communist Groza government. He was also a victim of the Communist repression: after his party was disbanded in 1947, he was arrested in 1950 and died in the same year in prison. For further details, see Neagoe, *Oameni politici români*, 93- 95.

³¹ Pelin, ed., *Epistolarul infernului*, Doc. no. 31 (1941, December 19), 250- 254.

and tried to coordinate a parallel round of armistice negotiations with the Allies, hoping that his 'pro-Western credentials' would help him receive better terms from London and Washington. His attempts to secure a firm promise for territorial concessions to his country from the Allies met with the same refusal as Marshal Antonescu's and convinced him to turn towards the Royal Palace and to join forces with other democratic political forces to take Romania out of the war.

The decision to include Constantin- Titel Petrescu³², the leader of the Social Democratic Party, in the anti-dictatorial conspiracy was a sensible move. Although the leader of a small political party with a limited 'working-class constituency', C. Petrescu was a democrat with strong anti-fascist views, who was coopted in order to give the conspiracy a larger political base. Not the same thing can be said about the inclusion of Lucretiu Pătrășcanu³³, one of the leaders of the fringe Romanian Communist Party. This extremist party, with its small membership (less than 1000 members in 1944) and limited popularity among the majority population due to its rigid adherence to an anti-national and pro-Soviet line, played only a marginal role in Romanian interwar political life. Perceived as a threat to political stability on account of its tendency to use violent means to achieve its revolutionary ends rather than its popularity, the Communist Party

³² Constantin-Titel Petrescu (1888- 1956) was a leading figure of the socialist movement in Romania and the president of the Social-Democrat Party since 1936. His party was disbanded in 1938, forcing Petrescu to limit his public activity until late 1943, when he played an active part in the preparations for the coup of August 23. He was part of the first Sănătescu transitional government and negotiated a temporary alliance with the local Communists, which facilitated the nomination of several of his party colleagues in the pro-Communist Groza government. His brave decision to denounce the alliance with the Communists and ran on separate lists for the Parliamentary elections in November 1946 attracted the enmity of his former Communist fellow-travelers. The Communist regime arrested him in 1948 and tried him for high treason in 1952. Sentenced to life in prison, he was pardoned in 1957 and died in the same year. For further details, see Neagoe, *Oameni politici români*, 559- 565.

³³ Lucrețiu Pătrășcanu (1900-1954) was a trained jurist and a militant journalist and writer, who joined the Romanian Communist Party in 1921. As a prominent Communist intellectual, he quickly climbed through the Party ranks and was repeatedly imprisoned during 1940- 1943 for 'Communist subversive agitation'. He was coopted in the preparations for the anti-government coup and played an active role in Marshal Antonescu's removal from power in August 23, 1944. He was appointed Secretary of Justice in the transitional governments and the Groza government (August 1944- February 1948). His ambition to play an important role in the Communist Party (he was elected in the Party's Central Committee in 1945 and in the Political Bureau in 1946) earned him Gheorghe Gheorghiu-Dej's enmity, who had him removed from the Party ranks and arrested on trump charges of high treason and espionage in April 1948. After a long imprisonment and intermittent interrogations by the Party or the *Securitate*, Pătrășcanu was staged a Stalinist show trial in 1954, during which he was found guilty of treason and espionage and sentenced to death in April 1954. For further details, see Neagoe, *Oameni politici români*, 552- 554.

was banned in 1924 and forced to go underground³⁴. Marshal Antonescu increased the police repression against Communist militants on account of their underground campaign of sabotage and espionage in favor of the Soviet Union, thus turning them into his declared political enemies.

Nonetheless, the decision to bring them into the anti-dictatorial conspiracy involved significant risks. Even though L. Pătrășcanu seemed at that time like a 'moderate' Communist leader, willing to negotiate and make tactical compromises in order to achieve a common goal, his Communist comrades made no secret of the fact that their ultimate purpose was to destroy the political establishment rather than work with it. In the end, the King and I. Maniu, realizing that 'desperate times required desperate measures', decided that the immediate benefits, such as having a direct communication line with Moscow via the former Comintern network and a Communist paramilitary group ready to take action, outweigh the long-term risks. In addition, I. Maniu hoped to employ RCP's connections with Moscow to receive better armistice terms³⁵.

Galvanized into action by their common hostility towards the dictatorial regime and the war against the Allies, the National Peasant, National Liberal, Social-Democrat and Communist Parties managed to set apart their differences and initiate concrete political, military and diplomatic steps towards achieving their common goal, i.e. removing Romania from the ill-fated alliance with the Axis and the catastrophic war against the United Nations, in the spring of 1944.

In terms of political preparations, the formalization of the alliance between these four political parties under the name of the National Democratic Bloc (henceforth NDB) was a crucial step. Reaching this agreement was considerably delayed by the conspirators' indecision towards the best course of action. However, the Allied invasion in Normandy (June 6 1944) finally

³⁴ Vladimir Tismăneanu, *Stalinism pentru eternitate. O istorie politică a comunismului românesc* (Polirom: Iași, 2005), 61- 106.

³⁵ Dennis Deletant, 'What was the Role of the Romanian Communist Party in the Coup of 23 August 1944?' in Dennis Deletant and Maurice Pearton, *Romania Observed. Studies in Contemporary Romanian History* (București: Editura Enciclopedică 1998), 115.

convinced the four parties to agree on a common programme in June 20, 1944, centered around the need to immediately sign an armistice with the Allies, the reversal of the country's military and diplomatic alliance with the Axis, the overthrow of the Antonescu regime and the restoration of the constitutional regime³⁶. The last provision of this programme stated that the NDB members would retain their full political and ideological independence, thus indicating their will to resume the old struggles for power once their common goals had been achieved.

As for military preparations, the conspirators focused their efforts on preventing a possible counter-attack of the Romanian troops still loyal to the *Conducător* or a German retaliation strike against Bucharest. General Sănătescu³⁷, the Head of the Royal Household, played a major role in these preparations and used his prestige to convince several senior officers in command of large Romanian Army units concentrated on the Moldavian front either to lend support the conspiracy or to remain neutral³⁸. Countering the domestic threat, i.e. potential opposition from within the ranks of the Romanian officer corps, posed less difficulties than neutralizing the external one, i.e. the plausible German retaliation strike. In April 1944, several German divisions were stationed on Romanian territory, either defending strategic points such as the Ploiesti refineries or fighting against the Red Army on the Moldavian front. At the first sign of defection, they threatened to turn Romania either into a vast battlefield or an occupied puppet-state. The NDB leaders decided that the safest way to counter this threat was to coordinate their efforts with the Allies. Thus,

³⁶ Ion Ardeleanu, Vasile Arimia and Andone Alecsina, eds., *23 august 1944. Documente* (București: Editura Științifică și Enciclopedică, 1984), Doc. no. 601 (1944, June 20), 2: 306- 307.

³⁷ Constantin Sănătescu (1885- 1947) was a career officer and a close adviser to King Michael. He had a long career in the Romanian Army (from sub-lieutenant in 1907 to army corps general in 1943) and distinguished himself as a commanding officer on the Eastern front (the siege of Odessa in 1941 and the disastrous battle on the River Don Bend in 1942). He became one of King Michael's advisers and was appointed as Head of the Royal Household (March 1943- April 1944), then as Marshal of the Court (April 1944 – August 1944). He played a key role in the coup of August 23, 1944 and was nominated Prime-Minister on the very same day. He headed the first two transitional governments (August 23, 1944 to December 5 1945), then was appointed Chief of Staff (December 11, 1944 to June 20, 1945). For further details, see Neagoe, *Oameni politici romani*, 626 – 628.

³⁸ Sănătescu, *Jurnal*, 147- 148.

while the Romanian divisions commanded by officers loyal to the King would be transferred to southern Romania to defend Bucharest from a retaliatory German attack, the Soviet Army would simultaneously launch an offensive against the Wehrmacht divisions stationed on the Moldavian front³⁹. This plan would prevent the new regime from fighting on two fronts, but would also leave the Eastern border dangerously exposed to the Soviet advance.

The diplomatic negotiations with the Allies were an important part of the preparations for the coup. In late 1943- early 1944, the Allies issued several stern warnings to the Romanian leaders via informal channels, reminding them of the high costs of the Axis alliance and the risks of continuing to fight alongside the Wehrmacht. In other words, the longer Romania remained in the Axis camp, the higher the chance that their country would lose the war and face imminent Soviet military occupation. To avoid such a grim scenario, the NDB leaders decided to resume the secret armistice negotiations with the Allies in March 1944 in view of preparing Romania's volte-face. Realizing that the transition from the Axis camp to the Allied one required sacrifices, they offered to put Romania's economic and military resources in the services of the Allies and join the war against the Axis in hope that these concrete assurances would convince the Allies to offer more lenient terms and guarantee Romania's postwar sovereignty and territorial integrity⁴⁰.

To this purpose, the NDB leaders opened a new round of secret armistice negotiations between March and August 1944, but the Romanian diplomatic envoys sent to present their case before the joint Allied representatives in Stockholm and Cairo, received a rather cold welcome. The Allies' representatives claimed that their primary aim was to discuss the operational details looking to the overthrow of the Antonescu regime and its replacement by a new regime prepared to offer unconditional surrender. This was due to the fact that the Allied joint interest in

³⁹ Ibid., 159- 160.

⁴⁰ Simion, *Preliminarii politico-diplomatice*, 399- 401.

Romanian in this period was mainly military and consisted in detaching the country from the Axis camp and weakening German control in Southeastern Europe. Thus, territorial issues were broached only as long as they did not involve a strong commitment from the Allies or could prejudice Soviet military operations in the area. But upon realizing that the punitive demands for 'unconditional surrender' offered little incentives to the Romanians, the Allies offered to make some concessions in April 1944, such as promising that the local form of government and social structures would remain attributes of Romanian sovereignty. Nonetheless, no similar promises could be obtained regarding the country's territorial integrity and passionate claims over its lost provinces (Bessarabia, norther Bukovina and norther Transylvania) ⁴¹. The Allies preferred to defer a decision in these matters until the end of hostilities and offered only vague assurances, which the anxious Romanian envoys mistook for signs of future amelioration of these terms.

2.2.3. Execution and post-coup stabilization measures

The Soviet offensive unleashed on the Iași-Chisinau front (August 20) added a new sense of urgency to the preparations for the coup. The initial date had been set for August 26, but the collapse of the front under the Soviet pressure and the rapid advancement of the Red Army in Romanian territory forced the King to advance this date and personally confront the *Conducător* on August 23, 1944. During the afternoon, Ion Antonescu and his second, Mihai Antonescu were invited to the Royal Palace for an audience⁴². In the presence of General Sănătescu, the King inquired about the situation on the front with a view of probing Marshal Antonescu's intentions. The latter described the recent diplomatic and military developments and presented his contingency plan to regroup the reserve Romanian troops on the Focsani- Nămolosa fortified

⁴¹ Ibid., 387- 388.

⁴² Sănătescu, *Jurnal*, 160 -163.

line in the south of Moldova and hold out the Soviet advance until he received either Hitler's release from his alliance or guarantees from the Allies that the country would not be abandoned to the Red Army. Judging both intentions as unrealistic, the King asked the *Conducător* to conclude the armistice immediately; faced with the latter's refusal to either comply with this or step down from office, he had both Antonescus arrested. Within the next hours, most of the senior members of the Antonescu cabinet were summoned to the Palace under various pretexts and placed under arrest. This calculated move paralyzed the decision-making process within the dictatorial regime and pre-empted any domestic retaliatory measures against the palace coup.

The success of the coup depended not only on the detailed planning and decisive actions taken by the conspirators, but also on the effectiveness of the post-coup stabilization measures, intended to win the support or neutralize key military and political actors. The majority of the Romanian high-ranking officers expressed surprise at the news of the coup, but their loyalty to the Crown prevented any major hostile reaction within the ranks of the Romanian army. General Sănătescu's appointment as the new prime-minister immediately after the coup helped reassure them that the new regime would continue to rely on the support of the Army in those times of national crisis⁴³. Although the timing of the King's action also came as a surprise to some NDB members, it did not take long before all the concerned parties began to react. L. Pătrășcanu, the Communist representative, was among the first to arrive at the Royal Palace and secure several advantages, such as the Justice portfolio *ad interim*, while the other NDB leaders (I. Maniu, D. Brătianu and C. Petrescu) were appointed ministers without portfolio in the new cabinet⁴⁴. By nightfall, the King broadcast to the Romanian nation the news of the change of regime, stating his intention to restore the constitutional regime, to negotiate the peaceful retreat of the German

⁴³ Deletant, *Hitler's Forgotten Ally*, 241- 242.

⁴⁴ Deletant, 'What was the Role of the Romanian Communist Party', 112.

troops stationed in Romania and to urgently accept the armistice terms offered by the Allies⁴⁵.

The conspirators were right to expect and prepare counter-measures in order to meet a strong German reaction. Baron Manfred von Killinger, the German Plenipotentiary Minister to Bucharest, got wind of the events after a few hours and rushed to the Royal Palace on the same night. He was immediately granted an audience with the King, but his efforts to intimidate and warn him on the dire consequences of his actions had little effect. The King made von Killinger the same offer that the new prime-minister, General Sănătescu, made to the heads of the German Military Mission in Romania in a subsequent meeting: the German forces were to receive a free passage through Romania on condition that they agreed to leave immediately and peacefully. The news of the change of regime and the King's proposal infuriated Hitler, who ordered the immediate suppression of the 'Romanian putsch' in order to stabilize the military situation⁴⁶.

With the parleys coming to an abrupt end, Romania and Germany broke diplomatic relations and entered in an effective state of war on August 24, trapping the Romanian Army between the retreating Wehrmacht troops and the advancing Red Army. The German military response took the form of a sustained Luftwaffe bombing on Bucharest, coordinated with a series of infantry and artillery assault on the capital (24- 28 August 1944). The new government was able to concentrate enough Romanian troops to counter these attacks and to force the German troops to capitulate (August 28). In parallel, the Romanian Army, with Soviet support, annihilated German organized resistance in the rest of the country, including Ploiesti oilfields⁴⁷.

By the end of August 1944, tens of thousands of German soldiers had been captured by the Romanian Army and handed over to the Red Army. This was a heavy military and logistic blow for the Axis, which cut off the retreating German troops from the vital Romanian oil and their

⁴⁵ Bogdan Murgescu, ed., *Istoria României în texte* (București: Editura Corint, 2011), Doc. B (23 august 1944), 352.

⁴⁶ Trașcă, '23 august 1944', 218- 219.

⁴⁷ Axworthy, Scafeș and Crăciunoiu, eds., *Third Axis, Fourth Ally*, 188- 193.

bases in the rear of the front, destabilized the overall position of the Wehrmacht in Southeastern Europe and greatly facilitated the advancement of the Red Army towards Bulgaria and Hungary⁴⁸. For Romania, the immediate benefits of the volte-face, namely the restoration of the constitutional regime and the last-minute avoidance of a direct Soviet occupation would soon be eclipsed by the country's fast inclusion in the Soviet temporary zone of military operations.

2.3. Romania under the burden of the Armistice Convention with the United Nations

Immediately after Romania's volte-face on August 23, 1944, the NDB leaders re-opened the negotiations with the Allies in view of signing the armistice. Believing that the general armistice terms discussed in April 1944 were still valid, they received the changes included in the final armistice draft with a mixed feeling of surprise and disappointment, originating from their ignorance of the Allied secret planning for the region and their unrealistic hopes of receiving military and diplomatic support from the Western Allies. Unaware of the fact that London and Washington had already accepted that Moscow 'would take the lead' in Romanian affairs, the NDB leaders overestimated the American level of commitment towards their country and misread Britain's willingness to accommodate Soviet expansionist aims in Southeastern Europe. Nonetheless, Romania's place in the interplay of Soviet, British and American postwar plans was far from being settled in late 1944 because the growing tensions between the Allies, which announced the beginning of the Cold War, and the escalating domestic struggle for power between Romanian political forces, made the regional situation 'too fluid for final plans'⁴⁹.

⁴⁸ Trașcă, '23 august 1944', 223- 224.

⁴⁹ Florin Constantiniu, *De la Războiul fierbinte la Războiul rece* (București: Editura Corint, 1998), 4-5.

2.3.1. *Inter-allied negotiations concerning the fate of Romania (1941- 1944)*

This section does not aim to provide a detailed analysis of Romania's place in inter-Allied negotiations both before and after August 23, 1944, but rather to identify how the three Allies' wartime divergent interests in the region shaped their postwar plans concerning the country. British, American and Soviet aims in this region varied significantly in form and intensity and the formulation of a joint Allies policy for Romania was not without tensions and compromises.

During the war years, Britain and the United States had limited geostrategic interests in Romania and came to see the country through the prism of the larger Allied military strategy in the Eastern European theatre of operations⁵⁰. Britain was more familiarized with the political developments in the area, given its long-standing economic interests in the Romanian oil industry and recent efforts to alleviate Axis military pressure on the Eastern front. Sadly, these efforts failed to materialize in the form of opening a second front in the Balkans in 1944, as both Marshal Antonescu and the NDB leaders had hoped in vain, and took the shape of a series of strategic bombardments, in parallel with clandestine intelligence operations behind enemy lines, intended to convince Romania to abandon its Axis alliance⁵¹. The United States had an even more limited interest in the area due to the lack of any deep political or diplomatic relations with Romania and became involved only temporarily in the military operations in the region owing to the vast geographical distance that separated the two countries. Romania's geostrategic importance was temporary elevated in late 1943 with the intensification of the preparations for the opening of a second front in Europe. The US 'limited interests' in Romania are aptly described in this memorandum drafted in March 1944 by Under Secretary of State E. Stettinius:

⁵⁰ Maurice Pearton, 'Puzzles about Percentages' in Deletant and Pearton, *Romania Observed*, 120.

⁵¹ For further details on this topic, see Deletant, *British Clandestine Activities in Romania during the Second World War* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2016) and Ivor Porter, *Operațiunea Autonomus. În România în vreme de război*, 2nd edition (București: Editura Humanitas, 2008).

The British have been more ready than ourselves to suggest that Rumanian affairs lie naturally and necessarily in Russian hands. While we recognize the Soviet Union's primary interest in Rumania, both as regards the immediate military phase and the long-range political aspect and acknowledge that distance and lack of important material considerations detach us somewhat from Rumanian affairs, we think that both the United States and Great Britain should maintain their interest in that country and should apply to Rumania the general principles underlying our conduct of the war, assuring as far as possible Rumania's continued existence as a state with such territories as would enable it to make its way as an independent country⁵².

Conversely, Stalin made no secret of its strategic and territorial interests in the region during the inter-Allied negotiations, but treaded with caution when he met resistance from its Western allies⁵³. The outbreak of the war provided him with the occasion for re-opening and settling in its favor the border dispute with Romania over Bessarabia, while Marshal Antonescu's military alliance with the Axis justified the impending Soviet military operations on Romanian soil as motivated by 'the sole aim' of ending the German hegemony over the country. London and Washington conceded that Romania would 'naturally and necessarily lie' in the Soviet sphere of interests on account of its geographical proximity to Moscow and massive involvement in the Operation Barbarossa. For instance, in December 1941, during the visit of Anthony Eden, the British Foreign Secretary, to Moscow, Stalin demanded that London recognized the recent Soviet acquisitions of 1939 and 1940, including Bessarabia and northern Bukovina. Britain initially refused to give in to these demands which clearly violated the Atlantic Charter. However, since no means were available at that time to resist these demands and Soviet cooperation was vital for the war effort, London was more inclined to reach a compromise than openly oppose Stalin⁵⁴.

The British tendency to accommodate Soviet aims in the region became more manifest after the successful Soviet campaigns of 1943 and 1944, which placed Romania into the Soviet zone of military operations. The Teheran Conference (November-December 1943) confirmed

⁵² *FRUS. Diplomatic Papers 1944*, vol. IV *Europe* (Washington: United States Government Printing Office, 1966), '740.0011 Stettinius Mission/ 3- 1944' [March 1944], 147.

⁵³ John Lewis Gaddis, *The Cold War: A New History* (New York: The Penguin Press, 2005), 10 -14.

⁵⁴ Pearton. 'Puzzles about Percentages', 120.

that the Soviets had direct responsibility for the military operations in Eastern Europe and gave priority to Operation Overlord, thus bringing Churchill's proposed plan for an Allied landing in the Balkans to a virtual standstill⁵⁵. The Soviet Union signaled its intention to 'take the lead' in the region that the Red Army was to liberate in the course of the forthcoming campaigns against the Axis and demanded that all peace feelers put out by the Axis satellites be shared and evaluated by all three Allies. Britain and the U.S. conformed and virtually cut off any possibility for Romania to negotiate a separate peace with the Western Allies, thus making it clear that Bucharest's road to signing an armistice with the Allies went through Moscow⁵⁶. The Soviet postwar aims towards Romania still remained unclear for the Western Allies because Stalin's actual intentions concerning the region were not easy to read at the time. The official statements issued by Moscow in 1944 stressed that the Soviet Union had no intention of annexing any part of Romanian territory or of forcing any radical changes of political or social nature and that the Red Army operations on Romanian territory were dictated by military necessity, i.e. defeating the German troops stationed in the country and thus, ending the Axis hegemony in the region⁵⁷.

In late 1944, when their common goal of defeating the Axis seemed close at hand, the contradictions between the Allies regarding the fate of the post-war Europe began to resurface. The three Allies shared some general post-war goals concerning the situation in Southeastern Europe, such as the demilitarization and defascization of the former Axis satellites, yet in many respects, their individual post-war plans for the region differed significantly. The Soviet Union suffered massive losses during the war and sought to accelerate its postwar economic recovery

⁵⁵ Elizabeth W. Hazard, *Cold War Crucible. United States foreign policy and the conflict in Romania, 1943-1953* (Boulder, Colorado: East European Monographs, 1996), 22- 23; Gaddis, *The Cold War*, 17- 18.

⁵⁶ *FRUS. Diplomatic Papers 1944*, vol. IV *Europe*, '740.00119 European War 1939/2468a: Telegram' [April 5, 1944], 168- 169.

⁵⁷ Alfred J. Rieber, 'The Crack in the Plaster: Crisis in Romania and the Origins of the Cold War' in *The Journal of Modern History* 76, no. 1 (March 2004): 63- 64.

by imposing substantial reparations from the defeated Axis states and to secure its Western frontiers against any aggression by dismantling the military capacity of its former enemies. But the war also made Stalin increasingly suspicious of the Western Allies' intentions and prompted him to transform these initial security objectives into an expansionist quest for total dominance in Eastern Europe⁵⁸. His plans were shaped by ideology, pragmatism and opportunism and assumed that the Soviet Union's smaller neighbors could be safely locked in a 'Soviet glacis' not only by direct military occupation or the elimination of Western influence, but by imposing on them, with the help of the local Communist Parties, new political, social and economic orders⁵⁹.

The British and American plans for postwar Romania were more ambivalent and became quickly marred by hesitations and concessions towards Soviet expansionist policy in the area. Determined to preserve its place as a major global and imperial power, Britain's main goal in the region was to prevent Greece and Turkey from falling under Soviet control, a situation which would threaten British geostrategic interests in Eastern Mediterranean. By the summer of 1944, London came to recognize the certainty of Soviet dominance in Romania and was willing to accept this situation in return for retaining its influence in Greece⁶⁰. The U.S., driven by economic imperatives to assume a more active role in world affairs, was initially reluctant to compromise the Atlantic Charter principles and met with suspicion Churchill's proposal for establishing spheres of influence. But the need to secure Stalin's cooperation finally outweighed the concerns about postwar organization and in 1944, both Western Allies showed willingness to make concessions in Romania in return for diplomatic gains in other areas of strategic interest⁶¹.

⁵⁸ Vojtech Mastny, *The Cold War and Soviet Insecurity. The Stalin Years* (Oxford University Press: New York, Oxford, 1996), 17- 29.

⁵⁹ Vladislav M. Zubok, *A Failed Empire. The Soviet Union in the Cold War from Stalin to Gorbachev* (Chapel Hill: The University of North Carolina Press, 2007), 21.

⁶⁰ Liliana Saiu, *The Great Powers and Rumania, 1944- 1946* (Boulder: East European Monographs, 1992), 23.

⁶¹ Gaddis, *The Cold War*, 15- 18; Saiu, *The Great Powers and Rumania*, 23- 24.

The negotiations around the Armistice Conventions with Romania represented one of the first test cases for inter-allied postwar accommodation in Southeastern Europe. Britain and the U.S suggested Moscow as the venue for the signing of the armistice in recognition of the Soviet 'lead role' in Romanian affairs, but this did not mean that they would fully give up their interests in the area. Archibald J. K. Clark Ker and Averell Harriman, the representative of Great Britain and respectively, the U.S. met several times with Molotov to discuss the draft Armistice terms in early September 1944 and noticed with anxiety that the Soviets intended to introduce several changes to the initial conditions offered to Romania in April 1944, such as establishing the sum of war reparation to 300,000,000 US dollars, which clearly contradicted the Atlantic Charter. Britain was determined to play an active role in the implementation of the Armistice terms and proposed the creation of an inter-Allied Control Commission in Romania, like in Italy. Reluctant to see the Soviet control over Romania affairs reduced, Molotov agreed only in principle, stating that the British and U.S. representatives in Romania would play 'the role of observers', analogous to the position of the Soviet representative in the Allied Control Commission for Italy. Realizing that the Soviet Union would not tolerate further negotiations, London and Washington decided not to aggravate Molotov any further and reluctantly accepted these terms⁶².

The issue of the Romanian war criminals was given only cursory attention during the negotiations in Moscow. The Allied representatives devoted little attention to this issue probably because they possessed neither clear directives from their own governments concerning the fate of war criminals (the joint Allied policy for the prosecution of war criminals was still being drafted) nor specific information about the responsibility of individual members of the wartime regime in the persecution of local minorities and dissidents. After all, the United Nations War

⁶² *FRUS. Diplomatic Papers 1944*, vol. IV Europe, '740.00119 E.W. 1939/9-744: Telegram' [September 7, 1944], 223- 224.

Crimes Commission, which was set up by the Allied nations in October 1943 to investigate war crimes, record evidence and identify perpetrators, did not include a Romanian member (there was no credible Romanian government in exile to send its representatives)⁶³ and dealt with the Antonescu regime primarily when it came to investigating the inhuman treatment to which were subjected the British pilots captured on Romanian territory and interned in local POW camps⁶⁴.

However, this did not necessarily mean that the prosecution of war criminals in Romania represented a low-priority for the Allies. One of the first American drafts for the Armistice with Romania, produced by the Department of State in early 1944, contained a separate clause which stipulated that the Romanian government should assist and fully cooperate with the Allies in the punishment of local suspected war criminals. Thus, Article 13 divided the responsibilities in the following manner: the role of the Romanian authorities would be restricted to the arrest of the suspects, their transfer into Allied custody, the collection of incriminating (written) records and the enactment of war crimes legislation, while the Allied occupation authorities (the future ACC) would actually compile the list of defendants and oversee or conduct the criminal prosecution:

13. *War Criminals*. Rumania should be obligated to hold in custody and to deliver to the occupation authorities all persons of Rumanian nationality and other persons within Rumania [...] charged with having committed war crimes. Such persons should be delivered whether they are specified by name or by the rank, office or employment which they held in the Rumanian armed forces, the Rumanian Government, or other Rumanian organizations or agencies, at the time of the alleged crime. Rumania should be required to cooperate in the trial and punishment of the persons delivered under this obligation and of any persons of like category held by the United Nations as prisoners of war at the time of the surrender of Rumania through the production of records, the collection of evidence, the enactment of legislation, and any other steps necessary to facilitate such trial and punishment⁶⁵.

⁶³ Arie J. Kochavi, *Prelude to Nuremberg. Allied War Crimes Policy and the Question of Punishment* (Chapel Hill and London: The University of North Carolina Press, 1998), 32.

⁶⁴ USHMM, RG-67.041M 'United Nations War Crimes Commission Records, 1943- 1949', Reel no. 8, files 2435-2440.

⁶⁵ *FRUS. Diplomatic Papers 1944*, vol. IV Europe, '740.00119 EAC/68' [February 2, 1944], Enclosure 1 WS 16a, 'Provisions for Imposition upon Rumania at Time of Surrender' [January 13, 1944], 139- 140.

2.3.2. *The signing of the Armistice Convention with Romania (September 1944)*

The Sănătescu government appointed L. Pătrășcanu, the Communist Secretary of Justice, to lead the Romanian delegation to Moscow in hope that this move would induce the Soviets to offer milder armistice terms. The delegation reached Moscow on August 29, but was kept waiting for almost one week until the Allies representatives finalized the last details of the text of the Armistice and initiated discussions with the Romanian delegates. In the meantime, the Soviet troops took advantage of the fact that no cease-fire agreement had been yet signed and continued to treat Romania as enemy territory, disarming the Romanian units on the Moldavian front, requisitioning oil stocks and capturing German and Romanian war materials alike. These abuses alarmed the Sănătescu government, who sent several urgent cables to Moscow pressing the delegation to expedite the armistice negotiations and put a formal end to the hostilities⁶⁶.

The reality of the harsh Armistice terms offered by the Allies clearly fell short of the high expectations of the Romanian delegation. Whereas the Romanians expected to be treated as valuable new allies, ready to fully commit to the Allied cause, Vyacheslav Molotov, the Soviet representative who took charge of the negotiations, treated them as representatives of a defeated Axis satellite that switched sides at the eleventh-hour out of fear and opportunism and now, had to pay in full for its participation to Operation Barbarossa. Molotov adopted an inflexible stance and dismissed the Romanians' objections towards the continuing Soviet military operations in Romania and the war reparations demanded from their weakened economy. In fact, he refused to make any major concessions and stated it clearly that that Romania was an area of predominant Soviet interest in which the British and American envoys should interfere as little as possible⁶⁷.

⁶⁶ Mocanu, ed., *România- marele sacrificat*, Doc. no. 161 (1944, September 4), 1: 284.

⁶⁷ *FRUS* 1944, vol. IV *Europe*, '740.00119 E.W. 1939/ 9- 1544: Telegram' [1944, September 15], 234- 235.

It was in this cold and hostile atmosphere that the Romanian delegation was finally invited to sign the Armistice on the night of September 12/13, 1944. The Allies imposed harsh terms upon Romania and treated the country as a 'liberated Axis satellite' required to fulfill a long list of burdensome obligations. In terms of military provisions, Romania was to assist the Allied war effort by supplying at least twelve infantry divisions and by allowing free passage to Soviet troops heading towards theaters of operations. In addition, all Allied war prisoners were to be released and handed over to the ACC. In regard to economic obligations, Romania was to pay 300,000,000 US dollars as reparations over a period of six years and to restore in full all the property confiscated from the Allies. In the field of domestic policy, Romania was to apprehend all suspected war criminals and disband all fascist organizations, while the Soviet High Command had the right to impose strict censorship on the local press. Finally, in respect to territorial issues, Romania had to recognize the Soviet annexation of Bessarabia and northern Bukovina, but the Second Vienna Award was annulled and Transylvania (or the greater part thereof) was to be restored to Romania. A special annex stipulated the creation of an Allied Control Commission in Romania, tasked with supervising the implementation of these terms⁶⁸.

The issue of the local war criminals arose during these negotiations at the request of the Sănătescu government, which instructed the Romanian delegation sent to Moscow to reassure the Soviets of the great importance that the new regime in Bucharest attached to the swift, yet lawful prosecution of all perpetrators⁶⁹. Accordingly, Pătrășcanu insisted during the negotiations that the prosecution of the local war criminals was Romania's sovereign right and the local authorities should play a greater role. Molotov was not exactly assured by Pătrășcanu's promise that no lenience would be shown as long as he was in charge of the Department of Justice. He

⁶⁸ Gheorghe Onișoru and Dan Vatamanu, 'Semnarea și aplicarea convenției de armistițiu între România și Națiunile Unite' in *Revista Română de Geopolitică și Relații Internaționale*, Year 1, No. 2 (2009).

⁶⁹ Mocanu, ed., *România- marele sacrificat*, Doc. no. 179 (1944, September 10), 1: 296.

agreed to Pătrășcanu's request only in principle, warning him that only the evolution of the situation on the ground would indicate 'the best course of action' and any delay in the fulfillment of these terms would prompt the ACC to take 'unilateral actions'. In the end, the armistice terms were formulated in an equivocal manner, which left significant room for misinterpretation⁷⁰. Thus, Article 14 did not include a clear division of responsibilities between the local and Allied institutions, but simply stipulated that the Romanian authorities had to collaborate with the Allied (Soviet) High Command in the forthcoming arrest and trial of suspected war criminals⁷¹.

The Romanian political elite received the terms of the Armistice Convention with general disappointment. The Liberal and Peasant NDB members produced a sharp critique of the terms signed in Moscow during the Sănătescu cabinet meeting that convened after the return of the Romanian delegation from Moscow⁷². I. Maniu complained that the Allies broke most of the promises made in Cairo and refused to grant Romania co-belligerent status, thus treating the country as a defeated Axis satellite and, in the same time, imposing on her all the obligations of an allied state. He equated the Armistice to a 'virtual capitulation' because Romania had been forced to renounce its claims over Bessarabia and northern Bukovina, to surrender control of its economy and administration to a foreign body (the ACC) and to withstand Soviet occupation troops on its soil for an undetermined period of time. The application of the terms represented another source of distress, since the weakened Romanian economy was hardly capable of satisfying the crippling war reparations clause and support the joint Soviet-Romanian war effort.

In response, Pătrășcanu argued that, given the current military situation, the terms could have been even more severe and called attention to the positive aspects of the Armistice. Indeed,

⁷⁰ Ibid., Doc. no. 181 (1944, September 11), 1: 303- 304.

⁷¹ 'Convenția de Armistițiu între Guvernul României pe de o parte și Guvernele Uniunii Sovietice, Regatului Unit și Statelor Unite ale Americii pe de altă parte' in *Monitorul Oficial*, year 112, no. 219, part I (September 22, 1944): 6373.

⁷² Ciucă, ed., *Stenogramele ședințelor Consiliului de Miniștri Sănătescu*, Doc. no. 6 (1944, September 16), 1: 110.

the document signed by the Romanian delegation in Moscow acknowledged the change of regime that took place on August 23, 1944 and Romania's rights over northern Transylvania, but also made official the temporary inclusion of Romania in the Soviet sphere of influence and thus, opened the door for direct Soviet intervention in Romanian internal affairs⁷³. As later events would prove, the implementation of the Armistice terms by the Romanian authorities would attract significant Soviet criticism and eventually turn into 'the main source of Soviet-Romanian conflict'⁷⁴, which would seriously undermine the credibility of the local postwar governments.

2.3.3. *The ACC and the issue of local war criminals (1944- 1947)*

As with all former Axis satellites, a tripartite Allied Control Commission (ACC) was established in Bucharest to monitor and control the implementation of the Armistice Convention by the local transitional governments. The ACC operated from September 1944 to November 1947 and was effectively run by the representatives from the Soviet High Command (General Malinovski was the ACC chairman), who liaised with the heads of the newly-created British and U.S. Military Missions in Romania (Air Vice-Marshal Donald F. Stevenson and respectively, Brigadier-General Cortlandt Van Rensselaer Schuyler). As Molotov had suggested during the armistice negotiations in Moscow, the Soviet representatives retained all executive power within the ACC, while the British and American delegates assumed the status of observers and saw their roles limited to 'observation and suggestion' during the ACC meetings⁷⁵. The delegates of the Western Allies were aware of the limitations of their mandate and did not initially object to this uneven distribution of power as long as the armistice terms and the procedures were respected.

⁷³ Deletant, 'British Policy towards Romania. 23 August 1944- 6 March 1945' in Deletant and Pearton, *Romania Observed*, 131.

⁷⁴ Alfred J. Rieber, 'The Crack in the Plaster': 66 -67.

⁷⁵ Mocanu, ed., *România și Armistițiul cu Națiunile Unite*, Doc. no.29 [1944, December 16], 2: 127.

The restrictions placed by the Soviet High Command on the activity and communications of the British and American Military Missions and the failure of the Soviet representatives to inform their counterparts of ACC directives prior to their issuance gave Air Vice-Marshall Stevenson and General Schuyler reasons for concern⁷⁶. But what put a strain on the tripartite collaboration, apart from communication and procedural issues, was the unilateral imposition of the Soviet partisan interpretation of the armistice terms referring to the local economy and political life. For instance, the application of the political clauses of the Armistice by the Soviet High Command attracted sharp criticism. The British and American representatives disapproved in their reports the Soviet abusive interferences in local politics, which ignored 'the limitations of the armistice and the non-intervention pledge made by Molotov on April 2 of this year [1944]'⁷⁷. They observed how the Soviets abused their authority to dissolve local fascist parties and newspapers accused of spreading anti-Soviet propaganda in order to intimidate anti-Communist political groups and to censor the liberal press on account of their alleged 'pro-fascist attitudes'. Burton Berry, the U.S. political representative in the ACC had hoped that the American presence in the ACC would exercise a 'restraining influence' on the Soviets, but the lukewarm reception of his alarming reports in Washington made him realize that his superiors' desire to avoid a premature clash with the Soviets overweighed the American 'minimal interests' in the area⁷⁸.

These excessive actions carried out by the Soviets officials in the ACC were provoked, in part, by their suspicions of the loyalty of the Romanian government and their strong reservations concerning the collaboration of the local administration. The wounds of the war were still fresh and the newfound Soviet- Romanian collaboration did little to alleviate the feelings of mutual distrust. The lingering suspicions towards the Soviet postwar plans for the region only increased

⁷⁶ Schuyler, *Misiune dificilă*, 75- 76.

⁷⁷ FRUS 1944, vol. IV *Europe*, '740.00119 European War 1939/ 11-344: Telegram [November 3, 1944]', 254.

⁷⁸ Berry, *Romanian Diaries*, 10.

the reluctance of the Romanian authorities to commit a larger share of economic resources to the ongoing war effort. This attitude irritated the Soviet representatives, who unfairly ascribed these 'half-hearted measures' to the alleged disloyalty and inefficiency of the local authorities⁷⁹.

The politically expedient nature of the Soviet intervention in the local political life became painfully clear in the application of the Armistice provision regarding the punishment of war criminals. Article 14 stipulated that the Romanian authorities were to collaborate with the ACC in the discharge of this task, but provided no further details about the nature of this cooperation. This gave the ACC wide latitude in the matter and encouraged the Soviet representatives in the ACC to adopt a stance that was both ideologically colored and political expedient. On the one hand, they typically associated war criminals with 'fascism' in order to explain the large-scale systematic atrocities perpetrated against the civilian population as motivated by the racial hatred and brutality instilled in the Axis troops by the fascist ideology and premeditated by the fascist regimes. One of the main issues with this association was that the Soviet initial definition of 'fascism' as the terrorist and chauvinistic instrument of 'the reactionary bourgeois circles' grew wider and more malleable and eventually collapsed in 'the fascist camp' all those who opposed Communism or were hostile to the Soviet Union⁸⁰. Following this line of reasoning, the Stalinist interpretation of 'fascism' came to equate anti-Communism with pro-fascism in the immediate postwar years. On the other hand, the Soviet representatives in the ACC included the arrest of local war criminals in the larger struggle against fascism on 'the home front'. The swift removal of 'fascist' war criminals and their collaborators from positions of power became not only an act of justice, but also a politically expedient means for eliminating a potential threat to the stability of the rear of the front and one of the long-term objectives of the Soviet occupation in Romania.

⁷⁹ Alfred J. Rieber, 'The Crack in the Plaster': 73- 74.

⁸⁰ Francois Furet, *The Passing of an Illusion. The Idea of Communism in the Twentieth Century* (Chicago: The University of Chicago Press, 1999), 280- 281.

The Soviet representatives in the ACC unilaterally intervened on several occasions in the process of arresting suspected local war criminals between 1944 and 1946. Just as V. Molotov had warned Pătrășcanu in Moscow, the alleged 'lack of decisive and immediate action' displayed by the Romanian government prompted the Soviet representatives to put pressure on the local authorities in order to expedite criminal procedures in general and to arrest certain high-profile suspects. These concerted efforts to accelerate and steer the arrests were made either via official channels (presenting the Romanian government with written instructions and inviting members of the local government to ACC meetings) or unofficial ones (organizing 'special consultations' with Communist cabinet members or sending special diplomatic envoys such as A. Vyshinsky).

The Soviets initially resorted to 'official channels' of communication to inform the Romanian government of their demands concerning the arrest of war criminals. For instances, on October 10, 1944 the ACC presented the Sănătescu cabinet a list of 47 Romanian suspects and demanded their immediate arrest. Irritated by the local authorities' slow reaction, General Vinogradov, the acting chairman of the ACC in General Malinowski's absence, renewed his request during a meeting with G. Niculescu-Buzesti, the Romanian Minister of Foreign Affairs on October 20, 1944. Niculescu-Buzesti's concerns that the arrest of suspects in the absence of specific war crimes legislation or convincing incriminating evidence would appear unlawful failed to impress Vinogradov or his associates present at the meeting. As political councilor Kirsanov explained, the ACC saw no problem in first arresting the suspects, then bring them before the court to determine their guilt. According to this logic, the burden of proof would fall not upon the prosecution, but on the defendants, who were supposed to prove their innocence:

Councilor Kirsanov: The terms of the Armistice Convention stipulate the obligation of the Romanian government to hand over all war criminals and those responsible for the war. [...] Nothing prevents, though, those [arrested] who consider themselves not guilty to prove their

innocence before the court, to claim mitigating circumstances in their favor or to rehabilitate themselves by proving that they had performed useful activities to the Allied cause⁸¹.

Still dissatisfied with the slow progress of the arrest of local war criminals, the Soviet representatives in the ACC began to send written warnings to the Romanian government. These letters, increasingly hostile in tone and categorical in their demands, blamed the 'uncooperative' local authorities for the delay in the implementation of ACC requests and demanded the immediate execution of the Armistice terms. In one such letter, General Vinogradov himself reprimanded the 'unsatisfactory progress' in the implementation of Article 14 concerning alleged war criminals, and demanded that the Romanian government 'ceased the policy of delaying the fulfilling of the obligations assumed by signing the Armistice Convention of September 12 and proceed in earnest to the immediate and meticulous execution of all the Armistice provisions'⁸².

The Soviets also resorted to 'unofficial channels' to discretely steer the war crimes trials in the desired direction. At first, the Soviet political councilors in the ACC, such as A. P. Pavlov, met on several occasions with Secretary Pătrășcanu and the Communist public prosecutors working on the war crimes cases in early 1945 and offered them 'advice and assistance' in the preparation of the legal cases against suspected war criminals. Unfortunately, there is little concrete information about these secretive meetings because both the Soviet and Romanian participants had no interest in leaving behind any written records of these conversations.

After the Communists came to power in March 1945, this collaboration became even closer as the new Groza cabinet regularly consulted with Councilor Pavlov in all matters related to the ongoing war crimes trials, including the verdict. The available evidence shows that in at least two high-profile trials (that of the Macici group in May 1945 and respectively, the

⁸¹ Mocanu, *România și Armistițiul cu Națiunile Unite*, Doc. no. 12 (1944, October 20), 2: 80.

⁸² Ibid., Doc. no 18 (1944, November 2), 2: 97.

Antonescu group in May 1946), the Groza cabinet sought Pavlov's advice regarding the fate of the defenders found guilty and the latter informed them of Moscow's actual position on which defendant should receive a pardoning and which should not⁸³. This added a new dimension to the level of involvement of the ACC in the steering of the course of the local war crimes trials.

2.4. The issue of the prosecution of war criminals in Romanian postwar political life

After discussing the role played by the Allies in preparing the stage for the punishment of war criminals, it is now time to focus on the contribution of the Romanian policy makers to the creation of the local war crimes trial programme. The new regime in Bucharest committed itself to the fulfillment of this task because it perceived postwar retribution not only as an international obligation embedded in the Armistice Convention, but also as its legal responsibility to punished the guilty and to restore constitutional order. Still, the task at hand appeared from the beginning as a complex legal affair, which involved both moral dilemmas and political complications. In fact, the transitional governments faced great difficulties when it came to solving the problem of expediting the process of legal retribution, as the Soviet representatives in the ACC demanded, while satisfying the desire for swift vengeance of the local population, agitated by the local Communists and, at the same time, upholding the principles of law in the discharge of this task.

A first set of difficulties arose from the burdensome legacy of institutional collaboration. The Romanian judiciary, traditionally an independent branch of government, has emerged from the six years of dictatorship (1938- 1944) with its reputation tarnished and its ranks filled with 'compromised' magistrates. During the war years, the local courts had to administer justice in

⁸³ Ibid., Doc. no. 75 (June 1, 1945), 2: 303- 306.

accordance with the new repressive and racial laws introduced by the Antonescu regime, which promoted its loyal supporters to key positions in the magistrature. The post-coup regime realized that before the judiciary could initiate the war crimes trial programme with any appearance of moral authority, the wartime activity of the courts had to be reviewed in order to remove from office every 'compromised' magistrate. In practice, this entailed the temporary suspension of the independence of the judiciary by placing this body under the direct supervision of the executive.

Another difficulty that seriously slowed down the Romanian authorities' efforts to expedite the arrest of war criminals was the general state of disorder and confusion that reigned in the public administration. As in most European countries, the wounds of the war were still fresh. The destructions caused by the Allied bombardments and the retreating German troops crippled the local industrial infrastructure and the transportation network, while the victorious Soviet campaign of late August 1944 temporarily turned northeastern Romania into a war zone⁸⁴. As a result, thousands of civilians, panicked by the advance of the Red Army, were forced to flee to the southern parts of the country. This military campaign turned into an occupation as the Soviet troops did not leave Romanian territory after the signing of the Armistice and started behaving like an invading rather than a 'liberating' force. As a result, they demanded that the Romanian authorities footed the large bill for their upkeep, requisitioned large quantities of raw materials and consumption goods at the expense of the local population and temporarily established some parallel political and administrative structures in northern Moldova and northern Transylvania⁸⁵.

A third factor hindering to progress of the legal retribution against war criminals was the increasing polarization of Romanian political life in the postwar years. Shortly after the NDB achieved its goals, old dissension resurfaced and this alliance between the right- wing, Socialist

⁸⁴ Axworthy, Scafeș and Crăciunoiu, eds., *Third Axis, Fourth Ally*, 185- 187.

⁸⁵ Ion Alexandrescu, *Economia României în primii ani postbelici (1945- 1947)* (București: Editura Științifică și Enciclopedică, 1986), 24- 26.

Democrat and Communist parties began to fall apart in late 1944. The ensuing struggle for power pitted the former allies against each other in an increasingly violent confrontation that affected almost every arena of public life: the press, the government and even the streets of Bucharest. On the one side, there were the National Peasant and National Liberal Parties, with their local structures weakened by the war, but their programme of restoring the prewar constitutional order and strengthening Romania's traditional pro-Western alliances still popular. Leaders such as I. Maniu were not only determined to resist the advance of the Communist influence, but also sought to win the sympathy and support of the Western Allies by exposing the danger that the Communist ambitions, backed by the Soviet Union, posed for the constitutional order. On the other, there was the Romanian Communist Party and its leftist political satellites, with its small ranks swelling by the day with opportunistic 'political transfuges' and its influence over the local workers' syndicates steadily growing. The Communist proposals for radical agrarian and social reforms helped increase their popularity, but they were still far from creating mass support in late 1944. Determined to prevent by every available means the full restoration of the prewar order, the Communists capitalized on the support of the Red Army to undermine the postwar regime 'both from within and the outside'. Thus, they constantly fought to increase their number of seats in the Council of Ministers, arguing that they represented 'the true will of the people', while denouncing as 'reactionary' and 'fascist' in their dailies and staging mass protests against every moderate government measures that contradicted the radical proposals in their programme⁸⁶.

Under these circumstances, the punishment of war criminals became a sensitive issue of political debate that occupied an increasingly central position on the individual political agendas of the postwar parties, particularly those that proudly defined themselves as 'anti-fascist'. The four NDB parties were initially able to reach some sort of 'minimum consensus', centered upon

⁸⁶ Deletant, *Romania under Communist Rule* (Iași, Oxford, Portland: The Center for Romanian Studies, 1999), 36.

the use of judicial mechanism to punish war criminals and the close collaboration with the Allies in the discharge of this task. But as the negotiations surrounding the most appropriate manner to punish war criminals gained momentum, it became clear that this issue would not stay above party politics and each political group would seek to impose its own interpretation, shaped by their wartime experience, colored by their dissimilar political doctrines and driven by their own partisan interests towards the suspects on the defendants' list. The escalating conflict between the traditional parties, focused on restoring the constitutional order and the Communists' programme of radical reforms affected almost every aspect of public life, including the activity of the courts.

2.4.1. The position of political parties towards the prosecution of war criminals

In the midst of this agitated and polarized postwar atmosphere, one of the few points on which political parties agreed on was the need to deal with the legacy of the deposed Antonescu regime. The leaders of the National Peasant and National Liberal Parties expressed similar legalistic and pragmatic views concerning the prosecution of war criminals and collaborators. Prior to the August 23, 1944, some National Peasant leaders voiced the opinion that the high-ranking members of the dictatorial regime should be arrested and tried for their 'political crimes', particularly collaboration with the Germans, as part of the post-coup stabilization measures⁸⁷. Shortly after August 23, 1944, the National Peasant party included this issue in its programme in an effort to show its commitment to the swift punishment, within the limits of the law, of war criminals⁸⁸. Nonetheless, the inherent legal controversies and administrative difficulties raised by this task convinced I. Maniu, the National Peasant leader, to adopt a more pragmatic attitude, opposing full-scale radical measures and supporting strict adherence to the existing laws. Such

⁸⁷ Hudiță, *Jurnal politic (1 ianuarie – 24 august 1944)* (București: Editura Roza Vânturilor, 1997), 488- 489.

⁸⁸ 'Manifestul-Program al Partidului Național-Țărănesc', in *Dreptatea*, Year 12, October 16 (1944): 1.

calls for moderation, intended to prevent the compromising of the rule of law principle or the postwar stabilization efforts did not prevent him, however, from attempting to include, with questionable merit, some of his ancient political enemies on the list of war criminals, particularly Gheorghe Tătărăscu, King Carol II's factotum minister and collaborator during the late 1930s⁸⁹.

The Communists firmly opposed Maniu's legalistic and pragmatic attitude and became vocal supporters of radical and immediate measures. These amounted to the establishment of revolutionary peoples' courts with a mixed composition, which would be authorized to try summary and punish in an exemplary manner all war criminals and their 'fascists' collaborators. Such radical measures were inspired by the ideologically colored and political expedient Soviet attitude towards war criminals. On the one hand, the anti-fascist discourse permeated the entire Communist definition of 'war crimes' and their disastrous consequences. Slavishly following Georgi Dimitrov's definition of 'fascism' as the terrorist, chauvinistic instrument of the most reactionary elements of the bourgeoisie to impose their dictatorship, the local Communists' anti-fascist stance adjusted according to Comintern's directives⁹⁰. Thus, it evolved from the tentative united front alliances against 'the fascist threat' of the late 1930s to the even more tentative anti-fascist underground resistance organized after 1941. These efforts to spearhead the anti-fascist opposition in Romania payed off after the coup, when the Communist leaders used their real or embellished anti-fascist and resistance credentials as 'a badge of democratic legitimacy'.

On the other hand, this association between war criminals and fascism acquired political undertones after the war, when the fluid, all-encompassing notion of 'fascist' that had served to discredit Communist political opponents of all stripes became an instrument to 'stigmatize by association' the various types of suspects included in the category of war criminals. By labelling

⁸⁹ Hudiță, *Jurnal politic* (25 august 1944- 3 noiembrie 1944), 233- 234.

⁹⁰ Furet, *The Passing of an Illusion*, 282.

them collectively as fascists (some with merit), the Party propaganda aimed to collapse the two categories together through a focus on their common purpose and criminal nature and hence, turn the retribution against war criminals into a battle in the larger war against Nazi Germany.

Calculated political interest represented a third factor, apart from wartime experience and ideological beliefs, that shaped the local Communists' demand for radical retribution measures. Speculating the fears of some local politicians, who saw the upcoming high-profile trials of war criminals as a liability which threatened to remind the public of their collaboration with the dictatorial regimes of the past, the Communist leaders managed to persuade some of the said politicians to join the Party ranks in exchange for protection. The most notorious conversion to the Communist cause was that of Gheorghe Tătărăscu; needless to say that the opportunistic character of such measures deeply irritated the National Peasant leaders, particularly I. Maniu⁹¹.

2.4.2. The issue of war crimes on the agenda of the transitional governments

The conflicting interests and priorities of the NDB parties concerning the punishing of war criminals became fully visible during the initial cabinet meetings of the transitional governments. Since the Romanian Parliament remained suspended after August 23, 1944, the new government cumulated both executive and legislative powers, thus becoming the main driving force behind the creation of the local war crimes programme. In practice, this meant that the four transitional governments that ruled the country after the coup, headed by General Sănătescu (twice), General Rădescu and Petru Groza, were directly involved in the complex process of drafting of the war crimes legislation, the compilation of the list of suspects and the issuing of the arrest warrants. The Department of Justice bore primary responsibility for proposing and implementing these

⁹¹ Hudiță, *Jurnal politic (7 decembrie 1944- 6 martie 1945)*, 227.

laws and ministerial decisions, as well as the supervision of the activity of the special courts. However, it was during the postwar Cabinet meetings that the scope and direction of the war crimes programme were debated, negotiated and finally adopted, thus warranting a closer look.

The first Sănătescu cabinet (August 23- November 2, 1944) was the first government that tackled the issue of the legal retribution against war criminals. Nominated immediately after the coup of August 23, this ‘caretaker government’ was comprised mainly of Army officers and technicians (the leaders of the four NDB parties, Maniu, Brătianu, Petrescu and Pătrășcanu, were included as ‘ministers without portfolio’) and was mandated by King Mihai to implement the NDB programme adopted in June 20 1944. In parallel with neutralizing the German counter-offensive, the Sănătescu cabinet proceeded to the restoration of the constitutional regime by abrogating most of the decrees adopted by the Antonescu regime and partially restoring the Constitution of 1923. Also, Lucretiu Pătrășcanu, the new Secretary of Justice *ad interim*, was given the task of pardoning all Communist militants interned in camps by the wartime regime⁹².

The first lengthy discussion (and serious clash) among the NDB members concerning the fate of the suspected war criminals and fascist collaborators took place a few days after the coup of August 23, 1944⁹³. On August 27, L. Pătrășcanu, in his quality of newly-appointed Secretary of Justice, proposed the adoption of a series of radical anti-fascist measures which entailed large-scale purgings in the state administration and the Army and the immediate apprehension of the suspected ‘fascist collaborators and war criminals’. Such resolute and swift measures, he argued, would prove to the Allies, especially the Soviet Union, the democratic and uncompromising anti-fascist character of the new Sănătescu government. His radical proposal was opposed by G. Niculescu-Buzești, the Secretary of Foreign Affairs who had close ties to the National Peasants’

⁹² Giurescu, *Romania’s Communist Takeover*, 11- 12.

⁹³ Ciucă, ed., *Stenogramele Ședințelor Consiliului de Miniștri Sănătescu*, Doc. no. 1 (1944, August 27), 1: 7- 18.

Party, on account of the unlawful character of such a punitive ‘anti-fascist’ policy in the absence of specific laws defining the criminal offenses and clear criteria for the selection of suspects⁹⁴.

The Department of Internal Affairs, headed by General A. Aldea and acting under the advice of the NDB leaders, drafted a proposal for a decree-law which stipulated the creation of an ad-hoc Special Court of Justice to try the suspected war criminals. This court, which included ten members, was supposed to be invested for six months with full powers to investigate the political activity of the members of the deposed Antonescu regime and pass summary judgement upon “the political and criminal responsibilities of the moral and material authors and accomplices”⁹⁵. The proposal did not pass due to the Communist opposition and the whole issue was temporary put on hold until more pressing military and economic issues had been dealt with⁹⁶. Nonetheless, the debates that this proposal occasioned among the NDB members anticipated the tensions and rivalries that the plans to prosecute of war criminals would rise among the various branches of the executive, particularly the Departments of Internal Affairs and Justice as well as between the more conservative political forces inside the NDB, i.e. the leaders of the National Liberal and the National Peasants Parties, and the radical Communist Party.

The implementation the Armistice provisions became a priority for the caretaker Sănătescu government after September 13, 1944. The new regime in Bucharest, despite some reservations about cooperating with the Soviet authorities, was firm on fulfilling the armistice terms to the best of its capacities. Overall, the Sănătescu cabinet focused on implementing what it perceived as the most urgent provisions, i.e. the military and economic aspects, and assigned a low priority to the issue of war criminals until the control over the local administration had been regained.

⁹⁴ CNSAS, folder no. 40046 ‘Problema 23 August’ P10933, file no. 6, files 346- 347.

⁹⁵ Muraru, ‘Legislation and War Criminals’ Trials’, 126- 127.

⁹⁶ Ciucă, ed., *Stenogramele Ședințelor Consiliului de Miniștri Sănătescu*, Doc. no. 2 (1944, August 30), 1: 50.

The cabinet re-initiated discussion over the punishment of war criminals in mid-September 1944 and focused on two aspects: the arrest of the most notorious suspects and the creation of judiciary mechanisms for their prosecution. But soon, the discussions became mired in legal issues and the plans to immediately arrest the suspects had to be delayed. Recognizing that the existing legislation was not adequate for the effective prosecution of war criminals and the directives provided by the ACC were imprecise, the new cabinet engaged in lengthy debates over the content of the forthcoming war crimes legislation, but failed to reach a rapid consensus over the definition of war crimes and criminal liability. The internal divisions among the NDB Cabinet members on these matters made General Sănătescu hesitate about proceeding with the arbitrary arrest of the suspects in the absence of a specific law criminalizing their acts. In the end, Soviet pressure forced the cabinet to reach a compromise by adopting a law on October 11 1944, authorizing the preventive arrest of suspected criminals by virtue of ministerial order⁹⁷.

Prime-Minister Sănătescu's hesitations provoked Moscow's discontent and prompted the ACC to issue several instructions to the local government that included lists of former high-ranking members of the deposed Antonescu regime to be arrested as war criminals on account of their wartime activity. One such list was sent on October 9, 1944, demanding the arrest of forty-seven alleged war criminals, including two members of the current cabinet (General Potopeanu, the Secretary of National Defense and General Boițeanu, the Secretary of Education). Sănătescu initially refused to comply, arguing that the latter's contribution to the coup of August 23 outweighed the fact that they had pledge their allegiance to the Antonescu regime out of a sense of duty, but was ultimately compelled to give in. This incident, perceived by the Soviets as symptomatic of the 'slowness' with which the Romanian authorities were implementing certain

⁹⁷ Ibid., Doc. no. 17. (1944, October 6), 1: 316.

Armistice terms, attracted criticism and eroded the credibility of the new regime in Bucharest⁹⁸.

The local Communists quickly echoed Moscow's criticism and made vocal demands for the immediate purging of 'fascist' elements from the ranks of the army and local administration. General Sănătescu was aware that Romania's commitment to the Allied policy of prosecuting war criminals and collaborators was at stake, but feared that the extrajudicial punishment of the said suspects would undermine the legitimacy of the new regime and even plunge Romania into anarchy. Such large-scale purges would certainly weaken the moral of the Romanian army, given that many of the 'fascist' generals were still in command of troops at the front, while removing the 'collaborationist' officials would surely destabilize the local administration⁹⁹. Faced with General Sănătescu's refusal to adopt more radical 'anti-fascist' measures or to offer them more seats in the cabinet, the Communists staged massive anti-government rallies, which increased the political tension and lead to the downfall of the first Sănătescu cabinet in late 1944.

Pressed by Communist manifestations and Soviet criticism, Sănătescu reshuffled his cabinet and included two Communist representatives, Gheorghe Gheorghiu-Dej¹⁰⁰ and Petru Groza¹⁰¹, as deputy Prime- Minister and respectively, Minister of Transportation. This second

⁹⁸ Saiu, *The Great Powers and Rumania*, 39.

⁹⁹ Sănătescu, *Jurnal*, 173- 174.

¹⁰⁰ Gheorghe Gheorghiu-Dej (1901- 1965) was a leading figure of the Romanian Communist Party, who spent more than a decade in prison for fomenting labor unrest (1933- 1944) and became the undisputed leader of the imprisoned Communist activists. After he staged his escape in August 1944, he took control of the Party together with Ana Pauker and Vasile Luca, who had just returned from exile in Moscow. He occupied various positions in the second Sănătescu, Rădescu and Groza governments in the postwar years. Elected Party General Secretary in October 1945, Gheorghiu-Dej maneuvered to have his main rivals, Ana Pauker and Lucrețiu Pătrășcanu, marginalized and purged from the Party, with Stalin's tacit approval. After the proclamation of the People's Republic on December 30, 1947, he established a Stalinist regime in Romania and succeeded in negotiating in 1958 a removal of Soviet troops from his country. For further details, see Neagoe, *Oameni politici români*, 308 – 313.

¹⁰¹ Petru Groza (1884- 1958) was a Communist fellow-traveler who started his political career in Greater Romania as a member of the conservative People's Party led by Marshal Averescu. Elected deputy in the Parliament (1919- 1927) and minister in two Averescu cabinets in the 1920s, Groza formed his own political party, the Ploughmen's Front in 1933, in his native Hunedoara country and his anti-fascist, leftist orientation brought him close to the Communists. After August 1944, his party joined the Communist-led National Democratic Front and the local Communists managed to push his nomination as deputy Prime Minister in the Sănătescu and Rădescu cabinets. In March 1945, Moscow imposed his appointment as Prime Minister and his new government facilitated the transition to the new Communist regime. Groza's good relations with Gheorghiu-Dej helped him secure his position first as

Sănătescu Cabinet (November 3- December 2, 1944) lasted even less than the first one because it refused to give in to the constant Soviet interferences in Romanian domestic affairs and the vocal Communist demands for a greater share in power. Despite these tensions, the new cabinet managed to take a further step in the development of the war crimes trials programme. Thus, a special Commission for the investigation of suspected war criminals and those responsible for the country's disaster was established on October 30 and began its activity in early November 1944. Its main task was to determine whether enough *prima facie* evidence existed so that the Council of Ministers could issue arrest warrants for suspected war criminals. Several suspects were indeed placed under arrest, but their prosecution was delayed since the new law concerning the prosecution of war criminals had not been drafted¹⁰². This delay, coupled with the reluctance to immediately purge the local administration, further irritated Moscow and stirred up new Communist agitations, forcing the second Sănătescu cabinet to present its formal resignation on December 2. The King turned to another general, Nicolae Rădescu, to form the new government.

The new Rădescu cabinet (December 6 1944- February 28 1945) tried to appease the Communist demands by maintaining Pătrășcanu and Groza in their positions as Secretary of Justice and respectively, deputy Prime Minister and including other Party members in the new government (General Rădescu¹⁰³ kept the Department of the Interior for himself). The new cabinet placed the restoration of public order, the strengthening of the relations with the Soviet

Prime Minister (1945- 1952), then as President of the Presidium of the Grand National Assembly (1952- 1956). For further details, see Neagoe, *Oameni politici români*, 346- 348.

¹⁰² Ciucă, ed., *Stenogramele Ședințelor Consiliului de Miniștri Sănătescu*, Doc. no. 11 (1944, November 16), 2: 225.

¹⁰³ General Nicolae Rădescu (1874- 1953) was a career officer who distinguished himself in World War I. He resigned from the Army in 1933 as a protest against the dictatorial measures adopted by King Carol II. During World War II, he incurred the wrath of the German Legation to Bucharest on September 1941 by openly criticizing Marshal Antonescu's decision to continue military operations in Soviet territory. As a result, he was imprisoned for two years in the Târgu Jiu forced labor camp. After the coup, he was released, reinstated in the Army and appointed chief of the General Staff. On account of his reputation as an anti-fascist and 'strongmen', the King appointed him Prime Minister in December 1944, but his efforts to restore order were undermined by the local Communists. He was dismissed from office on March 3, 1945 due to Soviet pressure and forced to take refuge first in the British Legation to Bucharest, then in the U.S. in 1947. For further details, see Neagoe, *Oameni politici români*, 608- 610.

Union and the fulfillment of the Armistice at the top of its political agenda. Its political priorities were similar to that of its predecessor: in domestic affairs, restore public order and put an end to the Communist political agitations so that the Armistice terms could be fulfilled; in military affairs, continue the war effort against the Axis and in foreign affairs, secure the support of the Western Allies in order to resist Soviet pressure and avoid the danger of military occupation¹⁰⁴.

This third transitional government took more decisive steps towards the creation of the legal framework for the prosecution of war criminals. During its first plenary meeting on December 14, the new cabinet examined the issue of war criminals and identified the absence of a specific war crimes legislation and the overlapping jurisdictions of the Departments of Justice and the Interior over the arrest of war criminals as the main reasons for the slow progress made until then ¹⁰⁵. Realizing that the cabinet debates over this controversial issue tended to get sidetracked by partisan politics, General Rădescu established an Inter-Ministerial Commission composed of a few cabinet members representing each one of the four NDB parties. This body, presided either by Secretary Pătrășcanu or the Prime Minister himself, prepared the drafts of the new criminal law, which was supposed to clarify not only the nature of offenses and criminal liability, but also to establish the procedures for handling the arrest, detention and prosecution the suspects. After several weeks of difficult negotiations, two special laws for the prosecution of those responsible for the country's disaster and war criminals were passed in January 1945¹⁰⁶.

In parallel, the other special Commission established under the Sănătescu government, continued to investigate the wartime activity of senior Army officers and public servants and to make recommendation as to their guilt. Based on these reports and the instructions received from

¹⁰⁴ Giurescu, *Guvernarea Nicolae Rădescu*, 58- 61.

¹⁰⁵ Ciucă, ed., *Stenogramele Ședințelor Consiliului de Miniștri Rădescu*, Doc. no. 1 (1944, December 14) 37- 40.

¹⁰⁶ *Law no. 50 for the prosecution and punishment of war criminals and Law no. 51 for the prosecution of those responsible for the country's disaster*, in *Monitorul Oficial*, year 113, no. 17, part I (January 21, 1945): 415- 419.

the ACC, the Council of Ministers compiled an ever-growing list of suspects to be arrested by the Secret Police (Siguranța Statului), in cooperation with the local police and Gendarmes, on charges of ‘war crimes’ and ‘contribution to the country’s disaster’. This process took the form of a complicate series of negotiations between the various political actors involved. The delegates of the traditional political parties in the Inter-Ministerial Commission opposed the Communist demands for exemplary punishment and tried to convince Secretary Pătrășcanu to introduce a flexible interpretation of criminal responsibility and a more nuanced gradation of punishments¹⁰⁷. As for Prime-Minister Rădescu, he interceded on several occasions with the Soviet representatives in the ACC on behalf of certain fellow officers accused of war crimes¹⁰⁸. The compromise solution that was reached, however, failed to satisfy all the parties involved.

The Communists spared no efforts in denouncing these ‘half-measures’ as a sign of ill faith and condemned General Rădescu’s alleged misplaced sympathies for the local fascists and collaborators. Their efforts to ascribe the slow progress of the punishment of war criminals to ‘ill will’ and even ‘sabotage’ was part of the larger strategy of eroding the political credibility of the Rădescu cabinet by portraying it as a ‘reactionary dictatorial regime’ opposing the popular demand for swift retribution. In doing so, they clearly operated with a double standard: while the Communist ministers were agreeing upon negotiated measures with the other members of the Rădescu cabinet, the Communist satellites from the National Democratic Front (NDF) had no scruples about denouncing ‘the reactionary policies’ of the regime in power. General Rădescu publicly defended himself against these insinuations by pointing out that what his adversaries called ‘ill faith’ was, in fact, the unfortunate result of the lack of proper means, and criticized the Communist propaganda technique of turning ‘fascist’ and ‘Hitlerite’ in simple terms of abuse:

¹⁰⁷ Hudiță, *Jurnal politic (7 decembrie 1944- 6 martie 1945)*, 136.

¹⁰⁸ Monica Grigore, Oana Ionel and Dragos Marcu, eds., *Un sfert de veac de urmărire: documente din dosarele secrete ale generalului Nicolae Rădescu* (București: Editura Enciclopedică, 2004), Doc. no. 11 (1945 June?), 88- 91.

[...] In coping with the demands entailed by the armistice, we sometimes come up against unimaginable difficulties due to complete lack of means in some departments, which sometimes gives rise to shortcomings in execution; since those fishing in troubled waters can hardly wait for a chance to throw the blame for everything on Hitlerism, sabotage, etc., are the Allies right in thinking that it is really bad faith, when in fact it is only lack of means?¹⁰⁹

General Rădescu's efforts to resist Communist demands undermined the fragile political truce between the traditional political parties and the RCP and incited the leftist press to accuse the Prime-Minister that he was reneging on the commitments taken when he assumed power. In January 1945, the Communists stepped up their denunciations of the traditional political leaders as 'reactionaries', blaming their 'obstructionist tactics' for the delays in the prosecution of war criminals and staging massive anti-government demonstrations, some resulting in bloody clashes with the police forces or their political opponents. Things came to a head on February 24, 1945, when the police allegedly opened fire on a peaceful Communist demonstration in front of the Parliament building in Bucharest. The Communist press blamed 'the executioner Rădescu' and 'his fascist clique' for the losses of life, while the government denounce this as a Communist instigation. General Rădescu's subsequent intemperate reactions only made things worse when, on the same day, he made a radio broadcast, denouncing the Communist leaders as foreigners 'without God or nation' and stating his firm intention to restore public order in the country¹¹⁰.

The Soviets intervened directly following this broadcast, considering Rădescu's outburst against the local Communists as a dangerous provocation. A. Vyshinsky, the Soviet Deputy Foreign Ministry, came to Bucharest to secure Rădescu's dismissal on February 27. He blamed General Rădescu for having encouraged local pro-Hitlerite, fascist elements and asked the King on an imperative tone to replace the current cabinet with a new coalition government led by the NDF. The King's failure to comply with this demand, he said, would jeopardize Romania's very

¹⁰⁹ Giurescu, *Romania's Communist Takeover*, 147.

¹¹⁰ Grigore, Ionel and Marcu, eds., *Un sfert de veac de urmărit*, Doc. no. 154 (1945, February 24), 283- 285.

existence as a sovereign state. Deprived of the much-needed Western support, the King gave in and appointed a Communist dominated government led by Petru Groza on March 6, 1945¹¹¹.

The first Groza cabinet (March 6, 1945- November 30, 1946) was the fourth transitional government to deal with the issue of war criminals. Officially, this was a coalition government which initially included the seven political members of the NDF: the local Communists, the Social Democrats, the Ploughmen's Front, The Patriotic Union, the General Confederation of Labor, the dissident faction of the National Peasants Party led by Anton Alexandrescu and the dissident faction of the National Liberal Party led by Gheorghe Tătărăscu. Party cadres such as Gheorghiu-Dej and Communists fellow-travelers, such as Petru Groza, held the most important cabinet position, while nominal non-Communist ministers, like Gh. Tătărăscu, were appointed in order to maintain the misleading impression of political continuity with the previous cabinets.

Over the next year and a half, the Groza government took measures to consolidate its own power and cripple that of the opposition, i.e. the National Peasant and National Liberal Parties, thus preparing the road for the dismantling of the constitutional order and the establishment of the People's Republic. Although the existence of a step-by-step plan for the Communist takeover remains contentious, the fact that the liberal press and the traditional parties, the two pillars of the political order, were subjected to systematic campaigns of intimidation and persecution that culminated in their destruction indicates at least premeditation. These measures culminated in the rigged parliamentary elections of November 1946, when the RCP falsified the poll results and presented itself as the clear winner¹¹². The reactions of the British and American members in the ACC were indignant, but inconsequential. The fact that the influence of the Western Allies in the region was a thing of the past became clear on February 1947, when the peace treaty signed with

¹¹¹ Deletant, *British Clandestine Activities in Romania*, 137- 138.

¹¹² Giurescu, *Falsificatorii. Alegerile din 1946*, 313.

the Allies in Paris confirmed that Romania was already on the Soviet side of the Iron Curtain¹¹³.

In respect to the punishment of war criminals, the Groza Cabinet claimed, not without merit, that it finally set in motion the judiciary machinery for the prosecution of the suspects. The new cabinet included the retribution against war criminals and those responsible for the country's disaster at the top of its political agenda¹¹⁴. Capitalizing on the steady decrease in the expenditures dedicated to the war effort, the improved relations with the Soviet Union and the end of Communist agitations, three factors that greatly hindered the activity of the previous cabinets, the Groza cabinet was able to dedicate more time and resources to the implementation of Article 14 of the Armistice Convention. The government activity focused on four directions: ordering massive waves of arrests, adopting a new criminal legislation, setting up the new judiciary machinery and commencing the much-awaited trials of suspected war criminals.

The new wave of arrests ordered by the Groza cabinet, allegedly adopted to satisfy the popular outcry for retribution, was, in fact, intended to purge from public life all 'compromised elements' considered potentially hostile to the new regime due to their past political allegiances. Overnight, the arrest of suspected war criminals became part of the larger purges in the Army and state administration and was turned by the Communist Party from a legal-administrative mechanism to a self-serving political instrument¹¹⁵. The deliberate blurring of the thin line between 'war criminals' and 'fascist collaborators' became manifest in the new war crimes law that replaced the previous two laws introduced by the Rădescu cabinet. Prime Minister P. Groza denounced the lenient and incomplete character of *Law no. 50* and *Law no. 51* and delegated Secretary Pătrășcanu to draft a stricter law that would introduce a more expedient trial procedure. The result was *Law no. 312* of April 21, 1945, which placed the cases of suspected war criminals

¹¹³ Giurescu, *Lichidatorii. România în 1947*, 205.

¹¹⁴ Ciucă, ed., *Stenogramele Ședințelor Consiliului de Miniștri Groza*, Doc. no. 1 (1945, March 7), 1: 15.

¹¹⁵ Giurescu, *Uzurpatorii. România 6 martie 1945*, 273- 274.

under the jurisdiction of an ad-hoc mixed People's Court. This law was discussed in a cabinet meeting on March 31, 1945, when its architect, Secretary Pătrășcanu, openly acknowledged its 'punitive and utilitarian' character, emphasizing that 'the new law, in its substance, would serve the political repression- and nothing more- that would give satisfaction to the popular sentiment, the Allies' [requests] and what we [Communists] believe today to be right for Romania'¹¹⁶.

The Groza cabinet's intention to use the new criminal legislation for political repression became apparent during the first trials of suspected war criminals held in May- June 1945. However, the zeal of the public prosecutor assigned to the Bucharest People's Court had to be temporarily curbed during the so-called 'Royal Strike' (August 1945- January 1946), during which King Mihai unsuccessfully tried to obtain the resignation of the Groza Government by refusing to sign any decrees¹¹⁷. Fearing that this political conflict would affect the progress of the war crimes trials programme, the Groza Government prudently suspended the pending trials until the spring of 1946, when the crisis was defused and the People's Courts resumed their activity.

Still, the first wave of war crimes trials made quite a deep impression on the local political elite and some of the foreign diplomats stationed in Bucharest. The American representatives in the ACC noted with growing concern in their dispatches to Washington how the judicial proceedings were becoming, in the able hands of the new Groza regime, vehicles for the larger anti-fascist propaganda and purge campaigns. This is how General Schuyler described the first war crimes trial held before the Bucharest People's Court in May 1945:

The trials were characterized by the use of highly unfair judiciary procedures. Crowds of people organized loud rallies in front of the court, the defense councilors were intimidated and the overall legal process assumed the typical Communist terrorist traits. Nobody was really surprised to learn

¹¹⁶ Ciucă, ed., *Stenogramele Ședințelor Consiliului de Miniștri Groza*, Doc. no. 19 (1945, March 31), 1: 177.

¹¹⁷ Giurescu, *Uzurpatorii. România 6 martie 1945*, 396- 399.

that all defendants, except one, had been found guilty and sentenced to death¹¹⁸

2.5. Conclusions

After examining the complex political and diplomatic negotiations that led to the creation of the Romanian war crimes trial programme between September 1944 and May 1945, it should become apparent that the early Cold War political context left a deep mark upon the trial of Marshal Antonescu and his former collaborators. The coup of August 23, 1944 was a turning point not only in Marshal Antonescu's career, but also in Romania's fortunes: Red Army military operations in the region and inter-Allied negotiations between 1944- 1945 effectively placed Romania in the Soviet sphere of influence, while the post-coup domestic political realignments favored the rise of the local Communist Party, Moscow's protégé, whose pragmatic political interests overshadowed any legal principles. In the new postwar political constellation, the local courts of law had their independence drastically reduced and the judiciary could hardly oppose the Romanian Communist Party and the Soviet-dominated ACC from exercising their arbitrary and intrusive political supervision over the preparation of the local war crimes trials.

Similar to all former Axis satellites, the punishing of local war criminals assumed the form of 'an international obligation' for Romania, arising from the Armistice Convention signed with the Allies in September 1944. Since Washington and London lacked the means and resolve to impose their influence in the region, it was Moscow that undertook the task of supervising the implementation of the armistice terms. The punishment of war criminals ranked high among the joint Allied goals of 'stabilizing' the postwar political situation in the region and was explicitly linked to the systematic purging of all suspected fascist collaborators and 'reactionary elements'

¹¹⁸ Schuyler, *Misiune dificilă*, 122.

from the Romanian government, state administration, Army and press. However, the Soviet representatives who dominated the ACC had a different understanding of the task at hand and their subsequent plans to remove the said two categories from Romanian public life and mete out punishment to local war criminals was influenced by the particularities of the Soviet own legal system, its painful wartime experience and Soviet postwar geopolitical interests in the region.

At the domestic level, the post-coup transitional governments played the leading role in the formulation of Romania's war crimes policy, but as the temporary alliance between the members of the NDB gradually fell apart and old dissensions resurfaced, the issue of postwar retribution against suspected war criminals turned into a constant source of political strife. Despite the stated intention to fulfill to the letter Article 14 of the Armistice Convention, strategic priorities, administrative hurdles and internal dissensions forced the two Sănătescu and Rădescu cabinets to proceed with some hesitations and delay in respect to the prosecution of war criminals. The local Communists took advantage of what they termed 'delayed and irresolute government reaction' in order to turn the issue of war criminals into a source of political controversy, which significantly eroded the credibility and contributed to the abrupt fall of the Rădescu cabinet. Once in power (March 1945), the local Communists reshaped the local war crimes trial programme according to their ideological convictions, giving it not only a new impulse, but also a different direction, which fused together legal retribution, political aims and propaganda.

3. THE LEGAL AND INSTITUTIONAL CONTEXT OF THE TRIAL

3.1. Introduction

The period 1944- 1947 also witnessed significant changes in the Romanian legal and judiciary system, as part of the larger process of addressing the wrongdoings of the deposed Antonescu regime. Under Article 14 of the Armistice Agreement signed in September 1944, the new Romanian government had to bring to justice all ‘war criminals’ residing within its borders and to purge the state administration of all ‘fascists’ and wartime ‘collaborators’. Fulfilling these two closely-related objectives seemed like a complex political and legal issue from the very start because the post-coup governments could not proceed with the administrative purgings and the war crimes trials before reviewing first the recent activity of the courts of law and removing from office those members of the judiciary whose professional integrity had been compromised by their collaboration with the wartime dictatorial regimes. Given that the country was not formally occupied by the Soviet Union, the new Romanian government or more precisely, the Department of Justice, was entrusted with the main role in the process of setting up the procedure for the purging of the judiciary and the legal machinery for the prosecution of war crimes.

The King’s decision to appoint Lucretiu Pătrășcanu, a prominent Communist leader, as Secretary of Justice *ad interim* shortly after the coup had far-reaching consequences. In the supervision of the activity of his department, the new Secretary clearly exceeded the limits of his mandate when he used all his influence to divert the newly established mechanisms of retributive justice from their original purpose and to turn them against the Communists’ real and potential political opponents. The political expediency and abuses of authority that accompanied the

waves of arrests on war crime charges prompted many non-Communist leaders to denounce the new ad-hoc People's Courts as instruments of political intimidation and repression¹.

The aim of this chapter is to examine the creation, organization and functioning of the judicial mechanisms established in view of prosecuting war criminals in Romania. I argue that the local Communists, after securing the Department of Justice, diverted these legal proceedings from their original purposes and used them for suppressing their former and present political opponents and subordinating the justice system to the will of the executive, following the Soviet legal model. Four major aspects of this process of 'political instrumentalization' of the war crime trials may be isolated, and, accordingly, this chapter will consist of four subsections. First, I look at the common Allied and separate Soviet programs from trying war criminals and the 'legal dilemmas' they raised when transplanted to the Romanian context. Second, I examine the local Communists' program concerning the war crimes trials and their response to the above-stated 'dilemmas'. Third, I discuss the legal and administrative measures adopted in view of preparing the establishment of the legal mechanisms for the trials of war crimes. Fourth, I discuss the legal basis, composition and activity of the *ad-hoc* People's Courts that had jurisdiction over war crimes between 1945- 1946. In the concluding section, I will assess the principal traits of the jurisprudence of the People's Courts and their impact on the Romanian judiciary.

Due to space constraints, I discuss the jurisprudence of the People's Courts in a selective manner and focus primarily on four trials of major war criminals that took place between 1945- 1946 and attracted significant media attention due to the controversial legal and political issues that they raised. The other trials of major war criminals and the subsequent war crime trials, transferred to the jurisdiction of Romanian Appellate Courts after July 1946, fall outside the scope of the present thesis. In addition, the purge of 'fascists' and 'wartime collaborators' from

¹ Berry, *Romanian Diaries*, 347.

the state administration, which occurred at the same time as the major war crimes trials, are briefly discussed from the point of view of the impact the ongoing administrative purges had on the process of intimidating the judicial personnel into submission and gradually subordinating the postwar judiciary to the will of the Romanian executive.

3.2. Background: legal paradigms and key dilemmas of transitional justice in Romania

The development of a program for the punishment of war criminals became a sensitive legal and political question in Romania, subjected from the beginning to external supervision. Article 14 of the Armistice Agreement stipulated that Romania had to cooperate with the Allied (Soviet) High Command in the apprehension and trial of war criminals². It was implied that the senior civil and military members of the Antonescu regime would be prosecuted for war crimes, but there was no specification regarding how justice would actually be administered. Since there was no such precedent in Romanian jurisprudence, the prosecution of war criminals in Romania, as in most former Axis satellites, followed closely the directions received from the Allies³. It seems that two sets of ‘legal paradigms’ served as sources of reference: the joint Allied war crimes program, epitomized in the Nuremberg Trials and the Soviet criminal justice system, with its pioneering experience of prosecuting war criminals and collaborators in the recently liberated Ukrainian lands in 1943- 1944. Since it would be very difficult to analyze in depth these issues in only a few pages, this section will focus on the most salient points, paying closer attention to those elements directly relevant to the situation in postwar Romania.

² *The Armistice Agreement with Rumania, signed on September 12 1944* (<http://avalon.law.yale.edu/wwii/rumania.asp>)

³ Kochavi, *Prelude to Nuremberg*, 172.

3.2.1. Legal paradigms

The Nurnberg trials were the outcome of Allied wartime negotiations in respect to the punishment of Axis war criminals⁴. *The Saint James Declaration* (January 1942) and the establishment of the United Nations War Crimes Commission in 1943 bear witness to the Allies' resolution to subject war criminals to legal retribution instead of summary executions. The drive towards a judicial response to war crimes gained momentum and the Allies issued *The Moscow Declaration* in October 1943, which introduced the crucial differentiation between the 'major' war criminals, whose crimes had no particular geographical localization and were to be punished by joint Allied decision, and the 'minor' war criminals, who had committed crimes in specific territories and were to be tried where their offenses took place⁵. The London Agreement (August 1945) further enforced the principle of territorial jurisdiction by stipulating that the 'minor war criminals' would stand trial before a national or occupation court⁶.

The proceedings of the International Military Tribunal (henceforth IMT), seated at Nuremberg, epitomized the joint Allied policy on punishing war criminals⁷. The foundations for the Nuremberg trials were set by *The London Charter*, which established an *ad hoc* International Military Tribunal (IMT) to prosecute the 'major' Axis war criminals for crimes against peace, war crimes and crimes against humanity⁸. The decision to criminalize breaches of law committed by a state against the citizens of an enemy state or its own citizens, or inhumane use of military force in occupied territory was a challenging initiative due to a number of reasons: first, it redefined the concept of criminal liability under international law by holding both individuals

⁴ Bradley F. Smith, *The Road to Nuremberg* (New York: Basic Books, Inc., Publishers, 1981), 4-6.

⁵ *The Moscow Declaration of October 1943* (<http://avalon.law.yale.edu/wwii/moscow.asp>).

⁶ *The London Agreement of August 8, 1945* (<http://avalon.law.yale.edu/imt/imtchart.asp>).

⁷ The scholarly literature on the Nuremberg Trials is massive. For an overview of the legal basis of the trials, see George Ginsburg, ed., *The Nuremberg Trial and International Law* (Dordrecht: Martinus Nijhoff Publishers, 1990) and Telford Taylor, *The Anatomy of the Nuremberg Trial: A Personal Memoir* (New York: Alfred L. Knopf, 1992).

⁸ *Charter of the International Military Tribunal of August 8, 1945* (<http://avalon.law.yale.edu/imt/imtconst.asp>).

and organizations accountable for ‘acts of state’; second, it deviated from the notion of absolute state sovereignty by rejecting the plea of acting under ‘superior orders’ or in compliance with ‘the existing legislation’; and third (the novel and probably the most controversial point), it transformed war of aggression into an international crime ⁹.

As a side-note, one should not overlook the contribution made to the larger debate over the criminalization of war of aggression by legal scholars from Central and Southeastern Europe who had experienced first-hand the horrors and ravages of war, such as the eminent Romanian jurist Vespasian Pella¹⁰. Considered as one of the founding figures of the criminal international justice system, V. Pella militated for the banning of war as a legitimate means to resolve inter-state conflicts and argued for the creation of an international judicial mechanism for the criminal prosecution of individuals (political, military and diplomatic leaders), groups or state institutions for their roles as decision-makers in the planning, initiation and waging of wars of aggression¹¹.

The IMT proceedings started in November 1945 and lasted until October 1946. In the end, three of the twenty-two defendants were acquitted, as were three of the six indicted National-Socialist organizations; of the remaining defendants, twelve were sentenced to death and seven to prison¹². Although the judgment of the IMT showed due consideration of the facts that formed the background of the charges, the one-sided manner in which the IMT responded to the objections of the accused, as well as the selectivity of the prosecution contributed to the emergence of a sense of ‘victor’s justice’ among some contemporary observers. The IMT,

⁹ Guenael Mettraux, ‘Trial at Nuremberg’, in *Routledge Handbook of International Criminal Law*, ed. William A. Schabas and Nadia Bernaz (New York: Routledge, 2011), 7-8.

¹⁰ Vespasian V. Pella (1897- 1960) was an eminent Romanian jurist, diplomat and journalist, who enjoyed a distinguished career as a university professor in Iași and Bucharest and as a diplomat in the service of his country. He was a member in various interwar international commissions seated in Geneva for the promotion of peace and disarmament, Romanian diplomatic envoy to The Hague, 1936- 1939 and Berne, 1943- 1945. He briefly resumed his diplomatic career after 1945 (member of the Romanian delegation to the Peace Conference in Paris, 1946- 1947), but was excluded from the Romanian diplomatic corps in 1948 and forced to live the rest of his days in exile.

¹¹ Vespasian Pella, *Războiul- crimă și criminalii de război* (București: Universul Juridic, 2013), 55-57.

¹² Ibid., 12.

among others, rejected the literal application of the principle of non-retroactivity of criminal law and dismissed the reciprocity argument invoked by the accused, by which they denied the Allies the authority to prosecute war crimes on account that they had committed similar offenses.¹³ In spite of these polemics, the trial established a historical precedent in international criminal law and shaped the ensuing war crimes trials held in the former Axis satellites and occupied lands.

The war crime trials in ‘liberated Europe’ were intended to take place within a joint Allied framework, hence the distinction between ‘major’ and ‘minor’ war criminals. The latter category included former Axis occupiers and indigenous collaborators alike, who were to be prosecuted before local courts either independently, like in the case of most countries in Western Europe, or under Allied supervision (Soviet supervision in the case of the Central and Eastern European countries ‘liberated’ by the Red Army)¹⁴. The incipient attempts to organize a joint war crimes prosecution across ‘liberated Europe’, however, foundered after 1945 due to the rising tensions between the Anglo-Americans and their Soviet allies. Disagreements over the purpose of the trials had already manifested during the negotiations surrounding the signing of the London Charter, when the Soviet side argued that the purpose of the IMT was to impose punishment rather than determine guilt, as well as during the proceedings of the IMT, when the Soviet Judge I. T. Nikitchenko disagreed with the three acquittal verdicts issued by the non-Soviet panel judges¹⁵. These differences had deeper roots, originating from the distinctiveness of the Soviet legal system and the prevalent ideological role attached by Moscow to war crimes trials¹⁶.

The Soviet legal system left a distinctive imprint on the war crime trials in Central and Eastern European countries which had fallen within the Soviet sphere of influence. It has become

¹³ Robert Cryer, *Prosecuting International Crimes. Selectivity and the International Law Regime* (Cambridge: Cambridge University Press, 2005), 41.

¹⁴ Tony Judt, *Postwar. A History of Europe after 1945* (New York: The Penguin Press, 2005), 41- 62.

¹⁵ Cryer, *Prosecuting International Crimes*, 40.

¹⁶ Judt, *Postwar*, 59- 60; Kochavi, *Prelude to Nuremberg*, 64- 65.

commonplace to stress how distinctive in nature, organization and functions the Soviet legal system was from the Continental civil law and the English and U.S. common law systems¹⁷. Generally speaking, the nature of the legal system that had developed in the Soviet Union until 1945 was shaped primarily by the Marxist-Communist ideology and the needs of a one-party state. Marxist-Leninism ideology, with its class bias in favor of the proletariat, refuted from the start the principle of judiciary independence and generally relegated 'the law' to the role of a 'legal tool of governance'. Such an instrumentalist view was well-suited for the needs of the one-party state, since it brought the judiciary under direct political control and recognized the state's privilege to override the letter of the law whenever Party interests dictated it¹⁸. These principles of class favoritism and instrumentalism were reflected in the working of the courts of law. Apart from preserving the existing Socialist order and imparting justice according to Marxist-Leninist principles, these courts fulfilled two additional extra-legal functions: first, an insidious repressive role, manifested in the tendency to rationalize as 'class warfare' the systematic persecution of certain social, professional and religious groups opposing the Party line; and second, an obvious propagandistic function, demonstrated by the persistence with which the Party assigned a 'class dimension' to the prosecution of Communist dissidents and all crimes against the Socialist order.

Nowhere did these extra-legal features become more visible than in the Soviet criminal law and procedure, since it was in this field that the abuses of the one-party state, especially under Stalin's rule, were felt most dramatically. Stalin's desire for greater control led to the centralization of the judiciary and, under of A.I. Vyshinski's influence, political repression was institutionalized and made routine¹⁹. As a result, the summary justice administered by the secret, extra-judiciary institutions coexisted with the repression meted out by the Soviet People's

¹⁷ Harold Berman, 'The Comparison of Soviet and American Law', *Indiana Law Journal* 34, no. 4 (1959): 561.

¹⁸ Robert Conquest, *Justice and the Legal System in the USSR* (New York: Frederik A. Praeger, 1968), 10.

¹⁹ For more details, see Andrei I. Vyshinsky, *The Law of the Soviet State* (New York: Macmillan, 1951).

Justice²⁰. The popular character assigned to the judiciary mechanisms was, at least under Stalin's rule, an elaborate façade. People's Courts, for instance, were Soviet court of first instance consisting of one professional judge and two lay judges, called People's Assessors. Their alleged 'popular character' derived from the composition of the panel of judges: all three of them were elected by the population and the two lay judges were elected from ordinary people with no formal legal qualification. In reality, these courts operated under discreet Party control, given the fact that the people's assessors were generally members of the local Party organizations, which directly influenced the nomination of eligible candidates for the People's Courts²¹.

Under these circumstances, it comes as no surprise that the Soviet approach to war crimes trials acquired a distinct ideological coloring. As early as November 1941, Moscow made it clear that 'the invading Hitlerites' would face swift and merciless retribution, but it was only in April 1943 that 'The Punishment Decree', a special law stipulating how the punishment would be meted out, was issued. Specifically, the Axis personnel and their local collaborators suspected of having committed atrocities against the local population and Soviet prisoners of war were to be tried by local court martials and those found guilty were to receive harsh sentences (execution or heavy prison sentences). Around the same time, the Soviets established several investigative bodies, such as the Soviet Extraordinary State Commission²², in order to investigate and document the atrocities committed by the Axis forces on Soviet territory and draw up lists of suspects. According to the available sources, around 81 500 persons (out of which one quarter were foreign citizens) were tried under 'The Punishment Decree' between 1943 and 1949²³. The

²⁰ Conquest, *Justice in the USSR*, 9.

²¹ Ferdinand J. Feldbrugge, ed., *Encyclopedia of Soviet Law* (Dordrecht: Martinus Nijhoss Publishers, 1985), 212.

²² George Ginsburg, *Moscow's Road to Nuremberg. The Soviet background to the Trial* (The Hague: Kluwer Law International, 1996), 57.

²³ Veronika Bílková, 'Post-Second World War Trials in Central and Eastern Europe', in *Historical Origins of International Criminal Law*, vol. 2, ed. Morten Bergsmo, Cheah Wui Ling and Yi Ping (Brussels: Torkel Opsahl Academic EPublisher, 2014), 718.

first wave of public trials took place in 1943 in the recently liberated Ukraine, where the regional military courts tried several captured German officers and local collaborators (the Kharkov and the Krasnodar Trials). These proceedings set the tone for the subsequent war crimes trials, held in Kiev, Minks, Leningrad, Riga and elsewhere during the postwar years, which departed from the standards of procedural fairness due to the inflated and ideologically charged charges, the extensive reliance on (self-incriminating) confessions and the visibly biased media coverage.²⁴

The repressive and propagandistic functions of the Soviet courts could be seen at work in these war crimes trials: the systematic repression of those ‘traitors to the fatherland’ who had collaborated with the occupying forces went hand in hand with the propagation of the justness of the triumph of the ‘peaceful’ Soviet Union and Communism over ‘the aggressive’ Axis forces and fascism²⁵. The extensive media coverage these trials received in the Soviet Union (scores of newspaper articles, brochures and film documentaries) and the orchestrated outbursts of popular outcry, inside and outside the courtroom, against the atrocities committed by the Axis forces are indicative of the Party’s attempts to incite a popular desire for vengeance in the service of the ‘patriotic anti-fascist war’. The publication of trial transcripts in languages of international circulation, such as English²⁶, conveys the importance that was attached to the dissemination of ‘stories’ related to the war atrocities and the ‘lessons’ that these trials had brought to light.

The war crimes cases brought before the Soviet martial courts deserve special attention due to their influence over the prosecution of war criminals in the former Axis satellite countries. In accordance with the armistice conventions signed with the Allies, Romania, Bulgaria, Finland

²⁴ Alexander V. Prusin, ‘Fascist Criminals to the Gallows! The Holocaust and Soviet War Crimes Trials, December 1945 - February 1946’, *Holocaust and Genocide Studies* 17, no. 1 (2003): 1-30.

²⁵ Ruth Bettina Birn, ‘War Crimes Prosecution. An Exercise in Justice? A Lesson in History’ in *Lessons and Legacies*, ed. Larry V. Thompson (Evanston: Northwest University Press, 2003), 4: 102- 104.

²⁶ Ignatik Feodorovich Klado, ed. *The People’s Verdict. A full Report of the Proceedings at the Krasnodar and Kharkov German Atrocity Trials* (London, New York, Melbourne: Hutchinson & Co., Ltd, 1944).

and Hungary were required to arrest, to extradite or to prosecute suspected war criminals in their domestic courts under Allied supervision. Since the Allies were still working on the details of their joint programme for the punishment of war criminals and avoided to include any specific indications for such a course of action in the armistice agreements, the transitional regimes in Finland, Romania, Bulgaria and Hungary had to devise individual programmes for bringing local war criminals to justice²⁷. The influence of the ‘Soviet model’ for prosecuting war criminals in each of these four countries varied according to several factors, such as the strength of the local Communist parties, the susceptibility of the local judicial structures to political interference and the degree of Soviet control over the Allied Control Commissions recently established in each of the former Axis satellites. In other words, the stronger the influence of Moscow and its local Communist protégées, the closer the Soviet criminal legislation and jurisprudence concerning the prosecution of war criminals and ‘fascist collaborators’ would be imitated in these four countries. With the exception of Finland, the war crimes trials in Bulgaria, Romania and Hungary partially overlapped with the ongoing large-scale ‘anti-fascist’ purges and hence, became embroiled in the postwar punishment of local Axis collaborators or worse, the struggles for political hegemony²⁸.

Finland followed a distinct course in respect to the punishment of local war criminals and collaborators²⁹. The country signed a severe Armistice Agreement with the Allies in Moscow on September 19, 1944, which stipulated the obligation to prosecute local war criminals under the supervision of a Soviet-dominated Allied Control Commission seated in Helsinki, but managed to avoid a Soviet invasion or temporary occupation at the end of the war. Enjoying more freedom in domestic affairs, the Finnish postwar government had more room to maneuver between the

²⁷ Déák, Gross and Judt, eds., *The Politics of Retribution*, 10.

²⁸ Ibid., 10- 11.

²⁹ Immi Tallgren, ‘Martyrs and Scapegoats of the Nation? The Finnish War-Responsibility Trial, 1945–1946’, in *Historical Origins of International Criminal Law*, vol. 2, ed. Morten Bergsmo, Cheah Wui Ling and Yi Ping, 493-528.

demands of the local Communist Party and the pressures of the Soviet-controlled ACC and thus, could enact a less punitive law for the prosecution of those responsible for the war on September 12, 1945, which limited criminal liability to the top-level political leaders and diplomats. With the wartime military leaders excluded from criminal prosecution, only seven deposed political leaders, including the wartime President Risto Ryti, were brought before the Helsinki Special Tribunal in November 1945 and charged with multiple counts, which criminalized, inter alia, their responsibility for initiating the war and for preventing the conclusion of the armistice with the Allies. The trial dragged on until February 1946, when the court found all the defendants guilty and sentenced them to relatively short prison sentences, which were afterwards extended following the direct intervention of Andrei Zhdanov, the Soviet head of the ACC in Helsinki³⁰.

Bulgaria was the third Axis satellite, after Romania and Finland, compelled to accept the burden of armistice terms dictated by Moscow (October 28, 1944), which included a similar provision for the prosecution of local war criminals. Shortly after the coup of September 9, 1944, the Fatherland Front, a Communist-dominated political coalition, assumed power and established several ad-hoc People's Courts to examine the cases of suspected war criminals and local Axis collaborators³¹. Since the local Communists were determined to saddle the deposed wartime Bulgarian governments with the exclusive responsibility for the bitter legacy of the collaboration with Nazi Germany, the newly created courts summarily tried nearly all wartime regents and cabinet ministers, almost two thirds of the parliamentary deputies and several thousand civilian and military officials in the winter of 1944- 1945. Official statistics show that around 11 000 cases were sent before the People's Courts and the conviction rate was disproportionally high

³⁰ Alfred J. Rieber, 'Zhdanov in Finland' in *The Carl Beck Papers in Russian and East European Studies*, no. 1107, Center for Russian and East European Studies, Pittsburg, February 1995: 38.

³¹ Marshall Lee Miller, *Bulgaria during the Second World War* (Stanford: Stanford University Press, 1975), 217 – 218.

(2,138 defendants were sentenced to death)³². The swiftness and severity of the court proceedings in Bulgaria provoked divergent reactions among the Allies: whereas some American observers were taken aback by the legal abuses committed, which revealed the Communists' willingness to employ the courts as political tools for purging 'fascists' and political opponents alike, the Soviet newspapers (echoed by the Communist press in Romania) hailed the severity of the sentences³³.

The prosecution of war criminals in postwar Hungary followed a similar path, marked by the adoption of Soviet-inspired judicial innovations and accompanied by large-scale anti-fascist purgings³⁴. The Armistice Convention signed by Hungary with the Allies in Moscow (January 20, 1945) included a similar provision for the arrest, prosecution and extradition of war criminals. The Provisional National Government of Hungary subsequently adopted a number of special decrees and laws in 1945, which stipulated the creation of extraordinary ad-hoc People's Courts to examine the cases of war criminals and the appointment of special people's prosecutors to handle these cases. The trials of the most notorious defendants, such as the former Prime-Ministers László Bárdossy and Ferenc Szálasi, the leader of the Arrow Cross fascist movement, took place between 1945 and 1946 in a very tense atmosphere. These courts passed judgement on approximately 27 000 suspects accused of war crimes, crimes against peace and crimes against humanity and sentenced 322 of them to death (including the two mentioned above)³⁵.

The prosecution of war criminals in Poland³⁶, Czechoslovakia³⁷ and Yugoslavia³⁸ seems to

³² Raymond Detrez, *Historical Dictionary of Bulgaria*, 2nd edition (Lanham: The Scarecrow Press, Inc., 2006), 370.

³³ USHMM, RG- 19.018 1991. A. 0076, folder 6 'OSS Research and Analysis Branch, Soviet intentions to punish war criminals (Washington, 30 April 1945)', files 286- 336.

³⁴ Tamás Hoffmann, 'Post-Second World War Hungarian Criminal Justice and International Law: The Legacy of the People's Tribunals', in *Historical Origins of International Criminal Law*, vol. 2, ed. Morten Bergsmo, Cheah Wui Ling and Yi Ping, 735- 764.

³⁵ László Karsai, 'The People's Courts and Revolutionary Justice in Hungary, 1945–46' in Déak, Gross and Judt, eds., *The Politics of Retribution*, 233. For further details, see also Ildikó Barna and Andrea Pető, *Political justice in Budapest after World War II* (Budapest and New York: Central European University Press, 2015).

³⁶ Mark A. Drumbl, 'The Supreme National Tribunal of Poland and the History of International Criminal Law', in *Historical Origins of International Criminal Law*, vol. 2, ed. Morten Bergsmo, Cheah Wui Ling and Yi Ping, 563-

have been influenced more by the wartime national resistance movements and the strength of the local Communist parties than by the direct Soviet interference. These three countries did not sign armistice agreements with the Allies and their respective governments in exile in London played an active role in the wartime activity of the United Nations War Crimes Commission and the legal retribution against local war criminals and Axis collaborators in the postwar years.

In sum, the prosecution of war criminals in the former Axis satellites, including Romania, was shaped to a lesser extent by the joint Allied policy, epitomized in the activity of the IMT, and to a greater extent by the Soviet war crimes trials in the recently liberated territories. Whereas the London Charter, especially the definition of criminal offenses, served in some instances as a source of law in the drafting of the war crimes legislation, the Soviet influence was felt more clearly in the field of criminal procedure. The design and functioning of the judiciary mechanisms set up to enforce this new legislation bear resemblance to the Soviet criminal procedure, from the inclusion of lay judges in the People's Courts to the ideological coloring of the indictments. However, this does not necessarily mean that the Romanian political elite did not look for legal guidance in other European countries outside the Soviet sphere of influence. Large segments of the Romanian political elite and even the Party leaders followed closely the evolution of political trials of the top-ranking dignitaries of the deposed Vichy regime, such as Marshal Philippe Pétain and Pierre Laval, in liberated France³⁹. Curiosity aside, many Romanian politicians were looking at the situation in 'liberated Europe' in order to find feasible solutions to the fundamental legal and moral dilemmas raised by the forthcoming war crimes trials.

601; Alexander V. Prusin, 'Poland's Nuremberg: The Seven Court Cases of the Supreme National Tribunal, 1946–1948', *Holocaust and Genocide Studies* 24, no. 1 (2010): 1–25.

³⁷ Benjamin Frommer, *National Cleansing. Retribution against Nazi Collaborators in Postwar Czechoslovakia* (Cambridge: Cambridge University Press, 2005); Frommer, 'Retribution as Legitimation: The Uses of Political Justice in Postwar Czechoslovakia', *Contemporary European History* 13, no. 4 (November 2004): 477–492.

³⁸ Bílková, 'Post-Second World War Trials in Central and Eastern Europe', 707–713.

³⁹ Paul Gogeanu, *Mari procese din istoria justiției. Procesul mareșalului Philippe Pétain. Procesul primului-ministru Pierre Laval* (București: Editura Științifică, 1992); Jean-Marc Varaut, *Le procès Pétain* (Paris: Perrin, 1995).

3.2.2. *Key dilemmas of transitional justice in Romania*

Since Romania was not formally occupied, the post-coup transitional governments were entrusted with the task of incorporating the latest developments in international criminal law into the national legal framework. In practice, this meant the adoption of special laws sanctioning war crimes and the setting up of judicial mechanisms for the prosecution of such grave offenses⁴⁰. From the standpoint of the Allies, these interrelated tasks were a matter of state policy (subjected to direct Allied supervision), which required an immediate and satisfactory solution. Romanian policy makers, however, perceived these tasks as a necessary step for normalizing diplomatic relations with the Allies and for addressing the past crimes of the country's dictatorial regimes⁴¹.

The process of designing the local trial program proved more complicated and time-consuming than it had been anticipated. The enactment of new laws raised a number of issues associated with the 'problematic legacy' of the former dictatorial regimes and the particularities of the Romanian legal system. The transitional governments members, vacillating between an 'instrumentalist' stance, i.e. interpreting the law in light of its purpose or a 'formalist' one, i.e. strict adherence to the letter of the law, engaged in lengthy debates over various legal issues, which can be loosely grouped into four generic categories: the jurisdiction over war crimes, the legality of these trials, the definition of offenses and the criteria for the selection of defendants.

The question of jurisdiction was among the first one to be raised when the new Sănătescu government began discussing the legal measures to adopt in respect to war criminals. Prior to August 23, 1944, Romanian political leaders had not developed a common strategy concerning the fate of the leaders of the soon-to-be-deposed Antonescu regime and were unsure whether the new government would have to prosecute them locally or extradite them to the Allies. It was

⁴⁰ *The Armistice Agreement with Rumania*, Article 14.

⁴¹ Ciucă, ed., *Stenogramele şedinţelor Consiliului de Miniştri Sănătescu*, Doc. no 6. (1944, September 16), 1: 133.

believed that the new government would simply have to extradite the major war criminals and the German war prisoners to the Allies, so they would stand trial or serve as witness before an international court⁴². This assumption seemed to be confirmed by the fact that the Soviet military authorities arrested several key members of the deposed Antonescu regime and of the German diplomatic mission in Romania after August 30, 1944 and transferred them to the Soviet Union⁴³.

The situation became more clear in September 1944, during the Armistice negotiations in Moscow, when the Romanian delegation was informed that the prosecution the local war criminals would be handled by its domestic courts rather than by an international tribunal⁴⁴. As soon as this became known, the members of the Sănătescu government found themselves divided over the issue of jurisdiction. Some argued that the ordinary courts had their independence compromised by the wartime dictatorial regimes and were currently unprepared to handle such a complicated task, proposing the establishment of an *ad hoc* Special Court, with jurisdiction over both civilian and military defendants⁴⁵. Others criticized the very concept of special courts as having an ‘extra-legal’ connotation and suggested that the civilian and military defendants should be tried separately before the existing courts (the High Court of Cassation and Justice in the case of the top officials of the Antonescu regime and a Military Tribunal for the high-ranking officers associated with the deposed regime)⁴⁶. It was also suggested that political interference should be kept at a minimum in order to avoid from the start any allegation of ‘victor’s justice’.

The question of the legality of the proceedings was equally quick to surface in the meetings of the transitional governments. The cabinet members who leaned towards a ‘formalist’ legal

⁴² Sănătescu, *Jurnalul Generalului Sănătescu*, 169.

⁴³ ‘A doua arestare a mareșalului I. Antonescu – generalii sovietici R.I. Malinovski, I.Z. Susaikov raportează lui Stalin’, *Magazin Istoric* 8/281 (August 1990): 32.

⁴⁴ *The Armistice Agreement with Rumania*, Article 14.

⁴⁵ Traian Broșteanu, *Actul constituțional dela 31 august si urmările lui* (București: Librăria Juridică, 1944), 24.

⁴⁶ Stelian Ionescu, *Regimul constituțional în Romania după 23 august 1944* (București: Imprimeriile Statului, 1945), 17.

stance stressed that war crime prosecution, if handled by the Romanian judiciary in its present state, would face several obstacles. First, no citizen could be deprived of liberty, let alone put on trial, in the absence of specific laws prohibiting his or her crimes. Enacting such a law for punishing war crimes would be unlawful, since the Constitution of 1923 prohibited the adoption of retroactive legislation (Article 14), as well as the trial of citizens by special courts of law (Article 101). Second, the proposal to confiscate the property of those defendants found guilty violated Article 15 of the Constitution. And third, the death penalty was applicable only to defendants accused of high treason and under exigent circumstances (Article 16)⁴⁷.

The question of defining criminal offenses was also fraught with difficulties and involved the adoption of several controversial legal innovations. The definition of culpability and the establishment of penalties were the main points of contention. When it came to defining what constituted a ‘war crime’, the discussion became technical and the cabinet members found themselves at odds: some favored ‘an exclusive definition’ of war crimes, which listed all the punishable violations of the laws and customs of war, whereas others advocated ‘an illustrative definition’, which described the situations constituting the offense and left to the discretion of the courts to add analogous violations that they thought applicable⁴⁸. A similar debate arose when the discussion moved to ascribing penalties. The Communist proposals advocating for severe punishments, including the death penalty, attracted criticism for lacking an appropriate gradation of punishment. No significant opposition was raised when the same Communists proposed to confiscate the properties of convicted war criminals because it was believed that the property forfeiture would be used to foot Romania’s huge war reparations bill⁴⁹.

⁴⁷ *Constituția României* in *Monitorul Oficial*, special issue, no. 282, part I (March 29, 1923): 345- 352.

⁴⁸ Ciucă, ed., *Stenogramele ședințelor Consiliului de Miniștri Sănătescu*, Doc. no. 16 (1944, October 5), 1: 300.

⁴⁹ *Ibid.*, 1: 210.

The selectivity involved in the actual work of drawing up lists of suspected war criminals was a pragmatic issue that turned ultimately into the “acid test” for the stability of the transitional governments. Romanian statesmen faced a different situation than the Allied representatives who drafted the London Charter. Unlike the Third Reich, Romania changed sides from the Axis to the Allies by means of a *coup d'état* rather than as a result of crushing military defeat; thus, in order to ensure the normal functioning of the administration, there remained a certain continuity at the level of the senior army officers and the administrative staff between the pre- and post-August 23, 1944 regimes. This ‘problematic legacy’ influenced the positions adopted by the transitional governments towards the scope of the war crimes trials. The Communists members embraced the principle of ‘collective guilt’ and demanded the immediate purge and criminal prosecution of all political dignitaries and Army officers affiliated with the Antonescu regime of the Legionary Movement⁵⁰. Conversely, most of the non-Communist cabinet members favored the idea of ‘individual guilt’ and proposed to include mainly the members of the ruling elite (high-ranking officials and senior Army officers who held positions of power and influence between 1940 and 1944) on the list of suspects⁵¹. Their reluctance to adhere to the Communist one-sided position was primarily motivated by pragmatic reasons: the idea of large-scale purges was seen as impractical due to the shortage of qualified staff to replace the civil servants that the Communists demanded to be purged, as well as potentially alarming for the Romanian public opinion, who could perceive these extraordinary measures as having an extra-legal and punitive character⁵².

These debates concerning the criminalization and prosecution of war crimes under Romanian law raised critical questions about the legality of the future legislation and the

⁵⁰ ‘Programul de guvernare al Frontului Național Democrat din 29. I. 1945’, in *Scânteia*, year 2, no. 123 (January 29, 1945): 1.

⁵¹ Ciucă, ed., *Stenogramele ședințelor Consiliului de Miniștri Sănătescu*, Doc. no. 6. (1944, September 16), 1: 135.

⁵² *Ibid.*, 135- 136.

impartiality of the new judicial mechanisms. The Communists took a more radical view of this issue, generally minimizing the practical difficulties raised by such unprecedented proceedings and criticizing the traditional political parties which sought to maintain some appearances of legality and to avoid any revolutionary implication. But since the coming legal procedures had to be considered in relation to the more urgent political and military priorities of the moment, the 'legalist' arguments eventually gave way to 'superior state interests' considerations and Romania had to adopt legal innovations which strayed from the traditional norms of its criminal law and initiate the prosecution of war criminals, even though some legal dilemmas remained unresolved. While they did accelerate the retribution against war criminals, these innovations also lent credit to the idea that these war crimes trials represented a form of 'exceptional and expedited justice'.

3.3. The Romanian Department of Justice falls under Communist control

The local Communists, as mentioned above, were vocal supporters of stern punishment for war criminals and large-scale purges. With L. Pătrășcanu's nomination as Secretary of Justice *ad interim* on August 23, 1944, they maneuvered themselves into a position of power from which they could supervise the planning and execution of the war crimes trial program and the purge of 'fascist elements' from the state administration. Although by early 1945 they had become the main driving force behind these two initiatives, Secretary Pătrășcanu was still accountable for his actions to his non-Communist ministerial colleagues, just as the fast-growing Communist Party was to public opinion. As the debates on the issue became more animated, the local Communists had to further justify their strong-handed approach to the legal retribution against war criminals and to respond to the challenges raised by these unprecedented proceedings.

3.3.1. *The Communist program concerning the war crimes trials*

The sources of the Communist discourse on the punishment of war criminals can be traced back, at least at the level of intentions, to several public statements made either in the Party political programs and Communist press⁵³ or in L. Pătrășcanu's writings after August 1944⁵⁴. Although lacking, at times, in uniformity, all these sources relied on Marxist-Leninist ideology and Soviet legal theory to justify their strong-handed approach to war crimes trials, arguing that the punishment of war criminals should not be hindered by 'traditional legalist scruples'.

Marxist-Leninist formed the ideological basis on which the Communists built their 'ritual denunciation' of the traditional ('bourgeois') Romanian judiciary, best exemplified by Pătrășcanu's writings. A Marxist philosopher, a lawyer and a prolific writer, Pătrășcanu relentlessly denounced the 'bourgeois law' as class prejudiced ('a façade for bourgeois interests') and despotic ('a bourgeois instrument for oppressing the working class')⁵⁵. His own negative experiences with the Romanian judiciary (he was tried and briefly imprisoned several times for subversive Communist activities between the 1920s and early 1940s) reinforced his distrust of its alleged independence and its strict observance to the rule of law principle. He labeled these 'abstract and mystifying legal principles' as mere smokescreens for the repressive measures adopted by the wartime dictatorial regimes against all those who opposed 'the bourgeois order' and 'fascism'⁵⁶. This deep-seated adversity towards the traditional legal order did not fade away after the coup of August 23, 1944; as Secretary of Justice, Pătrășcanu publicly questioned the ability of the regular courts to prosecute war criminals on account of their supposed deep-seated

⁵³ 'Programul de guvernare al Frontului Național Democrat din 29. I. 1945', 1.

⁵⁴ Lucrețiu Pătrășcanu, 'Legea criminalilor de război și legea epurăției aparatului de stat', in *Democratizarea armatei. Îndrumar pentru munca aparatului de cultură, educație și propagandă* (București: 1945), 99- 111.

⁵⁵ Pătrășcanu, 'Despre reforma justiției' in *Contemporanul*, no. 51 (September 12, 1947): 3.

⁵⁶ *Ibid.*, 22- 23.

‘reactionary’ class- prejudices and the damaging influence of the past dictatorial regimes⁵⁷.

While denouncing the Romanian ‘bourgeois’ legal system and the traditional courts, Pătrășcanu and the Communist Party turned for guidance to the Soviet legal theory and practice. Pătrășcanu highly praised the Soviet justice system and presented the Soviet People’s Courts as a model for effectively dispensing justice and ensuring ‘popular participation’ in the rulings of the courts⁵⁸. This Soviet-inspired concept of ‘popular participation’ was part of the radical Communist project to ‘democratize’ the justice system by simplifying the legal procedures and opening the magistracy to laymen recruited from every social class. The new lay judges (‘judecători populari’) and public prosecutors (‘acuzatori publici’) were invested with the same attributes as career magistrates in order to ensure that the panels of judges in the courts trying war crimes cases would ‘represented directly the will of the people’⁵⁹. But just like in the Soviet Union, the real purpose behind the introduction of laymen (usually Party members) into the magistracy was to put pressure on career magistrates or attempt to monitor them closely.

The Soviet legal influence extended well beyond jurisdiction and procedural matters. Soviet legal literature on international criminal law, especially Aron I. Trainin’s *The Criminal Responsibility of the Hitlerites*, translated into Romanian in 1945, served as a source of inspiration for the definition of criminal charges. Following Trainin’s arguments, the local Communists proposed that ‘the Hitlerites’ (the Nazi leaders and all their local collaborators) were responsible not only for the wartime atrocities committed against the enemy military forces or civilian population (war crimes), but also for launching a war of aggression against the USSR

⁵⁷ Pătrășcanu, ‘Epuratia trebuie să înceapă de la înalții magistrați’ in *Scânteia*, year 1, no. 56 (November 15, 1944): 1.

⁵⁸ Pătrășcanu, *Spre o justiție populară*, 16- 17.

⁵⁹ Pătrășcanu, *Legea criminalilor de război*, 106-107.

(war of aggression)⁶⁰. Local Communists also adopted Trainin's concept of 'criminal complicity'⁶¹ to justify their attempt to put on trial the entire Antonescu administration. In their view, both the top military and civilian leaders who had planned and ordered the execution of wartime 'criminal policies', as well as the administrative apparatus and the military forces that had executed them bore a certain degree of responsibility, ranging from planning and ordering to command responsibility and 'complicity'. The Communist list of potential defendants was not limited just to the 'material perpetrators', but comprised also the 'moral perpetrators' of 'war crimes' and 'crimes against peace'. This ill-defined category included, but was not restricted to 'the clique' who had openly supported fascism or had placed themselves in the service of 'the Hitlerites'. Pătrășcanu presented the list of those deserving punishment for war crimes, which can be structured around four categories of suspects: former high-ranking civilian officials (members of the Antonescu cabinets), senior Army officers affiliated to the wartime regime, businessmen who profited from the forced expropriations and Romania's economic subjugation by Germany and the nationalist journalists that had spread pro-Axis and fascist propaganda⁶².

The Communist position on war crimes trials, however, was not as 'dogmatic' as Pătrășcanu's speeches may lead us to think. While Marxism-Leninism conferred an ideological coloring to this discourse and the Soviet influence provided a key source of inspiration, political opportunism conferred a certain 'flexibility' to the Communist position. This flexibility became apparent in the selective manner in which Secretary of Justice Pătrășcanu dealt with the four categories of legal challenges (discussed in the previous section) raised by the war crimes trials.

The view of the Communist Secretary of Justice on the issue of jurisdiction showed visible signs of Soviet influence. Pătrășcanu rejected the idea that the regular (civil) courts of law or the

⁶⁰ Aron I. Trainin, *Răspunderea penală a hitleriștilor* (București: Editura Juridică, 1945), 61- 108.

⁶¹ Ibid., 115- 116.

⁶² Pătrășcanu, 'Legea criminalilor de război', 104-105.

special (military) tribunals were prepared to handle the task of trying war criminals. In his view, many of the senior career magistrates were too close to the ‘traditional political elites’ due to their social origin and political attachments, while their open collaboration with the deposed regime had seriously tarnished their credibility. He favored the establishment of extraordinary mixed courts, in which the role of career judges would be on a par with that of lay judges⁶³. The new Soviet-styled courts ‘had all the legitimacy that they needed’, because they would include new ‘uncompromised’ magistrates and would allow ‘the people’, represented by the lay judges and public prosecutors, to manifest directly their will concerning the fate of war criminals⁶⁴.

The issue of the legality of the war crimes trials was far more complicated due the sensitive legal questions that it raised and could not be settled by resorting to sophistry or hollow demagogic arguments. When it came to responding to the ‘legal formalist’ arguments concerning the unconstitutional character of the war crimes trials, Pătrășcanu displayed a tendency to equivocate: he openly criticized the former dictatorial regimes which had showed no scruples in amending the Constitution and then, in a mood of pragmatism, claimed that, under the present circumstances, such constitutional amendments were necessary. He argued that the NDB leaders behind the coup of August 23, 1944 restored only partially the Constitution of 1923 and agreed that some forthcoming proceedings, such as the war crimes trials, would be conducted in accordance to special laws. The new regime was entitled to adopt such special laws that amended the penal code or the Constitution if extraordinary circumstances, such as involvement in war, required it⁶⁵. He also explained away the issue of retroactivity by claiming that non-retroactivity was a principle rather than a legal norm, which should not limit by default a state’s sovereignty.

⁶³ Pătrășcanu, *Spre o justiție populară*, 17.

⁶⁴ Pătrășcanu, ‘Legea criminalilor de război’, 106-107.

⁶⁵ ‘Declarațiile domnului ministru Lucrețiu Pătrășcanu făcute la conferința de presa din 20 iunie 1946, asupra constituționalității anteproiectului legii electorale’ in *România liberă*, year 3, no. 568 (June 21 1946): 2.

After responding or simply explaining away the criticism leveled in the press against the constitutionality of war crime trials, Pătrășcanu then had to produce a working definition for the criminal acts that constituted ‘war crimes’. Again, Pătrășcanu looked to the Soviet legal system for inspiration. He was quick to adopt A.I. Trainin’s view according to which a distinction needed to be made between ‘war crimes’ (the violations of the laws and customs of war, amounting to the ill-treatment and spoliation of civilians and prisoners of war at home or in occupied territories) and ‘crimes against peace’ (the planning and initiation of a war of aggression against the Soviet Union alongside the Axis). In both cases, Pătrășcanu proposed ‘descriptive definitions’ for these criminal charges, which listed the situations constituting the offenses and left to the discretion of the courts to add analogous violations that they thought applicable. Here is an early sample of Pătrășcanu’s tentative definitions:

[According to their offenses], war criminals can be divided into several groups:

1. Those who are responsible for Romania’s disaster, on account of their political responsibility, and those who had committed murders, lootings and terrorist acts. In this first group should be included all those who decided to wage war against the Soviet Union and the United Nations, who dragged Romania in the criminal war in the East. These are the two Antonescu and all those involved in the declaration of the war and who took responsibility for the things that happened. These are the leading criminals and culprits. Here are the others:
2. Those who allowed the German army to occupy Romania. Those who fought for fascism and Hitlerism and assisted the German army in the occupation of Romania.
3. Those who, as a result of their actions, assisted in and prepared the two criminal actions: the declaration of war and the occupation of the country by the German army⁶⁶.

The terminology Pătrășcanu used requires some clarifications. The charge of ‘crimes against peace’ was incorporated in the more inclusive notion of ‘responsibility for the country’s disaster’, an innovative, broad charge that was intended to criminalize the actions of all those held politically responsible for the establishment of a dictatorial regime, the alliance with the Axis and the war against the Soviet Union. The visible attempt to tie this criminal charge to

⁶⁶ Pătrășcanu, ‘Legea criminalilor de război’, 103- 104.

specific categories of offenders revealed its partisan nature. Although Pătrășcanu did not mention ‘crimes against humanity’ as a separate charge, he collapsed the persecution, deportation and extermination of civilians based on racial and political grounds in the category of ‘war crimes’.

Once the local Communists had outlined the definition of these criminal charges, they moved to determining how many perpetrators were liable for criminal prosecution. Pătrășcanu initially presented a long inventory of suspects, but when it came to establishing the actual list of defendants to face trial, he and his Communist comrades adopted a rather ‘flexible’ position, at odds with their vocal public demands for strong-hand measures against war criminals. This selectivity puzzled their non-Communist cabinet colleagues at first and forced them to realize that ideological bias and political opportunism usually went hand in hand in Communist tactics.

3.3.2. *Preliminary legal and administrative measures*

Secretary Pătrășcanu began implementing the Communist trial program shortly after his appointment as Secretary of Justice *ad interim*. As stated above, he considered that the Romanian judiciary, in its current situation in late August 1944, was unprepared to handle and could not be trusted to carry out effectively the prosecution of war criminals. To remedy the situation, the Department of Justice adopted a set of preliminary legal and administrative measures that aimed to abolish the ‘restrictive legislation’ adopted under the former dictatorial regimes, to partially restore the 1923 Constitution and to purge ‘the compromised elements’ from the judiciary.

The abolition of the restrictive legislation adopted under the wartime dictatorial regimes was one of the first legal measures adopted by the transitional government. Several hours after the coup had taken place, Pătrășcanu requested an audience at the Royal Palace and convinced the King to grant amnesty to all political inmates, except the Legionaires, interned by the

Antonescu regime and to close down the special camps in which the ‘Communist activists’ were being detained. The King approved his request, believing that this sign of good will towards the Communists would gain Moscow’s sympathy and signal the new regime’s intention to revert to a firm constitutional order. The King ratified the Decree-Law no. 1629⁶⁷ and Decree-Law no. 442⁶⁸ on September 2, 1944, thus giving legal force to this blanket amnesty measure.

Quick steps were also taken to abrogate the anti-Semitic legislation adopted by the former dictatorial regimes and to make reparations for the abusive wartime economic and administrative measures taken against ethnic minorities. The re-enactment of the Constitution of 1923, which proclaimed the equality before the law of all citizens regardless of their ethnicity and religious beliefs, rendered void the restrictive anti-Semitic legislation by default. However, dealing with the legacy of this legislation took additional effort: the new regime adopted Law no. 641 of December 19, 1944⁶⁹, which specified the procedures under which Jewish citizens could reclaim their expropriated properties and re-enter the professions from which they had been removed.

The restoration of the prewar constitutional legality was the most important domestic legal act adopted by the new Sănătescu cabinet, marking the official transition to a rule of law regime. This was achieved on August 31 1944, when the King issued *the Royal Decree no. 1626* (published on September 2), which re-enacted the Constitution of 1923⁷⁰. This was, however, only a partial restoration, because core elements of the Constitution, such as the strict separation of powers and the functioning of the judiciary as an independent government branch, were temporarily suspended. Hence, Article III stipulated that the Parliament remained dissolved and the government was given authority to adopt laws, sanctioned by the King; moreover, Article IV

⁶⁷ *Monitorul Oficial*, year 112, no. 202, part I (September 2, 1944): 6233- 6234.

⁶⁸ *Ibid.*: 6234.

⁶⁹ *Monitorul Oficial*, year 112, no. 294, part I (December 19, 1944): 6353- 6354.

⁷⁰ *Monitorul Oficial*, year 112, no. 202, part I (September 2, 1944): 6232.

specified that the immovability of the judges would be regulated by a forthcoming special law.

Even though it was restored only partially, the Constitution of 1923 contained several provisions that prohibited the establishment of special tribunals, the punishment of convicted defendants by ordering the forfeiture of their property, and the use of the capital punishment. These judiciary checks over the power of the executive branch posed a serious legal impediment to the adoption of the extraordinary war crimes legislation. To address the situation, the *Decree-Law no. 1849 of October 11, 1944*⁷¹ was passed in order to allow the adoption of special laws and the introduction of special courts for the prosecution of ‘war criminals and responsibility for the country’s disaster’. *Law no. 488* was ratified in the same day, allowing the government to place suspected war criminals under arrest and impound their property while their case was still under review⁷². Although the war crimes legislation had not been ratified yet, Pătrășcanu argued, the suspected war criminals had to be barred from leaving the country with their illicitly acquired fortunes during the war. But no matter how practical this argument might have sounded, this law created a dangerous precedent, allowing citizens to be arrested and deprived of their property by forfeiture in absence of a specific law which defined or criminalized their specific offenses.

The purge of the body of magistrates represented another key point in the Communist war crimes trial program, fully supported by the local Communists. Pătrășcanu was a vocal advocate of large-scale administrative purges, describing the removal of all public servants who had supported the dictatorial regimes and fascist movements as the precondition for the ‘restoration’ of democracy in Romania. The demand for extensive purges, he claimed, stemmed not only from ‘a legitimate popular desire’ for retribution against those officials who had taken advantage of the wartime political situation to commit abuses, obtain unlawful gains or advance their careers;

⁷¹ *Monitorul Oficial*, year 112, no. 235, part I (October 11, 1944): 6578.

⁷² *Ibid.*: 6850.

the dismissal of corrupt, abusive and ‘compromised’ officials would also neutralize the potential pro-fascist opponents of the new regime and send a warning signal to all ‘reactionary elements’:

In all these years [1938- 1944], the state apparatus, the administration, the Autonomous Administrative Divisions under state supervision, all these were packed with the most reactionary cadres, with fascists and Legionaries [...]. The enemies of Romanian democracy have continued after this date to fill positions of the highest importance in our state. All these enemies, who are trying to sabotage our war effort and to undermine the front, still fill positions in the state administration and sabotage the fulfillment of the Armistice, therefore our obligations towards the Soviet Union, all have to be dismissed immediately⁷³.

The first legal step in this direction was taken on September 19, 1944, when the Sănătescu cabinet issued *Law no. 416* for the purification of the state administration⁷⁴. The draft of the law had been prepared by the jurist Aurelian Căpățână who had replaced Pătrășcanu at the helm of the Department of Justice from September 7 to October 4, 1944. In the attempt to reassure public opinion that the purges did not have an outright punitive or partisan character, the new law specified that the purges would be conducted in strict observance of the Constitution. Civil servants were to be discharged for abuses of power, collaboration with foreign powers and notorious pro-fascist activity. Those found guilty would be granted amnesty if they could prove they had joined the fight against fascist organizations and the dictatorship prior to August 1944.

The Communists opposed *Law no. 416* from the start, arguing that the definition of culpability was too narrow and its apparent aim was to remove corrupt and inefficient civil servants rather than to justly punish them for their ‘reactionary’ beliefs and political affiliations. Pătrășcanu set to correct this issue as soon as the local Communist managed to have him re-appointed as Secretary of Justice on November 4, 1944, during the reshuffle of the first Sănătescu cabinet. The new *Law no. 594 of November 24, 1944*⁷⁵, which Pătrășcanu drafted to

⁷³ Pătrășcanu, ‘Legea criminalilor de război’, 108.

⁷⁴ *Monitorul Oficial*, year 112, no. 294, part I (December 19, 1944): 6348- 6349.

⁷⁵ *Monitorul Oficial*, year 112, no. 273, part I (November 24, 1944): 7613.

replace *Law no. 416*, included several innovations. First, the scope of the purges was extended, including now not only those public servants accused of misconduct, fascist sympathies and collaborationism, but also those who had propagated ‘ideas opposed to democratic principles’ and ‘had resorted to acts of terror, torture or even murder in the discharging of their duties’. Also, no exemption was to be made for anti-fascist and patriotic activities prior to August 23, 1944. Second, the Department of Justice was given discretionary powers over the dismissal procedure and the Secretary of Justice nominated the members of the rogatory commissions entrusted with reviewing the situation of the civil servants. These commissions were not required to provide material evidence in support of their decisions and their verdicts were final.

However, Pătrășcanu considered that the Department of Justice did not have enough leverage and invoked the need to expedite the dismissal procedures to convince the King to ratify *Law no. 640* of December 19, 1944. The ‘provisional state of judiciary organization’ introduced by this new law temporarily suspended the security of judicial tenure and gave the Department of Justice the quasi-absolute power to review the situation of all judiciary personnel in order to impose disciplinary measures against corrupt, inefficient or compromised judicial personnel⁷⁶. The provisions of this law, combined with *Law no. 643 of December 19, 1944* for the purge of the Bar Associations, virtually placed the collegia of judges, state prosecutors and lawyers under Pătrășcanu’s direct control⁷⁷. His hold over the direction of the purges was further strengthened after the Groza cabinet came to power and adopted *Law. No. 217 of March 31, 1945*⁷⁸. The new law for the purge of the state administration extended the already wide-ranging scope of the purges by stipulating that disciplinary sanctions should apply both retroactively and

⁷⁶ *Monitorul Oficial*, year 112, no. 294, part I (December 19, 1944): 6228- 6229.

⁷⁷ Eugen Denize and Cezar Măță, *România comunistă. Statul și propaganda (1948- 1953)* (Iași: Tipo Moldova, 2010), 22.

⁷⁸ *Monitorul Oficial*, year 113, no. 75, part I (March 31, 1945): 2514- 2516.

prospectively. Thus, Article III of the new law sanctioned with temporary suspension, dismissal and incarceration civil servants who not only failed to uphold the integrity of their office prior to August 23, 1944, but also prevented the current regime from fulfilling its tasks and maintaining good relations with the Allies by ‘obstructing’ the implementation of the Armistice Convention.

Entrusted with such discretionary powers, Pătrășcanu had no qualms about taking partisan advantage from these purges. The High Court of Cassation and Justice, the Romanian equivalent of a Supreme Court, was among the first judicial institutions targeted by the purge. In November 1944, Pătrășcanu publicly warned several members of the High Court that their collaboration with the wartime regimes had not been forgotten and ‘the people’ demanded their immediate resignation⁷⁹. Some complied, others were forcefully retired. The purge of the collegia of judges and magistrates came next. Pursuant to *Law no. 640 of December 19, 1944*, the Department of Justice established in April 1945 a central committee to investigate the wartime conduct of judges, state prosecutors and auxiliary judicial personnel, which was given discretionary power to demote, retire or dismiss hundreds of judges and magistrates on account of their abusive conduct and collaboration with former dictatorships and fascist parties⁸⁰.

Pătrășcanu also publicly expressed his intention to dismiss the ‘compromised elements’ from the National Union of the Bar Associations in November 1944⁸¹. *Law no. 643 of December 19, 1944* introduced a dismissal procedure similar to the one adopted in the purge of the public administration. Thus, each local Bar Association, with its residence in municipal capitals, had to appoint a rogatory commission, entrusted with the task of purging from its ranks all those lawyers who had failed to uphold the integrity of their office by militating in favor of fascism,

⁷⁹ Pătrășcanu, ‘Cuvîntare rostită cu prilejul instalării comisiilor interimare ale Baroului Ilfov și Uniunii Avocaților la 12 noiembrie 1944’ in *Scanteia*, year I, no. 56 (November 15, 1944): 1.

⁸⁰ Denize and Măță, *România comunistă*, 22.

⁸¹ Pătrășcanu, ‘Cuvîntare rostită cu prilejul instalării’, 1.

and dictatorship, by spreading anti-democratic ideas or by committing racial or politically motivated crimes. Since the progress of the purges was slow due to the obvious reluctance of the committee members to turn against their colleagues, the Department of Justice encouraged the members of the local Bar Associations to file secret denunciations against their colleagues.⁸²

In the end, the purges initiated between 1945- 1947 destabilized and sent ripples of fear throughout the Romanian justice system. As the security of judicial tenure was suspended and summary dismissals became alarmingly frequent, many magistrates were left with little choice but to accept the new Communist line imposed from above by Secretary Pătrășcanu. Some were driven by opportunistic reasons, others by self-preservation, in their attempts to avoid the stigma of fascism and collaboration that led to social and professional exclusion⁸³. In Pătrășcanu's able hands, the purge went beyond the removal of corrupt, inefficient and compromised members. By summarily dismissing or threatening the judicial personnel with disciplinary measures, Secretary Pătrășcanu managed to neutralize an entire category of potential opponents to the Communist plans, while promoting loyal and pliable 'fellow-travellers', such as Oconel Cireș and Traian Broșteanu, to fill the vacant positions thus created and to put into practice the Party's directives⁸⁴.

3.4. The apprehension and prosecution of suspected war criminals

The development of the legal mechanisms for the apprehension and prosecution of war criminals between 1944- 1946 followed a similar trajectory as the administrative purges.

⁸² Lucia Cornea, 'Intellectualii în epoca stalinistă. Epurarea și 'reeducarea' avocaților din Baroul Oradea (1945-1953)', in *Revista Crisia, publicație a Muzeului Țării Crișurilor Oradea*, no. 39 (2009): 272- 274.

⁸³ Ion Zainea, *Politică și administrație în România (6 martie 1945 - 1 martie 1946): Epurarea* (Oradea: Editura Universității din Oradea, 2004), 10.

⁸⁴ Muraru, 'Legislation and War Criminals' Trials', 131.

Initially, Secretary Pătrășcanu met with difficulties in formulating a state-endorsed program for the prosecution of war criminals, since there was serious political disagreement concerning the definition of war crimes and the criteria behind drafting the list of defendants. The slow-paced negotiation over the new laws, combined with administrative hurdles, delayed the adoption of the war crimes legislation until January 1945. But once the Communist seized control of the government in March 1945, Secretary Pătrășcanu was able to enact without much opposition his new law for the punishment of war criminals and disregard all criticism regarding its severity⁸⁵.

3.4.1. *The first waves of arrests*

The first steps towards apprehending the suspected war criminals were taken immediately after the coup of August 23, 1944, when Marshal Antonescu and several of his close political collaborators were placed under arrest and transferred into the custody of the Red Army. By the terms of Armistice Convention signed with the Allies, Romania had to collaborate with the Soviet authorities in the trial of war criminals (Article 14). However, with the exception of several cases, such as Gherman Pânteă, the former mayor of Odessa between 1941- 1944, few suspected war criminals were placed under arrest in September 1944. The reasons behind this delay had to do with the slow-paced negotiations over the content of the war crimes legislation, the complications deriving from the participation of the Romanian Army in the campaign against the Axis forces (some high-ranking officers accused of war crimes, such as General Macici, were still on active duty) and inherent bureaucratic delays (the lack of specific instructions about procedure). The members of the transitional government engaged in lengthy debates over legal definitions and procedure, since the aforementioned Article provided little guidance as to what

⁸⁵. Ardeleanu, Arimia and Andone, eds., *23 august 1944. Documente*, 'The OSS Research and Analysis Branch no. 2957, *The Progress of Epuration in Romania. Description* (7 February 1945)', 4: 45.

exactly constitutes a ‘war crime’ and who should be included on the lists of suspects. The lack of precedents in Romanian jurisprudence and the vague directions received from the Allies on this legal matter further complicated the issue. In the fall of 1944, Romania had only recently joined the Allied camp and the local political elite had a vague idea about the Allied negotiations for the trial of the major war criminals and the few war crimes trials held in the former Axis satellites⁸⁶.

In October 1944, some steps were taken towards drafting the preliminary lists of suspected war criminals, but the actual arrests proceeded at an uneven rate. The Allied Commission, dissatisfied with the progress made by the Romanian authorities, sent several official notes requesting the immediate arrest of certain political leaders and high-ranking officers associated with the Antonescu regime⁸⁷. One such note, dated October 10, 1944 by the Soviets, demanded the immediate arrest of 47 alleged war criminals involved in the wartime administration of Transnistria. Fearing that the failure to respond to this demand would endanger Romania’s diplomatic relations with the Allies or even prompt a Soviet direct intervention in what was considered an internal affair, the Sănătescu government reluctantly complied.

In order to expedite the legal procedures, the Romanian government announced on October 25 1944 the adoption of a law which stipulated the creation of a committee for the investigation of suspected war criminals and those politicians responsible for Romania’s disaster. One day later, the Department of the Interior announced the reopening of the concentration camp of Târgu Jiu for detaining the said war criminals and members in the fascist and pro-Hitlerite groups⁸⁸. However, the political crisis of late November 1944, which led to the fall of the second Sănătescu cabinet, delayed the progress of the arrests. A new list of suspected war criminals was compiled in late January 1944 and the new Rădescu cabinet issued orders for the apprehension of

⁸⁶ Muraru, ‘Legislation and War Criminals’ Trials’, 119.

⁸⁷ Ardeleanu, Arimia and Andone, eds., *23 august 1944. Documente*, ‘The Progress of Epuration’, 46.

⁸⁸ *Monitorul Oficial*, year 112, no. 248, part I (October 26, 1944): 6890.

a group of 69 suspected war criminals and 65 suspected ‘war profiteers and collaborators’⁸⁹.

3.4.2. *The adoption of the legal framework for the prosecution of war crimes*

Pressed by the Soviets to take immediate action, the first Sănătescu cabinet began discussing the adoption of the first legal measures concerning the prosecution of war criminals as early as August 30, 1944. A draft legislative project prepared by the Department of Interior Affairs, under the supervision of the Presidency of the Council of Ministers, constituted the base for the subsequent discussions. This first known attempt to codify the legal retribution against war criminals in Romania contained a number of innovative provisions concerning substantive and procedural law. In terms of substantive law, the draft project defined in a general manner the two types of criminal offenses (‘war crimes’ and ‘responsibility for the country’s disaster’) and the categories of defendants (‘material and moral perpetrators’, and ‘their accomplices’). As for the procedural aspects, a Special Tribunal composed of ten members, appointed by the King from a list presented by the cabinet, was mandated to investigate all those suspected of being the moral or material perpetrators of war crimes in order to determine their ‘political and criminal responsibilities’⁹⁰. This mixed Tribunal was to include members appointed based on professional (jurists) and political (Party affiliation) criteria and was supposed to be active for six months.

This draft project was not approved by the first Sănătescu cabinet and a second draft of a law for the prosecution of war criminals was presented in early October 1944. This draft was prepared by the Secretary of Justice *ad interim* Dimitrie D. Negel (he had replaced the ailing Aurelian Căpățână on October 4, 1944) and presented during a cabinet meeting on October 6.

⁸⁹ Alesandru Duțu, *Sub povara Armistițiului. Armata Română în perioada 1944- 1947* (București: Editura Tritonic, 2003), 128.

⁹⁰ Muraru, ‘Legislation and War Criminals’ Trials in Romania’, 126- 127.

The preliminary draft received a lukewarm response from L. Pătrășcanu (now a minister without portfolio representing the Communist Party), who criticized Negel's scruples concerning the constitutionality of the new law and made the bold claim that 'departures from the constitutional order' were unavoidable in times of rapid political changes⁹¹. In the end, the cabinet members agreed that more time was needed to examine the constitutional character of the draft law and the debates were postponed. Discussions were re-opened on October 24, when it was decided the creation of a new inter-ministerial selection committee entrusted with the task of drafting the list of suspected war criminals, but their work dragged on until December 1944⁹².

In the meantime, Moscow's discontent with the activity of the Romanian authorities regarding the war crimes legislation was increasing to the point that in November 1944, the Soviet representative in the ACC, General Vinogradov, openly criticized the slow progress in the prosecution of war criminals as 'a sign of ill-will and delaying tactics'⁹³. The new Rădescu cabinet, formed in December 4, 1944, did not want to further aggravate the Soviets and included the issue of the trial of war criminals on its list of national priorities. Thus, an inter-ministerial committee was created in late December 1944 to expedite the procedure for adopting the new criminal legislation. This committee was headed by Prime-Minister Rădescu himself and included L. Pătrășcanu (now the Secretary of Justice), G. Fotino (from the National Liberal Party), Gh. Pop and I. Hudiță (both from the National Peasant Party)⁹⁴. The committee examined the revised project prepared by Pătrășcanu and produced two draft laws, which were released to the press on January 3, 1945. These two drafts were debated in the Council of Ministers in early

⁹¹ Ciucă, ed., *Stenogramele ședințelor Consiliului de Miniștri Sănătescu*, Doc. no. 17 (1944, October 6), 1: 318.

⁹² Ardeleanu, Arimia and Andone, eds., *23 august 1944. Documente*, 'The Progress of Epuration', 46.

⁹³ Mocanu, ed., *România și Armistițiul cu Națiunile Unite*, 93- 97.

⁹⁴ Hudiță, *Jurnal politic (7 decembrie 1944- 6 martie 1945)*, 136.

January, received some minor amendments and were ratified by the King on January 21, 1945⁹⁵.

*Law no. 50 of January 21, 1945 for the prosecution and punishment of war criminals and war profiteers*⁹⁶ and *Law no. 51 of January 21, 1945 for the prosecution and punishment of those guilty of the country's disaster*⁹⁷ were the outcomes of this protracted negotiation process. The decision to publish two laws instead of one was due to technical reasons, namely the need to differentiate between 'war criminals' and 'those politically responsible for the country's disaster'. However, both laws dealt with questions of substantive and procedural law in a similar fashion, practically complementing each other. In matters of substantive law, both laws defined in a detailed manner the categories of crimes ('war criminal', 'war profiteer' and 'responsible for the country's disaster'). The latter category, which generated most controversy, stipulated that all those held responsible for the establishment of a dictatorial regimes, the alliance with the Axis, the launch of the war against the Soviet Union and the Allies or the wartime propaganda campaign in favor of Nazi Germany were liable for prosecution. The penalties prescribed by both laws were severe, ranging from five years' imprisonment with hard labor to the capital punishment. In terms of procedure, both laws specified that the investigation and prosecution of the offenders would be undertaken by specially appointed public prosecutors ('*acuzatori publici*'), while two extraordinary, *ad-hoc* courts (the Special Court for the trial of war criminals and the Tribunal for the trial of those guilty of the country's disaster), composed of career and politically-appointed lay judges, had exclusive jurisdiction over these offenses. The decisions of these courts were subject to the review by the High Court of Cassation and Justice.

These two laws were in effect for only four months, being swiftly abrogated by the new Groza Communist government on April 21, 1945 and replaced with new legislation. The main

⁹⁵ Ardeleanu, Arimia and Andone, eds., *23 august 1944. Documente*, 'The Progress of Epuration', 47- 48.

⁹⁶ *Monitorul Oficial*, year 113, no. 17, part I (January 21, 1945): 415-418.

⁹⁷ *Ibid.*: 418- 419.

reason invoked for introducing this change had to do with the alleged ‘complicated character’ of the former laws and the need to expedite the trial procedure. In order to remedy the situation, the new cabinet renewed Secretary Pătrășcanu’s ministerial tenure in March 1945 and entrusted him with drafting *Law no. 312 of April 21, 1945 for the prosecution and punishment of those guilty for the country’s disaster and war crimes*⁹⁸. The new law introduced several important innovations: first, it no longer separated ‘war crimes’ from ‘responsibility for the country’s disaster’ and expanded the definition of offenses by adding new categories of culpability, such as ‘instigators and abettors’; second, the appointment of public prosecutors was directly controlled by the Department of Justice; and third, it replaced the Special Courts for the trial of war criminals with mixed ad-hoc People’s Courts, which had exclusive jurisdiction over war crimes.

After Romania signed the Peace Treaty with the Allied and Associated Powers on February 10, 1947, the Groza government adopted *Law no. 291 of August 15, 1947 for the apprehension and punishment of those guilty of war crimes or crimes against peace or humanity*⁹⁹, which abrogated and replaced the *Decree-Law no 312 of April 21, 1945*. This new law made significant changes in the definition of criminal offenses, replacing ‘responsibility for the country’s disaster’ with ‘crimes against peace or humanity’, in line with the London Charter, and transferred jurisdiction over war crimes from the extraordinary People’s Courts to regular courts of appeal.

Law no. 312 of April 21, 1945 regulated the criminal prosecution of war criminals from April 1945 to August 1947 (this period corresponds to the trials of the major war criminals, including that of the Antonescu group). This warrants a closer look at critical legal issues such as the definition of substantive crimes, the gradation of punishment, the rules of evidence and procedure, the jurisdiction and composition of the courts and the appeal procedures. It should be

⁹⁸ *Monitorul Oficial*, year 113, no. 94, part I (April 24, 1945): 3362- 3364.

⁹⁹ *Monitorul Oficial*, year 115, no. 189, part I (August 18, 1947): 7428- 7425.

emphasized from the outset that this was a special law, with a limited applicability in time (until September 1, 1945, with the possibility of renewal), which introduced unprecedented mechanism of enforcement, i.e. the office of public prosecutors and the *ad hoc* People's Courts.

This law defined two main categories of criminal offenses: 'responsibility for the country's disaster' and 'war crimes'. Article 1 contains a succinct definitions of the offenses falling within the notion of 'responsibility for the country's disaster': first, militating for Hitlerism and fascism, and endangering the general interests of the country by granting German troops permission to enter Romanian territory; second, preparing the way for the above mentioned actions by written, oral and other form of propaganda starting with September 6, 1940. In other words, any person who held senior political, civil and military positions or openly collaborated with the deposed Antonescu regime or with the local fascist parties, as well as the journalists who wrote favorably of the wartime dictatorial regime, the local fascist or the Axis powers were directly liable for criminal prosecution on account of their 'collaborationism':

Art. 1: Responsible for the country's disaster are those who:

- (a) Militating for Hitlerism or fascism and having effective political responsibility, permitted the entry of the German armies into the country's territory;
- (b) Militated for the preparation or implementation of the above in oral or in written form or by any other means after September 6, 1940¹⁰⁰.

Article 2 defines as 'war crimes' a broad category of offenses (fifteen counts), which can be grouped in four subcategories: first, the initiation of wars of aggression against the United Nations and invasions of other countries; second, the ill-treatment, oppression and extermination of civilian population and enemy soldiers in occupied territories; third, the systematic spoliation, persecution, deportation and extermination of ethnic groups on religious and racial grounds; and fourth, war profiteering and collaborationism (political, economic and propagandistic) with Nazi

¹⁰⁰ *Monitorul Oficial*, year 113, no. 94, part I (April 24, 1945): 3362.

Germany and the Legionaries. The new law defined the concept of ‘war crimes’ in a wider sense, as a common denominator for a variety of offences that were closely related, yet distinct within the emerging body of international law. Thus, Article 2 covers not only ‘war crimes’ proper, but also ‘crimes against peace’ and ‘crimes against humanity’, as embodied later in the London Charter of August 1945¹⁰¹. Article 2 runs as follows:

Art. 2: Guilty for the country’s disaster through the perpetration of war crime are those who:

- (a) Decided the declaration or the continuation of the war against the Union of Soviet Socialist Republics and the United Nations;
- (b) Failed to observe the international rules relating to the conduct of war;
- (c) Subjected prisoners of war and hostages to ill-treatments;
- (d) Ordered or perpetrated acts of terror, cruelty or oppression against the population of the territories in which the war was fought;
- (e) Ordered or perpetrated collective or individual repressions against the civilian population for political persecution or racial purposes;
- (f) Ordered or organized excessive labor or the displacement and transport of people for the purpose of their extermination;
- (g) As commanders, directors, supervisors, and guards of prisons, camps for prisoners or political detainees, and hard labor camps and companies, subjected those under their supervision to ill-treatments.
- (h) As judicial police officers or investigators of whatever title for issues of political or racial nature, committed acts of violence, torture or employed other illegal means of coercion;
- (i) As prosecutors or civilian or military judges, willingly helped in or perpetrated acts of terror or violence;
- (j) Left the national territory to place themselves in the service of Hitlerism or fascism, and attacked the country in writing, orally, or by any other means;
- (k) Illicitly or forcibly acquired civilian or public goods from the areas in which the war was fought;
- (l) Acquired wealth illicitly by their participation in the conduct of the war in whatever capacity, or by taking advantage of their connections with such persons or from the laws and measures of Hitlerite, legionnaire or racial character;
- (m) Ordered or initiated the establishment of ghettos, internment camps, or deportations for reasons of political and racial persecution;
- (n) Issued decrees of unjust legislation or measures of a Hitlerite, legionnaire, or racial nature, or deliberately displayed excess of zeal in the execution of the laws derived from the state of war or of provisions of political or racial character;
- (o) Placed themselves in the service of Hitlerism or fascism and contributed through their own acts to the fulfillment of their political goals and the subjugation of the country’s economic life, against the interests of the Romanian people¹⁰².

¹⁰¹ Alexandru Volanschi, ‘Noțiunea crimei de război în teoria și practica dreptului român’, in *Justiție Nouă*, no. 10 (1949): 1183.

¹⁰² *Monitorul Oficial*, year 113, no. 94, part I (April 21, 1945): 3362.

Article 3 outlined the following gradation of punishments: life imprisonment and imprisonment for three to twenty years for those ‘responsible for the country’s disaster’, and the capital punishment or life imprisonment for those found guilty for war crimes. In addition, those found guilty were also liable to receive ‘ignominious penalties’, such as civic degradation and the forfeiture of properties. Instigators, accomplices and abettors found guilty of the crimes stipulated in Article 1 and Article 2 were to receive similar punishments, albeit less severe.

Pertaining to the enforcing mechanisms, the investigation and prosecution of these crimes was to be handled by lay public prosecutors (‘acuzatori publici’). Article 4 stipulated that special public prosecutors were to be appointed directly by the Department of Justice from all categories of citizens, while all public servants, including police officers and career magistrates, were to lend them full support in the discharge of their duties. The cabinet was to draw the list of suspects, but both the cabinet and the public prosecutors could issue arrest warrants, while the official indictment as war criminals brought the automatic seizure of the property of the accused.

Pursuant to Article 10, the trials were to be handled by extraordinary, *ad hoc* People’s Courts, which had exclusive jurisdiction over ‘war crimes’ and ‘responsibility for the country’s disaster’. These courts would comprise a bench of nine judges: two appointed career judges and seven lay people’s judges selected from a list jointly established by the seven members of the political coalition that formed the Groza cabinet. Art. 11 outlined the procedure for the selection of the court panels: each of the seven political groups which comprised the Groza government would nominate a list of five candidates each, while the Secretary of Justice would select by lot the seven lay judges and would appoint directly the other two career magistrates. This procedure favored the Communists, because it divided equally the membership among the seven parties that formed the Groza government. The National Liberal Party (the faction led by Gheorghe

Tătăărăscu) and the National Peasants Party (the faction led by Anton Alexandrescu) each received one seat in the court panels, while the National Democratic Front, a coalition of five left-wing parties dominated by the local Communists, received five out of seven seats. The first People's Court would sit in Bucharest, but the Department of Justice could establish as many ad-hoc courts as it considered necessary and would monitor closely the legal proceedings.

As to the appeal procedure, Article 14 specified that the judgments passed by the People's Tribunals could be reviewed by the High Court of Justice and Cassation on two grounds: irregularities in the nomination of the judges and the faulty determination of punishment. The appeal was to be made orally and would be adjudicated within three days from the date the appeal was lodged. Thus, the High Court of Justice could review only technical, procedural grounds, not the actual merits of the sentences. Such a provision was quick to attract criticism, since it reduced to a minimum the defendants' constitutional right to lodge an appeal.

3.4.3. *The organization of the People's Courts*

In spite of the ambitious aims of the local Communists, the implementation of *Law no. 312* posed several logistic and time constraints. Burdened with difficult administrative questions and pressured by both Moscow and the Groza Communist government to expedite the proceedings, the new People's Tribunals faced the daunting task of having to examine the criminal files of thousands of suspected war criminals (some already in custody, other still within the ranks of the Romanian Army fighting on the front and many more living in exile) within a short time-frame. The Groza cabinet considered that, in terms of stabilizing its relations with the Soviet Union and consolidating its political legitimacy, it was vital to avoid any delays and have the trials concluded in one year, by mid-1946 the latest. This timetable, though, proved overly ambitious.

Pursuant to Article 13 of *Law no. 312 of April 21 1945*, the first People's Tribunal was established in Bucharest and had jurisdiction over offenders who had perpetrated war crimes within the judicial district of Bucharest and the surrounding regions, as well as outside the country's borders¹⁰³. A second People's Tribunal was set up in Cluj after the recovery of northern Transylvania in March 1945. Pursuant to *Law no. 526 of July 11 1945*, the new tribunal had jurisdiction over war crimes committed by the Hungarian administration in the former occupied Romanian territories¹⁰⁴. Around the same time, Secretary Pătrășcanu announced his intention to establish additional *ad hoc* courts in Iași and Galati, two cities where wartime atrocities against the Jewish population had been committed, but logistic difficulties forced him to reconsider¹⁰⁵. In the end, jurisdiction over war crimes was divided between the Bucharest People's Tribunal (the Old Kingdom) and the Cluj People's Tribunal (the entire Transylvania and Banat regions).

In parallel with setting up the *ad hoc* courts, the Department of Justice began recruiting the prosecutorial staff. Secretary Pătrășcanu appointed untrained laymen, public servants and junior lawyers as public prosecutors instead of professional magistrates on account of the need to confer 'a genuine popular character' to the war crimes trials. In reality, it was Pătrășcanu's deep-rooted hostility towards the body of magistrates and their claims of judicial independence that moved him to nominate Communist members or sympathizers with limited or no legal training for the office of public prosecutor. Thus, the new lay magistrates had limited judicial independence and were accountable for their actions both to the Department of Justice (officially) and to the Communist Party (unofficially). In this respect, the public prosecutors affiliated to the RCP were organized into two Party cells, one in Bucharest and the other in Cluj, which monitored the activity of the personnel affiliated to the People's Courts and kept the

¹⁰³ *Monitorul Oficial*, year 113, no. 94, part I (April 21, 1945): 3363.

¹⁰⁴ *Monitorul Oficial*, year 113, no. 154, part I (July 11, 1945): 5855.

¹⁰⁵ Pătrășcanu, 'Legea criminalilor de război', 108.

central Party leadership informed about the progress of the trials¹⁰⁶. The first public prosecutors were appointed in February 1945 and their numbers rose to approximately 40 between 1945 - 1946¹⁰⁷. Initially they were supposed to replace the traditional prosecutors, but their prerogatives extended beyond the investigation, preparation of the legal cases and the actual prosecution of defendants. Following the Soviet model, the public prosecutors played the leading roles in the cases examined by the People's Courts and directly interfered with the course of proceedings¹⁰⁸.

To ensure that the latter did not stray from the Party's directives, Secretary Pătrășcanu appointed Avram Bunaciu, a Transylvanian lawyer who had joined the Communist ranks during the war, as head public prosecutor¹⁰⁹. Contrary to most of his colleagues, Bunaciu was a longtime practicing lawyer who proved capable of handling the tasks entrusted to him, namely expediting the preparations of the cases against war criminals and assuring a degree 'continuity' along the Communist line in their management. His 'diligent activity' helped him rise through the Party ranks and he soon became Pătrășcanu's close collaborator in the Department of Justice.

The nomination of the two professional judges to preside over the People's Courts also fell under the competence of the Department of Justice. Given the strict professional requirements for the office, the pool of candidates was smaller than in the case of public prosecutors and career magistrates had to be recruited. Since *Law no. 312 of April 21 1945* made no specific provisions regarding the mandatory experience, Secretary Pătrășcanu strove to appoint docile magistrates of little prestige on the bench of the People's Courts. Alexandru Voitinovici's nomination was a telling example. This thirty-year-old magistrate of Jewish origin, distantly related to Pătrășcanu, was nominated as the presiding judge of the Bucharest People's Tribunal

¹⁰⁶ Crăcană, 'Legislația pentru sancționarea 'criminalilor de război'', *Revista 'Document'* 16, no. 1 (2013): 96.

¹⁰⁷ *Monitorul Oficial*, year 113, no. 86, part I (April 13, 1945): 3014.

¹⁰⁸ Muraru, 'Legislation and War Criminals' Trials', 129- 130.

¹⁰⁹ Liviu Țăranu, ed., *Avram Bunaciu. Biografie. Reflecții. Corespondență* (București: Editura Enciclopedica, 2011), 22.

in 1945 in spite of his apparent youth and lack of experience in the courtroom¹¹⁰. Such an unprecedented decision, coupled with the appointment of three female public prosecutors with close Communist ties (Alexandra Sidorovici, an engineer, Constanța Crăciun, a professor and Viorica E. Zosin, a lawyer), ran against the traditions of the Romanian magistracy. But it was the presence of prosecutors of alleged Jewish origin that was bound to raise controversy among nationalist circles. It became a cliché for certain anti-Communist figures to denounce the war crimes trials as being fueled by ‘Jewish desire for vengeance’ and orchestrated by ‘Communist Jews’ led by Ana Pauker. Former Prime Minister Rădescu expressed such a biased position, arguing that although L. Pătrășcanu was not Jewish, his wife was a ‘converted Israelite’¹¹¹.

Another aspect that caused controversy was the decision taken by the Department of Justice to conduct collective trials, grouping the defendants in trial groups according to the position they held in the deposed Antonescu regime or their ‘sphere of activity’, instead of individual trials. Secretary Pătrășcanu defended his decision by pointing out that individual trials were time-consuming and expensive, while collective trials, i.e. prosecuting a group of defendants charged with the same offences produced in similar circumstances, would proceed faster. Prime-Minister Groza expressed support for such a course of action in late 1945, arguing that the individual prosecution of war criminals, as it was being conducted by the International Military Tribunal, would take far too long¹¹². But expediency and cost-effectiveness were not the only factors at stake. Trying the former political and military leaders of the deposed Antonescu regime in carefully selected trial groups would also reinforce the Communist prosecutorial strategy by adding more weight to the idea that the ‘fascist, dictatorial clique’ around Marshal Antonescu

¹¹⁰ Ardeleanu and Arimia, eds., *Citiți, judecați, cutremurați-vă!*, Doc. no. 5 (1984, December), 87- 98.

¹¹¹ Grigore, Ionel and Marcu, eds., *Un sfert de veac de urmărire*, Doc. no. 9 (1945, April?), 85- 96 and Doc. no. 11 (1945, June?), 89.

¹¹² Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 19 (1946, May 2), 3: 584.

was responsible for having planned and implemented the policies that led to the alliance with the Axis and the war against the Soviet Union. In addition, holding collective trials would make it easier for the prosecution to prove the culpability of the defendants who had fled the country.

3.4.4. *The activity of the People's Courts (1945- 1946)*

The Bucharest People's Court began its activity in May 1945 and functioned, with some interruptions, until June 1946¹¹³. The Department of Justice appointed two panels of judges, presided by Alexandru Voitinovici, and respectively, Aurel Fărcuțiu¹¹⁴, while the prosecutorial team was coordinated by Avram Bunaciu and his collaborators, Dumitru Săracu and Vasile Stoican. Although it had to suspend its activity between August 195- February 1946 due to the growing tensions between King Mihai and the Groza cabinet (the 'Royal Strike'), the Bucharest People's Court managed to pass judgment over 17 trial groups¹¹⁵, of which the first two ('the General Macici group' and 'the nationalist journalists group') attracted most media attention.

Trial group no. 1 (May 14- 22, 1945) or 'the trial of General Macici group' was concerned with the war crimes committed during the annexation of Transnistria by Romania during the war. It became known in the press as 'the trial of the generals' due to the fact that three of the thirty-eight defenders were Army generals¹¹⁶. The principal defendant was General Nicolae Macici¹¹⁷, a senior officer entrusted with the command of the Romanian First Army in 1941, who carried out large-scale reprisals against the civilian population in occupied Transnistria (Odessa and Dalnic) in October 1941. The main charge against him and the rest of the defenders was conspiracy to

¹¹³ Oana Ilie, 'Tribunalul Poporului- instrument al justiției proletare', in *Muzeul Național*, no. 15 (2003): 425- 443.

¹¹⁴ *Monitorul Oficial*, year 113, no. 203, part I (May 5, 1945): 10- 11 and *Monitorul Oficial*, year 113, no. 155, part I (July 12, 1945): 14- 15.

¹¹⁵ Ilie, 'Tribunalul Poporului': 442.

¹¹⁶ Oana Ilie, 'Procesul generalilor', in *Arhivele Totalitarismului*, no. 30-31 (2001): 261-262.

¹¹⁷ Alesandru Duțu and Florica Dobre, *Drama generalilor români, 1944- 1946* (București: Editura Enciclopedică, 1997), 166- 172.

commit war crimes and war crimes (reprisals against civilians and racially-motivated mass murders). Genera Macici argued in his defense that he acted under Marshal Antonescu's direct orders to carry out reprisals, but the court, presided by Al. Voitinovici, rejected the defense of 'superior orders' and found all defendants, except one, guilty. Twenty-nine defendants, including General Macici were sentenced to death (nine *in absentia*), one to life imprisonment and seven to imprisonment ranging from five to one year and acquitted only one. The appeal filed by the defense to the High Court of Justice was rejected on May 29. However, on June 1, 1945, King Mihai managed to intervene and, with the express consent of the Groza cabinet and tacit approval of the Soviet authorities, commuted the death sentences to life imprisonment¹¹⁸.

Trial group no. 2 (May 23- June 4, 1945) brought before the People's Tribunal fourteen well-known Romanian journalists, charged with having collaborated with the Antonescu regime and having supported fascism and the Axis war of aggression in their writings. 'The trial of the nationalist journalists'¹¹⁹, as it became known, was widely publicized due to the high-profile of its main defendants: Pamfil Șeicaru, senior journalists and former owner of the daily *Curentul*, Stelian Popescu, the former owner and editor-in-chief of the daily *Universul*, Nichifor Crainic, the former owner and editor-in-chief of *Gândirea* and Ilie Rădulescu, the editor-in-chief of the far-right newspaper *Porunca Vremii*¹²⁰. The indictment, drafted by public prosecutors C. Vicol and A. Bunaciu, charged the defendants with 'responsibility for the country's disaster' by having placed themselves and their journals in the service of fascist propaganda. By collaborating with the dictatorial regimes that ruled Romania between 1938- 1944 and turning into 'agents of fascist propaganda', continued the indictment, 'they had militated against democracy and peace, thereby

¹¹⁸ Ilie, 'Procesul generalilor': 262.

¹¹⁹ Rus, *Delictul de opinie*, Doc. no 39. (1945, May 16), 105- 124.

¹²⁰ Ioan Opriș, *Procesul ziariștilor naționaliști. 22 mai – 4 iunie 1945* (București: Editura Albatros, 1999), 8.

instigating racial hatred and endorsing the anti-Soviet war and Antonescu's dictatorship'¹²¹.

The defense challenged the fairness and accuracy of the indictment, arguing that the wartime articles written by the defendants in support of the Antonescu regime, the Legionaries or the Axis were isolated, individual acts resulting from the political and ideological circumstances of the time and not from coordinated planning¹²². In fact, these articles represented 'self-protecting maneuvers' intended to keep their newspapers running and avoid any sanctions from the State censorship bureau. Despite these arguments, the court, presided by I. Țebrea and seconded by Assessor Al. Voitinovici, found all defendants guilty of 'responsibility for the country's disaster' and rendered severe sentences: two defendants (including P. Șeicaru) were sentenced to death, eight to life imprisonment with hard labor (including S. Popescu and N. Crainic) and four to imprisonment ranging from ten to twenty years. The appeals lodged by the defense were rejected by the High Court of Justice on June 12, 1945 and the sentences were immediately carried out for those defendants in custody (seven were tried *in absentia*)¹²³.

The Cluj People's Tribunal, established on July 10, 1945, functioned in parallel with the one in Bucharest. Secretary Pătrășcanu appointed two panels of judges, presided by Stan G. Traian and respectively by Nicolae Matei¹²⁴ and detached A. Bunaciu to Cluj to supervise the activity of the prosecution team (V. Stoican temporarily replaced him as head public prosecutor in Bucharest). Several additional logistic and administrative factors delayed the activity of the new *ad hoc* court¹²⁵. First of all, the apprehension of many war criminals was hindered by the fact that many Hungarian nationals who had been part of the administrative and military structures in

¹²¹ Rus, *Delictul de opinie*, Doc. no. 40. (1945, May 16), 124.

¹²² Opreș, *Procesul ziariștilor naționaliști*, 456.

¹²³ Rus, *Delictul de opinie*, Doc. no. 57 (1945, June 4), 237- 242.

¹²⁴ *Monitorul Oficial*, year 113, no. 196, part I (August 30, 1945): 7648.

¹²⁵ Ioan Bolovan, ed., *Istoria României: Transilvania*, vol. 2 (1867-1947) (Cluj-Napoca: Editura 'George Barițiu', 1997), 1324.

northern Transylvania between 1940- 1944 withdrew from the advancing Soviet- Romanian troops to unoccupied Hungary after September 1944. Thus, the Romanian authorities had to wait until the military hostilities with Hungary came to an end in order to initiate negotiations in September 1945 for the signing of an extradition treaty with the new regime in Budapest. Second, documenting the crimes committed against ethnic minorities and Romanian nationals was a time-consuming process. Given that many of the victims had been displaced, interned in camps, or, in the case of the Transylvanian Jews, had been deported to Poland, the questioning of the survivors turned into a slow-paced, sensitive process. In addition, the Department of Justice had to employ interpreters and attach them to the *ad hoc* People's Court in Cluj to facilitate the collection of witness depositions from non-Romanian speakers. The court eventually managed to overcome these constraints and passed judgment on nine trial groups in the spring and summer of 1946. Below is an outline of two cases that received significant coverage in the Party press.

Trial group no. 1 (February 25- March 13, 1946), known as 'the trial of those responsible for the massacres of September 1940', dealt with the atrocities committed by the Hungarian troops in collaboration with some local Hungarians against the Romanian and Jewish residents of sixteen localities in Northern Transylvania (Ip, Trăzneu and others) during September 8- 24 1940¹²⁶. Sixty-three defendants, comprising Hungarian soldiers and local Hungarian residents, were charged with war crimes on account of their involvement in the massacre of several hundred Romanian and Jewish residents during the early days of the Hungarian occupation of Northern Transylvania, following the handing over of this territory from Romania to Hungary.

The most notable aspect of this case, apart from the uncovering of the extent of the human tragedy which occurred in early September 1940, was the charge of criminal conspiracy leveled against central Hungarian authorities. The prosecution denounced the Horthy regime as the

¹²⁶ Braham, ed., *Genocide and Retribution*, ix.

moral perpetrator of these ‘crimes of racial and chauvinistic nature’, making it plain that this trial ‘was not an ordinary one, but a *sui-generis* trial, which passes judgment on a system and an era in the first place and on the venomous henchmen of this [Horthist] regime only in the second place.’¹²⁷ The court, presided by N. Matei, seconded by Assessor N. Hărăguș, found guilty fifty-six of the sixty-three defendants. Twenty-one defendants received the death sentence (most were tried *in absentia*, including Count Wass Albert), thirty-five were sentenced to imprisonment with hard labor with terms ranging from five years to life and seven were acquitted¹²⁸.

Trial group no. 8 (May 14- 31, 1946) or ‘the trial of the Jewish Ghettos’ was concerned with the systematic racial persecution, inhumane treatment, deportation and extermination of large segments of the Jewish population of Northern Transylvania during May-June 1944¹²⁹. This trial group included one hundred and eighty-five defendants, mostly members of the Hungarian administration, military, police and Gendarmerie forces stationed and operating in northern Transylvania between 1940 and 1944. Varga Lajos, the former prefect of Cluj, Vásárhelyi László, the former mayor of Cluj, Orban Ferenc, former police officer in Cluj and Paksi Kiss Tibor, the commander of the gendarmes in Northern Transylvania were among the high-profile defendants who had fled Northern Transylvania in 1944 and were thus tried *in absentia*. The main charge brought against them was conspiracy to commit war crimes and crimes against humanity. In particular, the defendants were charged with involvement (either as accomplices, instigators or perpetrators) in the systematic rounding-up of the Jewish population in ghettos, the spoliation, torture and subjection to inhumane treatment of the interned people, and their deportation to the concentration camps in Poland for purposes of extermination¹³⁰.

¹²⁷ DJCAN, Collection *Tribunalul Poporului*, Folder no. 22 of 1946, file 4.

¹²⁸ DJCAN, Collection *Tribunalul Poporului*, Folder no. 22 of 1946, files 30- 33.

¹²⁹ Braham, *Genocide and Retribution*, ix- x.

¹³⁰ DJCAN, Collection *Tribunalul Poporului*, Folder no. 22 of 1946, files 217- 219.

The prosecution documented extensively the measures taken by the Döme Sztójay government to purge the Jewish population in Hungary, focusing on exposing the defendants as ‘co-conspirators and participants’ in the Nazi master plan to systematically eradicate the Jewish population in the entire Europe. To add more weight to the criminal conspiracy and membership charges, the prosecution quoted excerpts from A.I. Trainin’s *The Penal Responsibility of the Hitlerites* in the Indictment Act. Following Trainin’s legal reasoning, the prosecution asked that all those directly and indirectly responsible for these crimes must be held accountable and declared that ‘neither the leading Hitlerite clique nor the vile executants of their bloody and criminal orders will escape the vengeance of the liberated people’¹³¹. In the end, the court, presided by N. Matei and seconded by Assessor Nerva Al. Hărăguș, found one hundred and seventy-nine defendants guilty and acquitted six. Thirty of the defendants were sentenced to death *in absentia* (including Orban Ferenc and Paksi-Kiss Tibor), fifty-two to life imprisonment with hard labor, and ninety-seven to imprisonment with or without hard labor, with terms ranging from three to twenty years (including Varga Lajos and Vásárhelyi László)¹³².

3.4.5. *Final remarks*

The balance sheet of the activity of the Bucharest and Cluj People’s Courts showed mixed results. From a quantitative point of view, it seems that the two *ad hoc* courts were able to prosecute only a fraction of the suspected war criminals. By July 28, 1946, when both *ad hoc* courts were dissolved and the pending cases were transferred to the jurisdiction of Romanian Appellate Courts or Martial Courts, the public prosecutors had already processed 2700 cases against suspected war criminals, yet managed to bring criminal charges only against 1037. In the

¹³¹ DJCAN, Collection *Tribunalul Poporului*, folder no. 22 of 1946, file 229.

¹³² DJCAN, Collection *Tribunalul Poporului*, folder no. 22 of 1946, files 317- 328.

end, the Bucharest People's Court found 668 defendants guilty and rendered severe sentences in the majority of cases: 148 defendants were condemned to death, while the remainder receiving imprisonment sentences ranging from one year to life¹³³. The Cluj People's Court sentenced 481 persons and imposed similar stern verdicts and 'the major war criminals'.

In all fairness, it should be said that few courts of law in postwar Europe, if any at all, were able to prosecute every deserving war crimes suspect within their jurisdiction¹³⁴. In the Romanian case, there were a number of additional factors, such as the shortage of qualified judicial staff, the demanding timetable imposed by the ACC and the 'unknown location' of several high-profile suspects that compelled the public prosecutors to limit the overall scope of the trial program¹³⁵.

Such drawbacks did not go unnoticed by the leaders of the Communist Party, who expressed a growing dissatisfaction with the activity of Secretary Pătrășcanu during several Party meetings. On one such meeting, convened on March 27, 1947¹³⁶, the Party leaders invited L. Pătrășcanu and some of the former public prosecutors to evaluate the activity of the People's Courts. The Party, through Al. Drăghici, a former public prosecutor himself, criticized the low number of convictions rendered by the People's Courts. A. Bunaciu replied that this unsatisfactory progress was due less to the diligence of the former public prosecutors and more to the limited support received from the state institutions and the Soviets in gathering evidence and arresting suspects. Moreover, he admitted that the Soviets played a crucial role in the process of drafting the lists of suspected war criminals and even intervened on behalf of some Romanian high-ranking officers

¹³³ Cristian Păiușan, 'Justiția populară și criminalii de război, 1945-1947', in *Arhivele Totalitarismului* 22-23, no. 1-2 (1999): 150-165.

¹³⁴ Déak, Gross and Judt, eds., *The Politics of Retribution*, 3.

¹³⁵ Friling, Ioanid and Ionescu, eds., *The Final Report*, 314.

¹³⁶ Andreea Andreescu, Lucian Năstase and Andreea Varga, eds., *Minorități etnoculturale. Mărturii documentare. Evreii din România (1945-1965)* (Cluj-Napoca: Centrul de Resurse pentru Diversitate Etnoculturală, 2003), Doc. no 110 (1947, March 27), 311 - 325.

to postpone their indictment until their discharge from the Army¹³⁷. V. Stoican, his former collaborator, went even further and claimed that the aims of the Communist trial program were not fully met due to the ‘restrictions’ imposed by the non-Communist transitional governments¹³⁸

V. Stoican was partially right: the complete seizure of power by the Communists after 1947 did lead to a marked increase in the number of convictions pronounced in the pending war crime cases. A statistical table dating from November 1949 showed that from July 1946 to November 1949, the Appellate Courts in Cluj and Bucharest found guilty of war crimes an additional number of 1264 defendants¹³⁹. And still, for all its self-proclaimed achievements, the new People’s justice system revealed its partisan character by progressively releasing some of the convicted war criminals before they served their full sentence¹⁴⁰. In 1950, several war criminals serving life sentences were released from prison and granted amnesties between 1963 and 1964. Some were even discretely recruited into the ranks of the Communist Party which had instigated their arrest and prosecution as ‘fascist collaborators’ and war criminals almost two decades ago¹⁴¹.

3.5. Conclusions

After looking at the complex process of creating, organizing and setting in motion the judicial mechanisms for the prosecution of war criminals, it is now time to assess the activity of the People’s Courts by asking how successful were these two *ad hoc* courts in achieving their short-term legal aims (achieving retributive justice) or long-term political goals (legitimizing the

¹³⁷ Ibid., 312- 314.

¹³⁸ Ibid., 316.

¹³⁹ Volanschi, ‘Noțiunea crimei de război’: 1190.

¹⁴⁰ Muraru, ‘Legislation and War Criminals’ Trials’, 145.

¹⁴¹ Braham, ed., *Genocide and Retribution*, x; Friling, Ioanid and Ionescu, eds., *The Final Report*, 315.

repression against political opposition and bending the judiciary to the will of the executive).

In terms of achieving retributive justice, the balance sheet of the People's Courts is mixed due to the illegal and abusive interference of the external political factors. The local Communist Party, acting under Moscow's instructions, had a major (and generally nefarious) influence on every phase of the postwar retributive justice: the construction of the trials program (the adoption of controversial *ex post facto* legislation to circumvent the due process protections embedded in the Constitution of 1923 and the partisan selection of the judiciary personnel), the actual war crimes trials (the partisan criteria behind the selection of 'the major war criminals', the ideologically colored language of the indictment acts and the abusive attempts to criminalize entire ethnic and professional groups) and the post-trial aspect (the pardoning of some convicted defendants before serving their full sentences and their quiet recruitment into the Party ranks).

Secretary Pătrășcanu's frequent abuses of authority in the name of 'revolutionary legality' and political expediency that accompanied these postwar trials rendered some astute observers aware of the ideological and political aims attached to the war crimes trial program. Constantin Radulescu -Motru, for example, observed that the administrative purges and trials of war criminals during 1945- 1946 acquired, in the able hands of the local Communists, both a repressive and a legitimating function. On the one hand, the repressive function manifested itself in the abusive arrests and large-scale purges conducted in this period, which aimed primarily to destabilize the structures of the Romanian judiciary and force the magistrates to bend to the will of the executive. On the other, the legitimating aspect became apparent in the media campaign initiated by the Communist press in late 1944, during which no insult was spared in the efforts to legitimate the repression against anti-Communist political opposition by denouncing the leaders

of the traditional political parties as 'crypto-fascist collaborators'. All this made C. Rădulescu-Motru wonder whether these war crimes trials were either judicial procedures taking place under close political control, or political acts upon which had been conferred a 'dim aura of legality'¹⁴².

Many negative things have been said about the activity of the People's Courts, and not without legitimate reasons. For some observers, the activity of these ad-hoc courts epitomized the dishonest Communist practice of 'perverting the course of justice' for their partisan purposes by relegating what was supposed to represent a legal mechanism operating outside party politics and situated above ideological conflicts to a politically-controlled instrument for persecuting their opponents. In the long run, the People's Tribunals paved the road to the new People's Justice by setting a pattern for prosecuting and denigrating the future 'enemies of the people'. Sadly, such a notorious practice was not abandoned after the major war crimes trials came to an end in Romania in 1946, but was, in fact, institutionalized by the new Communist regime.

Despite these controversial aspects, one should not overlook the fact that the war crimes trials held in postwar Romania, and in liberated Europe in general, did not turn into Soviet-styled 'show trials'. According to I. Déak, the war crime trials held in postwar Europe were fraught with legal dilemmas, but generally managed to respect the recently enacted national war crimes legislation and gave the defendants the opportunity to defend their own actions before the courts (they were not actually forced to plead guilty and the incriminatory evidence introduced by the prosecution was not without probatory value). Nonetheless, the question whether the total number of those rightfully convicted for war crimes in postwar Europe, including Romania, outnumbered those wrongfully sentenced remains difficult to answer with certainty¹⁴³.

¹⁴² Constantin Rădulescu-Motru, *Revizuire și adăugiri: 1945* (București: Editura Floarea Darurilor, 1999), 3: 140.

¹⁴³ Déak, Gross and Judt, eds., *The Politics of Retribution*, 12.

4. PREPARATIONS FOR THE TRIAL (1944- 1946)

4.1. Introduction

After discussing in the previous chapter the complex web of political negotiations and legal innovations that led to the creation of the ‘legal machinery’ for the prosecution of war criminals in postwar Romania, the time has come to focus on the early planning and preparations for the trial of the Antonescu group. The present chapter examines the preparatory stages of the trial (from the arrest of Marshal Antonescu and his collaborators in August 23, 1944 to their official indictment before the Bucharest People’s Court in May 1946) in view of identifying and contextualizing the role played by the various agencies (the local Communists, the Soviet Union, the Groza government,) and agendas (political, diplomatic, legal) in shaping the course of events.

Planning played a role as significant as improvisation in the arrest of Marshal Antonescu on August 23, 1944. The leaders of the NDB had decided that the *Conducător* was to be removed from power (by force, if necessary) at the Royal Palace, then taken into custody by a mixed, ad-hoc ‘civic guard’. However, events took an unexpected turn on the day of the coup: Marshal Antonescu and his collaborators were indeed deposed and placed under temporary arrest by the Royal Guard, but were soon transferred into the custody of the Communist paramilitary.

From that moment on, the fate of the top-level members of the Antonescu regime (henceforth referred to as ‘the Antonescu group’) quickly slipped from the grasp of the transitional government and the Romanian forces altogether. The ‘liberating’ Soviet Army took advantage of the confusion that ensued after the coup of August 23 and seized custody of ‘the Antonescu group’ on August 31. No detailed explanation, save ‘military necessity’, was

provided for this abusive measure, nor for the transfer of ‘the Antonescu group’ to the Soviet Union for interrogations soon afterwards. For the following twenty months, the members of ‘the Antonescu group’ were held prisoner and interrogated by the Soviet counter-intelligence services (SMERSH), awaiting their fate in the cells of the infamous Lubianka prison. Suddenly, in April 1946, after lengthy secret negotiations with the Romanian Communists, the Soviet authorities decided to transfer them back to Romania in order to stand trial before a local court. Obviously, something had changed in the Soviet attitude towards the ‘value’ attached to these high-ranking Romanian POWs and the ability of the Romanian authorities to prosecute them. Two questions are thus critically important: what determined the Soviet authorities to transfer ‘the Antonescu group’ back to Romania in April 1946, and how accurate was their evaluation of the degree of preparedness of the Romanian Groza government to handle a war crime trial of such magnitude?

This chapter will attempt to answer these questions by situating the long and arduous journey of ‘the Antonescu group’ from Bucharest to Moscow and back in its political context, i.e. the end of World War II and the beginning of the Cold War. Its aim is to explore the political calculations and diplomatic reasons that were primarily responsible for the lengthy detours and unforeseen delays in this twenty-month journey and to demonstrate that extra-legal factors influenced the preliminary stages of the trial at every step of the way: military and diplomatic reasons delayed the initiation of the preliminary trial proceedings until April 1946, whereas political calculations became central in the planning of the pre-trial proceedings. In fact, the choice to arrest and place the members of ‘the Antonescu group’ on the list of war criminals and send them before the Bucharest People's Court for trial rested primarily with the Romanian government, but the timetable of the judicial proceedings had been discretely manipulated by Moscow to suit its own political and propagandistic interests.

The chapter will be divided in four sections, arranged chronologically: first, the arrest and initial detention of ‘the Antonescu group’ in Bucharest (late August 1944); second, the Antonescu group’s long detention in the Soviet Union (September 1944- April 1946); third, the protracted Soviet-Romanian negotiations for the return to Romania of the members of ‘the Antonescu group’ (March 1945- April 1946); and fourth, the legal preparations for the trial of the Antonescu group before the Bucharest People's Court (April – May 1946).

4.2. The arrest and initial detention of ‘the Antonescu group’ (August 23- 31, 1944)

The decision to remove Marshal Ion Antonescu from power and eventually arrest him was a crucial component of the *coup d'état* of August 23, 1944, by which Romania renounced its military and diplomatic alliance with the Axis in order to join the United Nations. Of all the aspects of the *coup*, Marshal Antonescu’s detention was one of the least prepared part of the plan. The issue was broached during the NDB negotiations in the months prior to the coup, but it was assigned only secondary importance and nothing definite had been agreed upon it. It was only decided that the Royal Palace would be well suited for arresting and temporary detain Marshal Antonescu, but no clear consensus was reached on who should take him into custody¹. The fear of being exposed and the threat of German retaliation could explain the NDB leaders’ reluctance to be too specific or even resolute in their plans. The only ones who were apparently willing to take this risk and disposed of the necessary means were the Communist leaders².

During one of the NDB conspiratorial meetings in June 1944, Pătrășcanu claimed that the

¹ USHMM RG-25.004M ‘Selected records from the Romanian Information Service, 1936- 1984’, Reel 36, Folder 40010, ‘Sinteză. Declarația condamnatului Mocsoni Stârcea Ion’, files 200- 201.

² Dumitru Dămăceanu, ‘O consfătuire istorică’ in *Magazin istoric* 6/ 27 (June 1969): 2 - 7.

Communist Party could prepare a small paramilitary Communist guard, armed and ready to take the deposed members of the Antonescu government in custody. The other NDB members did not welcome with open arms this daring proposal due to their lingering suspicions towards the true intentions of their newfound Communist allies. This lack of preparations and the rapidly deteriorating situation on the Moldavian front in late August 1944, where the retreating German and Romanian troops were no longer able to contain the impetuous advance of the Soviet troops, added new urgency to the task of arresting Marshal Antonescu. Suffice it to say that this highly volatile situation left room for last minute improvisation and reckless opportunistic initiatives.

The crucial event took place on August 23, 1944, when the first stage of the coup unfolded. In the afternoon of that summer day, Ion and Mihai Antonescu were invited at the Royal Palace to discuss with King Mihai the rapidly deteriorating situation on the front. After a short and agitated discussion, during which the *Conducător* firmly refused either to immediately sign the armistice with the United Nations or step down from office, the King had both Antonescu's arrested. Within the next hours, other key members of the deposed cabinet (Generals Constantin Pantazi, Dumitru Popescu, Constantin Z. Vasiliu and Colonel Mircea Elefterescu) were convoked at the Palace and taken into custody by the Palace Guards³. For lack of a more secure place, the detainees were crammed in the safe of the Royal Palace, a short-term measure designed to buy the NDB leaders the needed time to set into motion the next stages of the coup.

As expected, the German military and diplomatic representatives in Bucharest refused to accept Romania's *volte-face* and threatened the new Sănătescu cabinet with massive retaliation. Faced with the imminent attack of the German troops stationed in Romania on the Royal Palace, the members of the transitional government hesitated about what should be done with the detainees from the Royal safe. L. Pătrășcanu, the Communists representative in the NDB, seized

³ Ciucă, ed., *Procesul Mareșalului Antonescu*, 1: 17.

the moment and renewed his bold proposal, suggesting that the detainees should be moved to a secret location under the protection of a small Communist militia force. The stated reason for making such a request seemed reasonable enough, given that the German troops were preparing to launch a full-scale attack on the Royal Palace and the few Palace Guards defending the place were ill-prepared to handle such a threat. Since no other NDB political parties were able to muster militia forces of their own, the King reluctantly accepted Pătrășcanu's offer. Thus, on the night of August 23, the Palace Guards received the order to hand over 'the Antonescu group' to a Communist militia force, led by Emil Bodnăraș⁴. Upon hearing of this the next day, the other NDB leaders, such as Iuliu Maniu, began to wonder whether the King had an ulterior motive for agreeing to the Communists' demand and did not actually intend to 'rid the country' of the two Antonescus in hope that the local Communists would eventually hand him over to the Soviets⁵.

After securing custody of 'the Antonescu group', the Communist militia escorted them to a safe house in Vatra Luminoasă in the Eastern sector of Bucharest. Here, Marshal Antonescu and four of his collaborators were detained in the relative comfort of a suburban villa, but under strict control: they were guarded by both a Communist 'civic guard' (Apărarea Patriotică) and a small contingent of Army soldiers, had limited access to outside information and no contact with outside persons except a few select Communists and loyal state officials. Lieutenant-Colonel Traian Borcescu, the interim head of the Romanian SSI, was one of these few officials sent by the new government to check upon the detainees on August 28, 1944⁶. He found that Marshal Antonescu and his collaborators had been generally well-treated, but their morale was affected

⁴ Mircea Hanegariu, ed., *Principiul bumerangului: documente ale procesului Lucrețiu Pătrășcanu* (București: Editura Vremea, 1996), 'Declarație Ion Mocsony Stârcea' (1951, June 23), 130.

⁵ Hudiță, *Jurnal politic (1 ianuarie – 24 august 1944)*, 513- 514.

⁶ Mariana Conovici and Octavian Silivestru. 'Traian Borcescu, locotenent-colonel; șeful Direcției de Contraintformații din cadrul Serviciul Special de Informații', in C 128/Arhiva de Istorie orală a S.R.R., July 1999. <http://www.flux24.ro/marturii-23-august-1944-traian-borcescu-seful-directiei-de-contraintformatii-din-cadrul-serviciul-special-de-informatii-titus-garbea-seful-misiunii-militare-romane-pe-langa-comandamentul-german-p/>

by the uncertainty about their future and that of the families they were forced to leave behind.

The members of ‘the Antonescu group’ had every reason to worry about their future. The question whether their Communist captors were hoping to use them as a bargaining chip in future negotiations with the other NDB members or were planning to extradite them to the Soviet military authorities (in agreement with the other NDB leaders) weighed heavily on them. The idea of being handed over to the Red Army, with whom Romania had been at war for three years and still had not signed a cease-fire agreement, was daunting. According to General Pantazi, Marshal Antonescu expected no leniency from the Soviets and, in his darkest moments, was not excluding the possibility that he would meet his untimely end before a Soviet execution squad⁷.

Even today, inferring the intentions of the Sănătescu cabinet towards the detainees remains difficult due to the many lapses and incongruities found in the primary sources. Prime-minister Sănătescu stated in his diary that the deposed members of ‘the Antonescu group’ were ‘political prisoners’ and the determination of their fate was, in fact, a ‘Romanian affair’⁸. However, despite the concision that characterizes the latter’s writing, there is a noticeable omission when it comes to the visits made by General Aldea, the new Secretary of the Interior, to the safe house in Vatra Luminoasă. General Pantazi’s diary fills in this omission: during one such visits on August 28, General Aldea supposedly told the detainees that, in light of the volatile situation on the front, they would be transported ‘for safekeeping’ to Moscow and returned to Romania in order to stand trial after things ‘had settled down’⁹. It remains unclear until today whether General Pantazi’s narrative, drafted probably after 1946, was not an *ex post facto* exculpatory account intended to lionize the writer’s dignified conduct in the face of adversity and ‘intuitive judgment’.

Irrespective of the local Communists’ or the Sănătescu cabinet’s original plans, the decisive

⁷ Pantazi, *Cu Mareşalul până la moarte*, 319.

⁸ Sănătescu, *Jurnal*, 169.

⁹ Pantazi, *Cu Mareşalul până la moarte*, 317.

Soviet intervention settled the issue on August 31, 1944. As soon as the Soviet troops entered Bucharest, General Burenin of the Second Ukrainian Front presented himself to Prime-Minister Sănătescu and, claiming that he was acting under Stalin's direct orders, demanded to inspect the place where Marshal Antonescu was being held. After some hesitation in accepting his claims at face value, General Sănătescu instructed General Aldea to take the Soviet envoy and presumably new ally to the safe house in Vatra Luminoasă for a cursory inspection. Upon arriving, General Burenin met with his military escort and dropped all pretense: he claimed that the place was not properly guarded and demanded that the detainees be transferred into Soviet custody. General Aldea protested to this abusive request, but had to give in after General Burenin, now seconded by General Tevcenko, threatened to use force if his demands were not met¹⁰. In fact, he could not risk provoking a conflict with the Red Army right when Romania was negotiating the armistice with the Allies¹¹. General Sănătescu was of the same opinion and was reported to have said that 'sooner or later, regardless of how secretive their place of detention was or how well they were guarded in the country, they would still have had to extradite them at the Soviet request'¹².

4.3. 'The Antonescu group' in Soviet custody (August 1944- April 1946)

The precision and speed of this Soviet 'extraction operation' on Romanian territory, carried out by Soviet troops under the command of 'political officers' (in reality, Soviet counter-intelligence services officers wearing Red Army military uniforms), leaves little doubt about its premeditated nature. However, it remains highly controversial whether this Soviet operation was

¹⁰ USHMM RG-25.004M, 'Sinteză. Declarația condamnatului Mocsoni Starcea Ion', files 364- 366.

¹¹ General Aurel Aldea, 'Acesta este adevărul!' in <http://www.csms.ro/csms/Istorie/23Aug.htm>

¹² USHMM RG-25.004M, 'Sinteză. Declarația condamnatului Mocsoni Stârcea Ion', 366.

an abusive intervention in Romanian affairs (an 'extraordinary rendition' or 'clandestine extraction' operated by Soviet intelligence forces near the front line) or the result of some sort of extradition negotiated in secret and in haste between the Soviet and Romanian governments.

Shortly after being taken into custody by the Red Army, the five high-ranking detainees (Ion and Mihai Antonescu, General C. Z. Vasiliu, General C. Pantazi and Colonel M. Elefterescu) were transported across the Eastern Romanian border and handed over to a team of SMERSH operatives. A few days later, another two high-profile detainees (Gheorghe Alexianu and Radu Lecca) were taken into custody by SMERSH and sent to Moscow for interrogations. After all the members of 'the Antonescu group' had been extracted from Romania and handed over to SMERSH, Marshal Malinovsky, the commander of the Second Ukrainian Front, and Lieutenant-General Susaikov wrote a report to Stalin, dated September 2, 1944, in which they informed him of the success of the mission¹³. This fact, coupled with Generals Burenin's claim that they were acting under Stalin's direct order, seems to confirm that Marshal Antonescu's capture was a top-priority intelligence mission ordered by the Soviet government.

The scant amount of evidence concerning Soviet intentions has fueled much speculation about the reasons behind the transfer of 'the Antonescu group' to the Soviet Union. Taken at face value, the Red Army's intervention in Romanian affairs was not just a simple retaliatory measure, but seems to have been driven by immediate military and intelligence imperatives. With Romania removed from the Axis camp, but not yet bound to the United Nations by any formal agreement, the situation in the Romanian sector of the front seemed 'volatile'. The German troops stationed here had already launched a massive attack on Bucharest, making quite palpable the threat of staging a daring rescue operation of Marshal Antonescu, just like they did

¹³ Conovici and Silvestru, 'Traian Borcescu, locotenent-colonel'. <http://www.flux24.ro/marturii-23-august-1944-traian-borcescu-seful-directiei-de-contrainformatii-din-cadrul-serviciului-special-de-informatii-titus-garbea-p/>

in Italy with B. Mussolini. Thus, removing him from the rear of this sector of the front seemed like a sound military decision. The high-ranking detainees also represented a valuable source of intelligence, which could shed light on Hitler's last desperate moves on the Eastern front (Marshal Antonescu had met the Führer in early August 1944) or the covert activities of German Intelligence services in Eastern Europe (the Romanian SSI kept a close eye on their evolution).

The involvement of the Soviet military counterintelligence in this affair casts a different light on the importance attached to Marshal Antonescu's arrest. By placing the events that took place in Romania in late 1944 into a larger regional perspective, the extraction of 'the Antonescu group' can be explained within a pattern of Soviet intelligence operations behind the front line, in the territory of Axis satellites, intended to capture both German and local military and political leaders and transport them to the Soviet Union in order to be interrogated and, in some cases, to be tried in a Soviet court. In Romania, the Soviets arrested not only the leaders of the Antonescu regime, but also several key members of the German Legation to Romania, the German Military Mission, the anti-Soviet White leaders living in exile and the Romanian SSI¹⁴ This assignment was entrusted to SMERSH (abbreviation of *Smert shpiyonam* or 'Death to Spies'), a wartime counter-intelligence agency (distinct from NKVD) established in 1943 with a specific repressive and intelligence mandate¹⁵. Stalin appointed Viktor S. Abakumov as head of the new agency and tasked him with identifying and punishing traitors, deserters and Nazi collaborators among the Red Army, the partisan movement and the civilian population. In addition, SMERSH handled the interrogation of the liberated Soviet prisoners of war and captured Axis officers, thus recruiting a

¹⁴ Vadim J. Birstein, *SMERSH. Stalin's Secret Weapon. Soviet Military Counterintelligence in WWII* (London: Biteback Publishing, 2011), 349- 351. For a general overview of SMERSH operations in Romanian territories between 1944 and 1946, see Vadim Guzun and Valeryi Vlasenko, eds., *Anchetat de SMERȘ: asul SSI și liderul emigrației ucrainene din România în dosarele SBU, 1944-1947* (Cluj-Napoca: Editura Argonaut, 2016) and Paul Moraru, *SMERȘ în Basarabia, 1944- 1954* (București: Editura Militară, 2013).

¹⁵ Jonathan Haslam, *Near and Distant Neighbors: A New History of Soviet Intelligence* (New York: Farrar, Strauss and Giroux, 2015), 143.

vast network of informants that helped it to counter the operations of the German intelligence¹⁶.

In spite of the many ambiguities, omissions and secrecy that shrouded SMERSH operations in 'liberated' Europe, the data gleaned from recent declassified intelligence files allow us gain a better understanding of the Soviet treatment of 'the Antonescu group'. According to the recollections of Lieutenant-Colonel Mikhail Belousov, the Soviet military escort who took custody of the five high-ranking Romanian detainees in Bucharest turned them over to a SMERSH special detachment in the city of Bălți¹⁷. M. Belousov, as head of this detachment, was entrusted with overseeing the evacuation of the high-ranking prisoners to Moscow via rail. To this purpose, he commissioned a special five-car train and took measures to ensure that during the two-day journey to Moscow, the Romanian prisoners would enjoy the comfort appropriate to their military rank and political significance. Heartened by this preferential treatment, Marshal Antonescu approached Belousov and made inquiries about the fate that awaited him in Moscow. Belousov did not offer a clear answer, yet did little to dispel Marshal Antonescu's illusive hope that he was actually taken to Moscow to negotiate an armistice with the Soviet Union¹⁸.

Once transferred to the Soviet Union in September 1944, the members of the Antonescu group remained in SMERSH custody for almost two years, during which time their detention regime gradually deteriorated. In the first stage (September 1944 to June 1945), the high-ranking Romanian prisoners were afforded all the extra amenities appropriate to their military rank and political prisoner status: they were detained in a spacious country house in Galitsin (a locality near Moscow), were given access to proper medical care and had the chance to meet, in passing, other high-ranking political prisoners, such as the members of the deposed Bulgarian Regency

¹⁶ Michael Parrish, *The Lesser Terror. Soviet State Security, 1939- 1953* (Westport: Praeger, 1996), 111- 145.

¹⁷ Boris Syromyatnikov, 'Forty-six hours with the Romanian dictator' [In Russian original: 'Сорок шесть часов с румынским диктатором']. <http://vpk-news.ru/articles/4248>.

¹⁸ Ibid.

and Senior Lieutenant Prince Fumitaka Kanoë, a relative of the Japanese Emperor. These ten months of ‘house arrest’, as General Pantazi called it, came to an abrupt end in June 17, 1945, when Soviet authorities changed their attitude (possibly under the impact of the recent German capitulation) and began treating the members of ‘the Antonescu group’ as common political prisoners. During this second stage (June 1945 to April 1946), the detainees were transferred to two SMERSH prisons in Moscow (Lubianka and Lefortovo), where they were immediately separated, detained in overcrowded prison cells and subjected to a more rigorous regime¹⁹.

The members of the Antonescu group were subjected to interrogations from the first week of their captivity according to the well-tried SMERSH methods of questioning prisoners. As with other foreign high-ranking prisoners, V. Abakumov himself usually conducted the opening ‘interviews’ on September 5, 1944 in an effort to evaluate the prisoners’ willingness to provide information. This set the tone for the following questioning that took place in Galitsin (September 1944 to June 1945) under the supervision of Major Rodin, who attempted to establish rapport with the detainees and gain their willing cooperation by affecting a ‘sympathetic posture’ towards them. Each detainee was questioned in the format of an hour up to three hour-long ‘individual interview’ by a rotating team of SMERSH officers, seconded by interpreters. They employed persuasion rather than coercion in order to obtain information from the detainees, offering them various assurances in an effort to lower their ‘resistance’. This ‘soft’ interrogation technique produced only limited results, as the detainees had the possibility to meet afterwards and exchange information, thus growing increasingly wary of the sincerity of the hollow promises of ‘lenient treatment’ or ‘imminent release’ waived around by their Soviet captors. They were even able to sketch a common ‘defense strategy’, which stressed the role of the international context in the decision-making process and the harsh reality of combat on the

¹⁹ Pantazi, *Cu Mareşalul până la moarte*, 338- 339.

Eastern front. According to General Pantazi, Marshal Antonescu accepted to take full responsibility for Romania's alliance with the Axis and participation to Operation Barbarossa in the hope that his confession would persuade Moscow to show leniency towards his collaborators:

The Marshal took sole responsibility for the killings caused by the reprisals at Odessa and the attempts to solve the Jewish question, claiming that if Mihai Antonescu could also assume sole responsibility for the course of Romania's foreign policy and partial responsibility for the domestic political line, then we [Pantazi, Vasiliu and Elefterescu] would be relegated to the role of subordinates accountable only to the Marshal, as the existing Romanian legislation stipulated.²⁰

This was all about to change in June 1945, when the detainees were transferred to the overcrowded and unsanitary prison cells of the Lubianka prison in Moscow (Radu Lecca, another high-ranking member of the Antonescu regime, was taken to Lefortovo prison). 'The Antonescu group' was assigned to a new interrogation team, led by Lieutenant-Colonel Sokolov, the head of the SMERSH Investigation Division, who made use of more stern interrogation techniques. The Romanian detainees were kept in separate cells and were interrogated for longer periods of time by a rotating team of officers, whose tone was harsher and resolve to obtain full confessions stronger. As opposed to what happened in Galitsin, the detainees were not mainly asked to provide information about their involvement in wartime activities, but also to confess their guilt. At the end of each session, the detainees were read the transcript of the interview and had to acknowledge the accuracy of the Romanian translation. During one such interrogation, a SMERSH officer reprimanded Marshal Antonescu for his reluctance to make full confessions and told him bluntly that '[you] launched a war of aggression and plunder and you are a Hitlerite, because you employed [during the occupation of] Odessa the same methods as the Hitlerites.'²¹

It is unclear how far these officers went in order to obtain full confessions, as both General

²⁰ Ibid., 330.

²¹ Ioanid, ed., *Lotul Antonescu*, 32.

Pantazi and Marshal Antonescu kept quiet about the time they spent in Lubianka prison. Whether the interrogators resorted to some form of physical coercion or not, the sinister place in which the investigation took place and the severity of the interrogation techniques were intended to intimidate the detainees. According to some indirect sources, the high-ranking Romanian POWs were subjected to a very degrading treatment by the other inmates in the prison cells at Lubianka and confessed only to their close relatives the humiliations and abuses they had to endure in the infamous Soviet prison²². Even though the suspicions of ill-treatment cast doubts over the ‘legal value’ of the confessions obtained from the Romanian detainees, the historical significance of the information contained in the SMERSH investigation file of ‘the Antonescu group’ cannot be easily denied. The collection of interrogation transcripts, prisoner statements and annexed documents (probably documents captured from the military archives of the Antonescu cabinet during the Soviet offensive in Romania in late August 1944) comprised in this file provide valuable insight not only into the planning of the ‘war crimes’ perpetrated by the Romanian Army in former Soviet territories²³, but also into Marshal Antonescu's tentative defense strategy.

The SMERSH investigators approach to the so-called ‘Romanian war criminality’ more from the perspective of accountability than of documenting the details of the ‘war crimes’ perpetrated under the responsibility or with the knowledge of the detainees. Their questions generally focused on the issue of responsibility, seeking to collect incriminating evidence of both chains of command responsibility (liabilities for senior military officers for issuing orders that led to these atrocities) and lines of command responsibility (the responsibility of the various

²² Ion Pantazi, *Soldat al mareșalului*, 44- 45.

²³ RG-06.025, ‘Central Archives of the Federal Security Services (FSB, former KGB) of the Russian Federation Records Relating to War Crime Trials in the Soviet Union, 1939-1992’, Reel 43, ‘Antonescu and others H-18767’. A selection of these transcripts was published in Teodor Mavrodin, ed., *Mareșalul Antonescu întemnițat la Moscova* (Pitești: Editura Carminis, 1998), 162- 185; Alina and Șerban Pavelescu, ‘Mareșalul Antonescu: alte interogatorii’ in *Magazin Istoric* 10/ 367 (October 1997): 29- 30; Ciucă, ed., *Procesul Mareșalului Antonescu*, vol. 3. The full transcript of the SMERSH interrogations, however, was published with a forward and critical apparatus by the editor in Ioanid, ed., *Lotul Antonescu*.

military, paramilitary and gendarme forces, whose jurisdictions often overlapped in the Soviet occupied territories). The actual investigation left to the Extraordinary State Commission, which produced, among other things, a vivid description of the long list of atrocities perpetrated in northern Bukovina, Bessarabia and temporarily-occupied Transnistria between 1941 and 1944²⁴.

The SMERSH investigators insisted on several recurrent questions, which can be grouped under three clusters: ‘crimes against peace’ (the German- Romanian collaboration, including the planning of the Barbarossa Operation and the coordinated efforts of the German and Romanian intelligence services), ‘war crimes’ (the ill-treatment of Soviet POWs and partisans) and ‘crimes against humanity’ (the atrocities against the Soviet civilian population in the occupied territories and the persecution of ethnic minorities in Romania). Their starting premise was that all these crimes were perpetrated under the detainees’ direction, endorsement or with their knowledge, given that they had held positions of such high authority. In reference to the Romanian army’s violations of the laws and customs of war, they asked specific questions about the treatment of the Soviet POWs captured by the Romanian troops, but when it came to the civilian population, the questions were less specific and the investigators used the broader terms ‘Soviet civilians’ or ‘partisans’ instead of more specific ethnic categories, such as Jewish people or Ukrainians.

The carefully dosed pressure exerted by the SMERSH investigators quickly yielded results, as the members of ‘the Antonescu regime’ became more willing to offer detailed confessions. Detained in separate cells and interrogated individually now, their defense arguments became less and less consistent, gradually withering away with their last hopes of regaining their freedom. Each of the high-ranking Romanian captives reacted differently under pressure: many

²⁴ The findings were selectively published in Ilya Erenburg and Vasily Grossman, eds., *The black book: the ruthless murder of Jews by German-Fascist invaders throughout the temporarily-occupied regions of the Soviet Union and in the death camps of Poland during the war of 1941-1945* (New York: Holocaust Library, 1981). The section listing those considered responsible for ordering such crimes and atrocities, with Marshal Antonescu in the top position, was censored both in the original Russian and the Romanian editions.

of them, including Marshal Antonescu, partially admitted their ‘guilt’ when they saw that their efforts to justify their wartime actions and policies were strongly countered by the investigators, while a few, such as Radu Lecca, obstinately continued to evade any form of responsibility.

Marshal Antonescu, as Romania’s former *de facto* ruler, underwent long interrogation sessions, during which the SMERSH officers focused upon substantiating the overarching claim that Romania took part in the Nazi conspiracy to prepare a war of aggression against the Soviet Union from the onset of the Romanian-German collaboration in 1940. When asked, Marshal Antonescu confessed to having been part of the German plan of invasion from the beginning, but stressed that he had supported such a position only in the face of mounting German pressure:

‘Question [Interrogator]: You were arrested in Romania by the Soviet High Command because you are one of those responsible for the German-Romanian war against URRS. Do you admit to it?

Answer [Ion Antonescu]: Yes, I admit. I am responsible, first and foremost, for reinforcing Romania’s alliance with Germany and helping Hitler in the conduct of the expansionist war in Europe after I had assumed power in Romania in September 1940. [...] Please acknowledge that if I hadn’t helped Hitler in his expansionist war, the German Army would have occupied Romania.

Question [Interrogator]: By siding with Hitler, you were not driven by the threat of occupation, but by your own aggressive tendencies. This is what you have to tell us first.’²⁵

The activity of the German intelligence services in Romania was another important topic, in which Abakumov personally took a keen interest. Eugen Cristescu, the former director of the SSI, gave detailed statements and answered at length the SMERSH investigators’ questions, hoping that he could convince his Soviet captors that the intelligence service he was heading was merely following Marshal Antonescu’s orders. Cristescu confessed that he ‘had legalized the relation between SSI and the Abwehr’ during the war years, but repudiated any shared ideological commitment with the Nazi regime or the accusation of ‘having placed the SSI in the service of the German intelligence’, while denying any involvement in the racial persecutions²⁶.

²⁵ Ioanid, *ed.*, *Lotul Antonescu*, ‘Procesul Verbal al arestatului Antonescu Ion (1945, June 26)’, 85.

The ill-treatment of Soviet POWs at the hands of Romanian troops represented the central topic in the questioning of General C. Pantazi, the former Secretary of War who had overseen, among others, the Romanian forced labor camps for POWs. He reluctantly admitted that Soviet POWs had been subjected to inhumane treatment and many died of exposure, starvation, disease or even execution in the prisoner camps that were under his supervision, but constructed his defense on a number of arguments such as ‘superior orders’ and ‘military necessity’:

Question [Interrogator]: As Romanian Secretary of War, you are guilty of having subjected the Soviet POWs to torture. Do you admit to this?

Answer [C. Vasiliu] Yes, I admit. [...] After Marshal Antonescu entrusted me with overseeing the POW camps, I ordered Colonel Săulescu and other camp commanders to introduce corporal punishments for all Red Army POWs. My intention in taking this measure was to instill fear in the hearts of the Soviet officers and soldiers. Under the cover of my order, the Romanian soldiers guarding the POW camps ill-treated the Soviet prisoners without any excuse. The beating of Russian prisoners was a common practice in the camps.

Question [Interrogator]: The executions of POWs were also a common practice?

Answer [C. Vasiliu]: Yes. I confess that many Soviet soldiers were shot in the camps²⁷

The persecution, exploitation and destruction of the civilian population in the Soviet occupied territories formed the topic of several interrogation sessions with Gheorghe Alexianu, the former civilian governor of Transnistria. Alexianu confessed to the systematic spoliation of the occupied provinces and to the alleged intention of the Romanian occupation authorities to introduce ‘the Nazi New Order’ in Transnistria²⁸. Pressed by his interrogators, he reluctantly admitted to the systematic persecution of the local Jewish minority, as well as the Jewish and Roma populations deported from Bessarabia, Bukovina and the Old Kingdom. When the topic of the Jewish massacres perpetrated in 1941 was broached, he made efforts to minimize his own involvement or shift the blame on the Romanian military commanders or even the SS troops. He

²⁶ Ibid, ‘Protocolul interogatoriului arestatului CRISTESCU Eugen (1946, April 5)’, 268 - 269.

²⁷ Ibid., ‘Proces-verbal al arestatului Pantazi Cristea (1945, June 28)’, 112.

²⁸ Ibid., ‘Proces-verbal al interogatoriului arestatului Alexianu I. Gheorghe (1945, March 29)’, 138- 139.

argued that he lacked the executive authority of territorial jurisdiction to prevent such retaliatory measures, ordered by the Romanian or German military to curb local partisan resistance:

‘Question [Interrogator]: Tell us more about the scale of the repression against the Soviet population in the province that you were mandated to govern [Transnistria].
 Answer [Gh. Alexianu]: [...] Before the Romanian administration took charge of Transnistria, several mass shooting of the Jewish population took place in July-August 1941. This was the first period of mass executions of Jewish and Soviet citizens. The second one took place the second day after the conquest of Odessa. Somebody blew up the Romanian High Command [Headquarter]; 106 Romanian officers died. After that, on October 23, 1941, an order was issued, with Marshal Antonescu’s approval and signed by Lieutenant-General Trestioreanu, the military commander of Odessa, ordering the troops to shoot 200 Jews for every dead Romanian; 50 00 Jews were shot. This was the end of the mass executions.²⁹

The question of the persecution and spoliation of the Jewish population in Romania by the corrupt state administration was also broached. Radu Lecca, former Commissar for Jewish Affairs, was pressed to confess to the many abuses perpetrated in Romania by himself and his subordinates, especially the exploitation of the local Jewish population for personal gain. He obstinately denied these accusations and made efforts to convince the SMERSH investigators that the spoliation of the Jewish population adopted in Romania was justified by the ‘war effort’:

Question [Interrogator]: It is well known that you abused the right to issue forced labor exemptions to the Jewish population in order to fill you own pockets. Do you admit to this?
 Answer [R. Lecca]: No, I do not admit to this, because I have never abused my prerogative to exempt Jews from forced labor in order to fill my own pockets.
 Question [Interrogator]: It is not true. It is well known that you and Ambassador Killinger went on a hunting expedition in Tulcea [Romania]. There, with the facilitation of a local landowner, you took bribes from local Jews in order to exempt them from forced labor.³⁰

After May 1945, the Soviet authorities began contemplating the idea of bringing the Romania prisoners to trial. Apparently, their intention was not to have them prosecuted before a local Soviet court, but to bring them before the IMT at Nuremberg to serve as witnesses for the

²⁹ Ibid., ‘Proces-verbal al interogatoriului arestatului Alexianu I. Gheorghe (1945, April 15)’, 148- 149.

³⁰ Ibid., ‘Proces-verbal al interogatoriului arestatului Lecca Radu Dumitru (1945, May 11)’, 367.

prosecution in a similar capacity as Field Marshal Friedrich von Paulus. This way, the claim that the Barbarossa Operation of June 1941 represented a premeditated and unprovoked fascist aggression over the peaceful Soviet Union would gain additional media exposure and credibility. This is one of the possible reasons why some interrogations conducted in June 1945 (one with Mihai Antonescu and the another with Constantin Vasiliu) were also translated into French³¹. The attitude of the US Department of State concerning the transfer of the Romanian prisoners to Nuremberg was sounded in the spring of 1946 and the American prosecution team at Nuremberg considered unnecessary the presence of Marshal Antonescu as a witness before the IMT³².

Even so, the Soviet prosecution made use of Ion Antonescu's and Mihai Antonescu's interrogations during the Nuremberg trial proceedings in order to give more weight to the charge of Nazi conspiracy to launch a war of aggression and plunder. General R.A. Rudenko, the chief Soviet prosecutor, employed large excerpts from Marshal Antonescu's interrogations in his address before the Tribunal on February 8, 1946 in order to give more weight to the claim that the German plan to invade the Soviet Union was prepared long before 1941 and Romania had been an 'active and willing participant' in the war of aggression against the Soviet Union:

In his written testimony given to the investigating authorities of the Soviet Union, which will be presented to the Tribunal, Marshal Ion Antonescu gives an account of his meetings with Hitler in November 1940, January 1941, and May 1941, at which were discussed the questions with regard to the preparations of war against the Soviet Union. [...] In reply to the question put by the Soviet investigating authorities to Antonescu, whether his first conference with Hitler should be considered as his initial step towards an understanding with the Germans for the preparation of aggressive war against the Soviet Union, he stated, "I reply in the affirmative. Hitler undoubtedly had this in mind when working out the plans for attacking the Soviet Union"³³

³¹ RG-06.025 – Selected Records from the Central Archives of the FSB (former KGB) ..., Reel 43, Folder 'Antonescu and others H-18767', File no. 1, 'Procès-verbal á Mihai Antonescu le 23 juin 1945)', 69- 72 and 'Procès-verbal á Vasiliu Constantin le 10 juin 1945)', 175- 180.

³² Ciucă, ed., *Procesul Mareşalului Antonescu*, 1: 22- 23.

³³ *Trial of the Major War Criminals before the International Military Tribunal. Nuremberg 14 November 1945- 1 October 1946*, Nuremberg: s.n., 1947, vol. VII, 'Proceedings 5 February 1946- 19 February 1946', 161- 162.

General Zorya, another member of the Soviet prosecution team, quoted lengthy excerpts from Marshal Antonescu's and General Pantazi's statements to illustrate the German hegemonic policy in Eastern Europe prior to 1941 and the war preparations undertaken by the Axis satellites against the Soviet Union. He admitted during his presentation that the Red Army had taken in custody certain high-ranking members of the Antonescu regime, including the two Antonescu and Gheorghe Alexianu, and stressed that their interrogations 'were conducted in conformance with the laws of the Soviet Union' and the depositions taken were 'of exceptional importance in making clear the characteristics of the relationship between Germany and her satellites'³⁴.

In order to give more weight to their allegations, the Soviet prosecutors introduced as exhibits four affidavits signed by Marshal Ion Antonescu, Mihai Antonescu, Gheorghe Alexianu and, respectively, General Constantin Pantazi between 6 and 9 January 1946 and ten documents captured from Marshal Antonescu's personal archives (diplomatic correspondence and official transcripts of conversations between Romanian and German high-ranking officers and state officials). The translated copies of these documents were submitted to the Tribunal and catalogued as 'exhibits of the Soviet prosecution', but their content was not actually reproduced in the subsequent 42-volume series, known as 'the Blue Series', which contained the official records of the Nuremberg trial, published in 1947³⁵. These copies were probably taken from the military archives of the Antonescu cabinet, seized by the Red Army in Romania in late August 1944 and transferred, as far as one can infer, into SMERSH custody. A sample of 29 Romanian documents, including some official letters exchanged between Marshal Antonescu and Adolf Hitler, were included as an annex in the massive SMERSH dossier on the Antonescu group³⁶.

³⁴ Ibid, 304.

³⁵ Ibid., vol. XXIV, 175 – 177.

³⁶ Ioanid, ed., *Lotul Antonescu*, 'Dosarul H-18767 vol. 3', 407- 462.

4.4. The Soviet-Romanian negotiations for the return of ‘the Antonescu group’

With the option of prosecuting ‘the Antonescu group’ before an international court no longer available, the Soviet authorities began the preparations for the transfer of the detainees to Bucharest. The Romanian authorities had no clear idea about the Soviet intentions and some Romanian statesmen presumed that, since Marshal Antonescu became a Soviet prisoner, he would be tried either before a local Soviet court or by an Allied international tribunal, such as the IMT in Nuremberg³⁷. Moscow did little to reduce this ambiguity and kept its intentions secret even from their Romanian Communist allies. For instance, when Secretary Pătrășcanu delivered a public speech on war crimes trials in 1945 and was asked about the fate of the deposed Marshal Antonescu, he had to reluctantly admit that ‘nothing [definite] had been determined yet’³⁸.

The Romanian authorities were most likely not aware of the Soviet intentions regarding Marshal Antonescu prior to March 1945. Only after the new Groza Communist government came to power in March 1945 and accelerated the preparations for the first wave of war crimes trials did Secretary Pătrășcanu began to sound the Soviet attitude concerning the fate of ‘the Antonescu group’. According to the Armistice Convention signed with the United Nations on September 12, 1944, Romania was required to prosecute local suspected war criminals under the supervision of the ACC. Thus, Secretary Pătrășcanu approached the Soviet councilors in the ACC on April 5, 1945 and asked them to convey his queries about ‘the Antonescu group’ to Moscow. He argues that the Romanian Department of Justice was currently preparing the lists of war criminals to be put on trial and he needed to know whether the Soviet authorities ‘considered opportune’ the release of Marshal Antonescu into Romanian custody to stand trial.

³⁷ Ciucă, ed., *Stenogramele ședințelor Consiliului de Miniștri Sănătescu*, Doc. no. 16 (1944, October 5), 1: 301.

³⁸ Pătrășcanu, ‘*Legea criminalilor de război*’, 111.

Here are his four questions concerning the situation of ‘the Antonescu group’:

1. What are the considerations that form the Soviet government’s attitude towards the prosecution of Antonescu and his clique, who are held under armed guard in URSS?
2. When and how, in the opinion of the Soviet government, should the major war criminals in Romanian custody be tried?
3. Provided such a trial were initiated, should [Ion] Antonescu be tried in absentia?
4. In the opinion of the Soviet government, what steps need to be taken in order to coordinate the activity of the Soviet and respectively, Romanian authorities regarding the preparations of trial materials?³⁹

Anton Pavlov, the influential Soviet representative in Bucharest who oversaw from the shadows the activity of the Romanian Department of Justice, served as an intermediary in the ensuing Romanian-Soviet negotiations concerning the extradition of ‘the Antonescu group’. Based on his optimistic evaluation of the situation in Romania, A. Pavlov advised the central Soviet authorities to consider favorably Secretary Pătrășcanu’s request. By doing so, he assured them, the prestige and popularity of the new Communist government will certainly increase. Moscow’s reply, however, was not the most supportive: the Commissar for Foreign Affairs Molotov did not think that the Groza government was in full control of the situation and the local opposition’s deep hostility towards the RCP did not foretell a ‘favorable outcome’ for the trial:

Due to Romania’s domestic and international situation, it is necessary to postpone the transfer of [Marshal Ion] Antonescu into Romanian custody and his prosecution. Although neither the general population nor the upper social strata in Romania have any shred of compassion left for [Marshal Ion] Antonescu and his group and he could be sentenced to death without anybody protesting, the current [Groza] government must not assume yet the task of organizing this trial because this would impose some definitive conclusions [which the local population is not ready to accept]. This situation can, in turn, prompt the domestic and foreign enemies of the Romanian government to initiate maneuvers. It would be advisable to act towards the consolidation of the political basis of the government, and when the domestic and international situation shall permit it, we will examine again the issue concerning [Marshal Ion] Antonescu’s prosecution⁴⁰.

³⁹ Tatiana A. Pokivailova, ‘Cum a fost "retrocedat" grupul Antonescu guvernului român,’ in *Magazin Istoric* 8/ 341 (August 1995): 20.

⁴⁰ Mocanu, ed., *România și Armistițiul cu Națiunile Unite*. Doc. no. 77 (1945, June 9), 2: 307.

Despite its brevity and somewhat ambiguous formulation, this diplomatic cable from June 1945 provides some insight into the main concerns that shaped Moscow's attitude towards 'the Antonescu group'. At least three inter-related factors can be identified: first, 'the international situation', i.e. the inter-Allied negotiations concerning the drafting of the list of major war criminals to be prosecuted before the International Military Tribunal (IMT) in Nuremberg; second, 'Romania's domestic stability', which indicated that the ability of the new Groza government to curb anti-Communist opposition held the key to such stability; and third, 'the general attitude of the Romanian population', which suggested that the local Communists needed to ensure that their propagandistic message about the forthcoming trial would receive the most favorable public reception. Not until these three elements were aligned in a favorable position would the Soviet authorities consent to transfer 'the Antonescu group' to Romanian custody.

The scarce available documentary evidence concerning the Soviet-Romanian discussions about the extradition of 'the Antonescu group' to Romania makes it difficult to recount all the stages of this secret negotiation⁴¹. We know more about the beginning (spring 1945) and the end (spring 1946) of these negotiations. It appears that the issue was broached again in the spring of 1946 during a number of high-level Soviet-Romanian meetings between Stalin and several leading members of the RCP. During one such meeting held on April 2- 3 1946, a Romanian delegation headed by Gh. Gheorghiu-Dej, discussed with Stalin and Molotov the preparations undertaken by the local Communists in order to secure their success at the forthcoming parliamentary elections. It was in this context that Gheorghiu-Dej raised the problem of the extradition of 'the Antonescu group' to Romania. After receiving Molotov's confirmation that

⁴¹ Dan Cătănuș and Vasile Buga, eds., *Gh. Gheorghiu-Dej la Stalin: stenograme, note de convorbiri, memorii (1944- 1952)* (București: Institutul Național pentru Studiul Totalitarismului, 2012), 4-6.

the American prosecution team at Nuremberg did not require the presence of any member of ‘the Antonescu group’ to serve as witnesses, Stalin agreed to Gheorghiu-Dej’s request⁴².

Thus, in the beginning of April 1946, the members of ‘the Antonescu group’ were finally transferred back to Romania by the Soviet authorities after almost two years of captivity. This was not a last-resort measure or a sign of Soviet benevolence toward the former Romanian enemy now turned ally, but actually, a calculated move intended to help the recently-established Groza government increase its popularity in the wake of the 1946 parliamentary elections. The Soviet authorities had received confirmation from Washington that ‘the Antonescu group’ was of low importance for the American prosecution team at Nuremberg and were now confident that Secretary Pătrășcanu had tightened his grip on the Romanian justice system enough to ensure the conviction of Marshal Antonescu and his former collaborators. Burton Berry, the well-informed American political representative to Bucharest, sent the following cable to the US Department of State on May 3 1946, apprising his superiors of the actual Soviet and Communist intentions:

The war criminal trials of Marshal Antonescu and other ministers scheduled to open May 6 (MYTEL 466 of May 3) are reliably reported as being organised to aid a future governmental electoral ticket by seeking to discredit National Peasant and National Liberal leaders, Maniu and Brătianu in the course of the testimony.

It is even reported that Molotov at Paris has requested a selected dossier on the two men to be used in the present sessions of Foreign Ministers and that Marshal and Mihail Antonescu have been promised certain clemencies if they implicate Maniu and Brătianu during the trials. For political purposes the Government seeks to compromise other personalities in addition to the Papal Nuncio (MYTEL 467) including Jewish leaders and political deputies of Brătianu and Maniu⁴³

Surprisingly, Secretary Pătrășcanu’s proposal for a joint Soviet-Romanian effort in view of preparing the trial of ‘the Antonescu group’ was not exactly welcomed by the Soviet authorities.

⁴² Mihnea Berindei, Dorin Dobrinu and Armand Gosu, eds., *Istoria comunismului din România. Documente – Perioada Gheorghe Gheorghiu-Dej (1945-1965)* (București: Humanitas, 2009), ‘Stenograma ședinței din 2 și 3 aprilie 1946 din Arhivele Naționale Istorice Centrale, fondul CC al PCR - Secția Cămin, dosarul 28/19462’, 346.

⁴³ Berry, *Romanian Diaries*, 397.

Apart from the logistic support with the remanding of the members of ‘the Antonescu group’ into the custody of Romanian authorities on April 9 1946, Moscow did little to assist the efforts of the Romanian Department of Justice with ‘the preparation of trial materials’. In his original request, Secretary Pătrășcanu may well have been hinting at the military archives of the Antonescu cabinet, which had been confiscated by the Red Army from Romania immediately after the coup of August 23, 1944. Gaining access to this vast repository was seen as a significant step in the construction of the case against the Antonescu regime by the public prosecutors, who were anxiously examining the state archives in search for incriminating evidence against the members of the ‘Antonescu group’. Not only did the Soviet authorities refuse to return any relevant documents from the confiscated Romanian military archive, but also failed to forward a copy of the SMERSH dossier containing the Moscow interrogations of the members of ‘the Antonescu group’. These ‘lapses’ in the Soviet-Romanian cooperation could be seen as a sign of the Soviet authorities’ lingering distrust of its newfound Romanian allies and the jealousy with which the Soviet counter-intelligence services were protecting its well-hidden secrets.

4.5. Preparations for the trial (April – May 1946)

With the members of the Antonescu group finally in Romanian custody, the Department of Justice initiated the final preparations for the trial of Marshal Antonescu and his former collaborators in April 1946. The set of complex legal challenges raised by this trial forced the Groza government to derogate from the existing criminal procedure in order to expedite proceedings. This last section will examine the stages of the pretrial proceedings (the official arrest, the criminal investigation, the preliminary hearings, the nomination of the panel of judges

and the selection of the defense councils) that took place between April 8 and May 5, 1946. It will also introduce, as the story unfolds, the *dramatis personae* (the prosecution team, the panel judges and the defense attorneys) and their respective roles in the upcoming 'courtroom 'drama'.

4.5.1. *The official arrest of the suspected war criminals*

The Romanian government, in cooperation with the Allied Control Commission, was the only official institution authorized to draw up lists of suspected war criminals. *Law no. 488 of October 10, 1944* gave the Council of Minister full powers to determine who was to be arrested and detained as a suspected war criminal⁴⁴. In the case of 'the Antonescu group', the military and diplomatic complications that ensued after the coup of August 23, 1944 forced the transitional governments to derogate from the established legal norms by using a retroactive law (issued on October 10, 1944) to justify an arrest operated at an earlier date (August 23, 1944). This discrepancy seemed to give credit to the defendants' complaint that they had been detained both by the Romanian and the Soviet governments without proper forms⁴⁵. As Secretary Pătrășcanu himself admitted during a Cabinet meeting from October 1944, Marshal Antonescu was arrested on August 23, 1944 on the basis of a political decision and without an arrest warrant due to 'the state of emergency situation'⁴⁶. To complicate matters more, 'the Antonescu group' was taken into Soviet custody without a formal extradition arrangement with the Romanian authorities.

In the effort to 'normalize' the situation, the Romanian authorities issued a retroactive arrest warrant authorizing the arrest of Marshal Antonescu and his close collaborators, despite the fact that many of suspects had already fled the country or were held in Soviet custody. Thus,

⁴⁴ *Monitorul Oficial*, year 112, no. 235, part I (October 11, 1944): 6580.

⁴⁵ Pantazi, *Cu Mareșalul până la moarte*, 329- 330.

⁴⁶ Ciucă, ed., *Stenogramele ședințelor Consiliului de Miniștri Sănătescu*, Doc. no. 6 (1944, September 16), 139.

on January 29 1945, the Rădescu government issued two separate ordinances (*Decree no. 188* and *Decree no. 189*) ordering the arrest of 89 suspected war criminals⁴⁷. An additional government ordinance was issued on February 20 1945, which mandated the newly-created Bucharest Special Court for the prosecution of those responsible for the country's disaster ('Tribunalul Special pentru judecarea celor vinovați de dezastrul țării' in Romanian) to initiate the criminal investigation procedures against a number of high-ranking political and military figures (mostly former members in the Antonescu cabinets and the Romanian General Staff)⁴⁸.

The criminal investigations began shortly after February 20 1945 and fell under the special jurisdiction of the newly created body of public prosecutors, organized into the Office of the Public Prosecutors. This office operated first under the aegis of the Bucharest Special Tribunal for the prosecution of those responsible for the country's disaster (February- March 1945) and later under the aegis of the Bucharest People's Court (after April 1945)⁴⁹. With the diligent help of the Police forces and the Romanian Intelligence Services, the public prosecutors did their best to collect as many incriminating documents as possible about the suspects (newspaper articles, bank statements, excerpts from official state documents, Secret Police reports and the like), to question potential witnesses and victims (former work colleagues, political collaborators and even estranged former spouse) and to bring in for interrogations the suspects already in custody. The result was the collection of numerous, though unequal in their probative value, documents compiled into individual files regarding the suspects' wartime political activity, allegiances or sympathies, which formed the basis of the documentary support of the indictment against the 24

⁴⁷ *Monitorul Oficial*, year 113, no. 38, part I (February 16 1945): 1106- 1107.

⁴⁸ USHMM RG RG-25.004M 'Selected records from the National Council for the Study of Securitate Archives (CNSAS)', Reel 31, Folder 40010 'Dosar penal Ion Antonescu', Volume 1, Files 23- 38.

⁴⁹ USHMM RG RG-25.004M, Reel 31, File 40010 'Dosar penal Ion Antonescu', Volume 1, File 38.

defendants (the charges of war crimes, high treason and collaboration with the Nazi enemy⁵⁰).

There were sixteen former high-ranking political and military figures among the suspects that would be later included on the list of defendants in ‘the Antonescu group’. Some were still residing in Romania and well within the public prosecutors’ grasp: General Dumitru Popescu (arrested and first interrogated in April 1946), General Gheorghe Dobre (arrested and first interrogated in April 1945), General Constantin Petrovicescu (already serving a 7-year hard labor sentence and first interrogated in March 1946), Nicolae Mareş (arrested and first interrogated in May 1945), Traian Brăileanu (arrested in January 1945 and first interrogated in March 1945), Doctor Petre Tomescu (arrested and first interrogated in May 1945), Ion C. Marinescu (arrested and first interrogated in February 1945), Titus Dragoş (arrested and first interrogated in February 1945), Constantin Buşilă (arrested and first interrogated in May 1945). Others, especially the former Legionary members of the Antonescu cabinets, had already fled the country and were outside the reach of the Romanian justice system. Still, the fact that their present location was unknown did not prevent the public prosecutors to issue individual arrest warrants on the names of Ion Protopopescu, Corneliu Georgescu, Constantin Papanace, Horia Sima, Doctor Constantin Dănulescu, Vasile Iaşinschi and Prince Mihail Sturdza between April and May 1946⁵¹.

Even though the criminal investigation was initiated as early as February 1945 and the public prosecutors compiled detailed individual files on each defendant, the actual pretrial proceedings could not be initiated until April 1946, when Marshal Antonescu and his former collaborators were transferred from Moscow to Bucharest. The complete list of the members of ‘the Antonescu group’ was finally compiled in April 1946 and came to include 24 defendants, all state secretaries or under-secretaries between September 1940 and August 1944. They

⁵⁰ See USHMM RG RG-25.004M, Reel 31, File 40010 ‘Dosar penal Ion Antonescu’, Volumes 11 to 30.

⁵¹ USHMM RG RG-25.004M, Reel 31, File 40010 ‘Dosar penal Ion Antonescu’, Volume 27, File 5.

represented the highest ranking officials of the deposed Antonescu regime who, according to the public prosecutors, bore the greatest responsibility for the crimes and atrocities perpetrated during the war. The Groza Cabinet, aiming to put the entire Antonescu regime on trial, included four groups of senior Army officers from the Romanian High Command and civilian officials, selected to illustrate both the military character and 'fascist' orientation of the wartime regime⁵².

The most egregious was the subgroup of seven former dignitaries close to Marshal Ion Antonescu, who had just been transferred by the Soviet authorities to Romanian custody in April 1946. Marshal Ion Antonescu, former Prime-Minister and '*Conducător*', was on top of the list⁵³. He was followed by Mihai Antonescu, his second in command and closest associate, who held the influential offices of deputy Prime-Minister, Secretary of Foreign Affairs and National Propaganda⁵⁴. Gheorghe Alexianu (1897- 1946), former Governor of Transnistria, was another

⁵² Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 19 (1946, May 2), 3: 569- 587.

⁵³ Ion Victor Antonescu (1882- 1946) was a career officer who distinguished himself in the Second Balkan War (1913) and World War I (1916- 1918) and rose quickly through the ranks, from sub-Lieutenant in 1904 to Lieutenant- Colonel in 1917. After 1918, he held several important positions in the Romanian military academies (1920- 1933). In parallel, he served as military attaché in Paris (1922- 1923), then London and Brussels (1924- 1926). After serving as acting Chief of Staff of the Romanian Army (December 1933- December 1934), General Antonescu embarks upon a short-lived and agitated political career in 1937, when he was nominated as Secretary of Defense in the Goga-Cuza and Miron Cristea cabinets (December 1937- March 1938). The experience leaves him disillusioned and bitter, as his attempts to reform the army and his uncompromised stance towards corruption and crooked politics earn him the enmity of several fellow senior officers and the resentment of King Carol II, who even had the outspoken general placed under arrest in the summer of 1940. Ion Antonescu's career took a sudden turn in September 1940, after the collapse of Greater Romania. Summoned by King Carol II to form a new government on September 4, he staged a coup d'état on September 6, 1940, forcing King Carol II to abdicate in favor of his son, Mihai and assuming for himself dictatorial powers as "Conducator" (Leader). Ion Antonescu was the *de facto* leader of the country for the next four years (September 1940- August 1944), ruling as prime-minister without a parliament or any royal oversight. He signed the Tripartite Pact in November 1940 and plunged his country into the war against the Soviet Union. During Operation Barbarossa, he held the position of commandant of the German- Romanian Army Group 'General Antonescu' between June- July 1941. For his merits in the liberation of Bessarabia and Bukovina, he was promoted to the rank of Marshal in 1941. For further details, see Duțu, *Armata română*, 24- 26.

⁵⁴ Mihai Antonescu (1904- 1946) was a distant relative of Ion Antonescu who, after completing his university studies in Bucharest (PhD in Law in 1928), became a practicing lawyer and professor of law at the Bucharest University. Starting with 1935, he began to cultivate close relations with General Antonescu, who quickly took him into his confidence. Mihai Antonescu played a crucial role in the secret negotiations with the German Embassy and the Legionary Movement that led to King Carol II's forced abdication and the establishment of the National Legionary State in September 1940. His loyalty and diligence earned him a cabinet appointment as Secretary of Justice (September 1940- January 1941). After the Legionary rebellion of January 1941, Mihai Antonescu was entrusted with key positions in the reshuffled Antonescu cabinet, coordinating simultaneously the Department of National Propaganda and Foreign Affairs (June 1941- August 1944), while presiding, in Marshal Antonescu's

leading figure in the deposed regime⁵⁵. Eugen Cristescu, the Director of the Romanian Intelligence Service, was a close collaborator and political advisor to Marshal Antonescu⁵⁶. This group also included two generals with personal ties to Marshal Antonescu: Constantin Pantazi, former Secretary of War⁵⁷ and Constantin Vasiliu, former Under-Secretary of the Interior and

absence (visiting the front line or meeting with high-ranking German officials), the cabinet meetings as deputy Prime-Minister. In his quality as Secretary of National Propaganda, he censored any public criticism against the Antonescu regime and orchestrated massive campaigns in the press in order to mobilize popular support for the alliance with the Axis and war against the Soviet Union, as well as the regime's anti-Communist and anti-Semitic measures. As Secretary of Foreign Affairs (June 1941- August 1944), he initially supported the German-Romanian military alliance and the military campaign on the Eastern front. After the defeat of Stalingrad, however, Mihai Antonescu sent out 'peace feelers' in the attempt to negotiate a separate armistice with the Western Allies, but the Romanian initiatives foundered on the Allied insistence on unconditional surrender. The coup of August 23 1944 put an abrupt end to these protracted negotiations. For further details, see Neagoe, *Oameni politici romani*, 27- 29.

⁵⁵ Gheorghe Alexianu (1897- 1946) was a Law graduate of Bucharest University (Phd in Law in 1928) who distinguished himself as a legal scholar and held a chair of administrative law at the University of Czernowitz (1926- 1940) and the University of Bucharest (after 1940). He began his administrative career in 1938, when King Carol II appointed him first as Royal governor ('rezident regal' in Romanian) of the Suceava district in august 1938, then of the Bucegi district. His competence and friendship with Mihai Antonescu, a fellow law professor, earned him the position of governor of the newly-acquired province of Transnistria, from August 1941 to January 1944. This position afforded him a privileged position in the wartime regime and he attended several top-level meetings in Bucharest during his tenure. In the winter of 1941, Transnistria was still close to the frontline and the German troops operated in the region (the Wehrmacht supervised the local rail transport and the coastal anti-aircraft installations until 1944) and the local population underwent a brutal treatment at the hands of the German and Romanian troops. In the spring of 1942, the civilian administration headed by Alexianu introduced a series of occupation policies, such as "Romanianization" (forced assimilation), spoliation, forced labor, deportation, ghettoization and even mass murder, which radically affected the situation of the local Ukrainians and Jews inhabitants and the ethnic and religious minorities (Jews, Roma and Innochentists) deported here from the Old Kingdom. Alexianu was recalled from his position in January 1944. For further details, see Ioanid, ed., *Lotul Antonescu*, 47- 55.

⁵⁶ Eugen Cristescu (1895- 1950) was a jurist (Phd in Law in 1924) who had a long and prolific career in the Intelligence Services. He started his career in the mid-1920s and quickly rose to the rank of Director of the General Directorate of Public Security. In 1934, he was replaced from this influential position and appointed as inspector in the Department of the Interior. After General Antonescu assumed power, the Intelligence Services were restructured and Eugen Cristescu was appointed director of the new Special Information Service (SSI) on November 15, 1940. In his new capacity, Cristescu was directly subordinated to the *Conducător* and provided him with intelligence reports about national security issues (the agitations of the Legionary leaders and the political activities of the democratic leaders), as well as counterintelligence (Soviet, German and British clandestine activities that posed a threat to Romanian interests). During the war, the SSI collaborated with the Abwehr and other German Intelligence services and Cristescu's efforts produced notable results, such as to the disruption of the local Communist cells spying for the USSR and planning acts of sabotage or the monitoring of Horia Sima's and other prominent Legionary members' seditious activities. During Operation Barbarossa, a special SSI unit ('the Mobile Echelon') operated in the Eastern occupied territories, collecting intelligence and interrogating POWs. After the coup of August 23 1944, Eugen Cristescu attempted to escape arrest, but after spending one month in hiding, was apprehended on September 24, 1944. For further details, see Cristian Troncotă, *Omul de taină al mareșalului* (București: Editura Elion, 2005).

⁵⁷ Constantin Pantazi (1888- 1958) was a cavalry officer who gradually rose through the ranks, from Sub-lieutenant (1908) to Division General in 1940. Due to his competency and personal relation with General Antonescu, he was appointed Under-secretary of state for the Land Army (September 1940- January 1942), charged primarily with logistical operations, then Secretary of War (January 1942- August 1944). In this quality, he played an active role in coordinating Romania's war effort during 1942- 1944 against the Soviet Union. During his tenure, he allegedly ordered Romanian units fighting on the Eastern front to take harsh reprisals against the Soviet partisans and failed to

head of the Gendarmes Corps⁵⁸. Lastly, there was Radu Lecca⁵⁹, who had cumulated during the war years the offices of Commissar for Jewish Affairs and Director of the Jewish Central Office.

The second subgroup included three cabinet members, selected to typify the nefarious role of the Romanian officer corps in the planning and implementation of the wartime criminal policies and the execution of the illegal orders issued by the Romanian High Command. This subgroup included three state secretaries: General Constantin Petrovicescu (the Secretary of Interior with Legionary sympathies)⁶⁰, General Dumitru Popescu (Secretary of the Interior)⁶¹ and General Gheorghe Dobre (Army Ordnance, the Department of National Defense)⁶².

adopt prompt measures against the ill-treatment of Soviet POWs in the camps administered by the Department of War. He was arrested on August 23, 1944. For further details, see Pantazi, *Cu Mareșalul până la moarte*, vii- xxxv.

⁵⁸ Constantin Vasiliu (1882- 1946) was a career officer who was transferred from the active ranks of the Army to the Gendarmerie due to an injury suffered in 1908. He rose gradually through the ranks until he was promoted Brigadier General in 1934. After General Antonescu assumed power in September 1940, he promoted his old fellow officer Vasiliu to the rank of Lieutenant General and appointed him as Chief Inspector of the Gendarmerie. In this new capacity, he supervised the administration of the work camps where Communists activists were imprisoned and dispatched a number of companies of Gendarmes to the Eastern front, charging them with police duties behind the front line (these companies were later charged with the ill-treatment and massacre of the local Ukrainian population and the Jewish and Roma deportees from Romania). On January 1942, he was appointed Under-secretary of the Interior and was tasked, inter alia, with the preparations for the deportation of Roma to Transnistria in 1942 and the administration of the concentration camps, where tens of thousands of Jews and Roma found their death. He was arrested shortly after the coup of August 23 1944. For further details, see Duțu, *Armata română*, 389.

⁵⁹ Radu Lecca (1890- 1980) was a Law graduate and a businessman with close ties to several prominent German officials. After World War I, Lecca opened several business ventures in Romania, Italy and France, but also cultivated close ties with certain Romanian officials. While in Paris, he was involved in an obscure diplomatic affair and got arrested in 1931 for espionage in Romania's favor. He received a two-year prison sentence and after being released in 1933, he returned to Bucharest, where he became an official press correspondent for the German newspaper *Völkischer Beobachter* and unofficially, a German operative and agent of influence. Due to his close relations with Manfred von Killinger, the newly-appointed German Plenipotentiary Minister to Bucharest, General Antonescu decided to include him in the central administration, first as Deputy Director of the Intelligence Services in 1941, then as General Secretary of the Council of Ministers. Essentially, he would serve as the 'go-between' in the negotiations with German officials. In February 1942, he was appointed Commissar for Jewish Affairs and *de facto* Director of the Jewish Central Office, an institution similar to the *Judenrat*, established in Romania in cooperation with Nazi officials, such as SS Captain Gustav Richter. This institution was tasked, among others, with registering the Jewish population, requisitioning Jewish workers for forced labor and collecting money for the war effort. Lecca and his associates allegedly abused their prerogatives and enriched themselves by taking bribes under the pretext of 'exempting' affluent Jews from the hardships of forced labor or 'helping' them emigrate to Palestine. Lecca was arrested after the coup of August 23 1944. For further details, see Lecca, *Eu i-am salvat pe evreii*, 31- 52.

⁶⁰ Constantin Petrovicescu (1883- 1949) was a career officer who gradually rose through the military ranks, from Sub-lieutenant (1908) to Brigadier General (1933). Although not officially part of the Legion, General Petrovicescu's public displays of sympathy for Corneliu Zelea Codreanu during the latter's trials from 1934 and 1938 irritated King Carol II, who forced him into early retirement in 1938. He was recalled to active duty in September 1940 and, following Horia Sima's proposal, was appointed Secretary of the Interior, representing the interests of the Legionary Movement. During his tenure (September 14, 1940- January 20, 1941), General

The third subgroup reunited seven civilian members of the deposed regime from the second echelon of power that exemplified the “reactionary landowners” and pro-fascist industrialists with ties to the local anti-democratic political forces. It included four state secretaries: Ion Marinescu (Economy)⁶³, Constantin Bușilă (Public Works and Communications)⁶⁴, Nicolae Măreș

Petrovicescu was involved in the creation of a parallel Legionary Police (the lack of discipline and abuses of this Party militia escalated tension between the Legionaries and General Antonescu) and new detention camps for political prisoners. He was removed from the government on January 20, 1941, on the eve of the Legionary rebellion and put on trial afterwards for having supplied the Legionary rebels with firearms. He was found guilty and sentenced to a seven-year imprisonment (he served on only 3). After his release, he was arrested again after August 23, 1944 and indicted for war crimes. For further details, see Constantin Gheorghe and Miliana Șerbu, *Miniștrii de interne (1862- 2007)* (București: Editura Ministerului Internelor și Reformei Administrative, 2007), 282- 285.

⁶¹ Dumitru I. Popescu (1883-1970) was a career officer who gradually rose through the military ranks, from Sub-lieutenant (1903) to Division General in 1939. Due to his competency and personal relation with General Antonescu, he was appointed Military Commandant of Bucharest (September 6, 1940- January 20, 1940), then Secretary of the Interior (January 20, 1941- August 23, 1944) and Secretary of Public Works ad interim (December 8, 1941- January 1, 1943). As Secretary of the Interior, General Popescu was involved in the planning and implementation of many of the repressive measures adopted by the dictatorial regime, including the oppressive legislation against political dissidents, the arrest of several Communist leaders and their internment in special camps, where they were allegedly subjected to ill-treatment. In addition, General Popescu was charged with the implementation of several racial and discriminatory measures against ethnic and religious minorities during the war. For further details, see Gheorghe and Șerbu, *Miniștrii de interne*, 286- 289.

⁶² Gheorghe Dobre (1885-1959) was a career officer who gradually rose through the military ranks, from Sub-lieutenant (1907) to Lieutenant General (1943). He was one of the few military experts who held ministerial positions in the previous Gicurtu cabinet (Secretary General of the Army Ordnance Department) and managed to earn General Antonescu’s trust. Due to his competency, General Dobre was awarded important responsibilities in the field of Army Ordinance, rising from Undersecretary (September 7 1940- September 15, 1952) to full Secretary in the same department (September 16, 1942 – August 23, 1944). He was also appointed Secretary of National Economy *ad interim* on February 19, 1943. In these capacities, he became involved in the planning of Romanian military campaigns against the Soviet Union in 1941. He also negotiated the signing of additional economic treaties with Germany and implemented several policies intended to rapidly mobilize Romanian industry for war production. In addition, he supervised the dismantling and the transport to Romania of the industrial infrastructure from Transnistria. He was arrested in March 1945 for war crimes. For further details, see Duțu, *Armata română*, 201.

⁶³ Ion C. Marinescu (1886- 1956) was a trained lawyer with strong ties to the Romanian oil industry (he was president of the executive committee of the *Concordia* oil company for almost twenty years until 1941 and was elected vice-president of National Association of Romanian Industrialists or U.G.I.R.). He had rightist political leanings and frequented the nationalist circle around Octavian Goga, although he was not openly affiliated to any political party. Due to his vast experience in the oil business sector and personal ties to General Antonescu, he was nominated Secretary of the National Economy (January 1941- August 1942). In this capacity, he renewed the bilateral trade agreements with Nazi Germany and made efforts to increase the Romanian oil production reserved for the war effort. He was transferred to the Department of Justice (August 1942- August 1944); as the new Secretary, he enacted several racial laws against the Jews deported to Transnistria. (Cicerone Ionițoiu, *Victimele terorii comuniste: arestați, torturați, întemnițați, uciși. Dicționar* (București: Editura Mașina de Scris, 2004), 6: 107)

⁶⁴ Constantin Bușilă (1877-1949) was an engineer who took his PhD in Electrical Engineering at the Polytechnic University of Liège (1901). He collaborated with the architect Anghel Saligny and contributed to the planning of several electrical plants and the construction of the first railway electrified system in Romania. In parallel, he became involved in a series of business ventures involving oil exploitation and electrical energy (he was a member in the Romanian *Creditul Minier* oil company and President of the National Association of Romanian Industrialists.) He also had a long university career at the Polytechnic University in Bucharest. As a technocrat with no strong political ties, he was appointed Secretary of Public Works and Communications in General Antonescu’s cabinet.

(Agriculture)⁶⁵ and Petre Tomescu (Public Health and Labor)⁶⁶ and three under-Secretaries: Titus Dragoș (Romanianization)⁶⁷, Constantin Dănulescu (Labor)⁶⁸ and Vasile Dimitriuc (National Economy)⁶⁹, who had managed to flee the country and had to be tried *in absentia*.

The fourth subgroup consisted of seven prominent Legionaries that were coopted in the

During his tenure (July 1941- October 1943). C. Bușilă took part to several important cabinet meetings where the proposed racial legislation against ethnic minorities was discussed and approved. His Department was responsible for increasing the shipments of Romanian coal and oil to the Axis allies, as well as for the rail transport of cereals from Transnistria to the Old Kingdom. (Ionițoiu, *Victimele terorii comuniste*, 1: 280).

⁶⁵ Nicolae Măreș (1875 – 1946) was a wealthy landowner and an engineer who contributed to the modernization of the Romanian railway system. He was a member of the Conservative Party until World War I; after 1918, he was one of the founders of the neo-Conservative “Liga Vlad Țepeș”. He cultivated relations with the Legionary leaders and arranged the first meeting between General Antonescu and Codreanu in 1935. He was appointed Secretary of Agriculture and Royal Domains (September 1940- January 1941) and during his tenure, he took measures to increase the local agricultural production and control the prices of cereals. He was accused of harboring fascist and pro-German sympathies and was arrested in 1945 (Ionițoiu, *Victimele terorii comuniste*, 6: 84-85).

⁶⁶ Petre Tomescu (1890- 1977) was a psychiatrist who received his MD from the Faculty of Medicine of the Bucharest University. In the 1920s he began his university career at his alma mater, first as professor in the Department of Neurology and Psychiatry, then as Dean of the Faculty of Medicine. His professional reputation and personal ties with Mihai Antonescu and Traian Brăileanu earned him the position of Secretary of Health, Labor and Social Protection between January 1941 and August 1944. In this new capacity, Tomescu introduced several racial laws restricting the Jewish population’s access to the labor market and was accused of having ordered the unlawful requisition of medical equipment from Transnistrian hospitals. For further details, see Ciucă, ed., *Procesul Măreșului Antonescu*, Doc. no. 4 (1946, April 29), 1: 159 - 161.

⁶⁷ Titus Dragoș (1896 -?) was a trained lawyer who served in the wartime Antonescu cabinets, first as Secretary General of Finances (January 1941- December 1941), then as Under-secretary of State for Romanianization, Colonization and Inventory (December 1941- November 1943). During his tenure, Dragoș enacted anti-Semitic laws inspired by the National-Socialist legislation and oversaw the activity of the National Center for Romanianization, which was tasked with the expropriation of Jewish property and its redistribution to the Romanian population. In addition, he drafted a new statute for the Jewish population, inspired by the National-Socialist Nuremberg Laws (was never formally adopted). Due to his failure to prevent the alleged abuses committed by his overzealous and corrupt subordinates, Titus Dragoș was dismissed in late 1943 (Ionițoiu, *Victimele terorii comuniste*, 3: 136).

⁶⁸ Constantin Dănulescu (1897- 1953) was a medical doctor specialized in medical radiology in Paris and Strasbourg (1928- 1930) who held the position of Director of the Central Office for Social Securities in the late 1930s. During the interwar years, he was politically active in the ranks of the ultra-nationalist, anti-Semitic League of National Christian Defense or L.A.N.C. led by Professor A.C. Cuza and openly militated against the spread of Communist influence in Romania (arrested in 1923). During the Antonescu regime, he served as Under-secretary of State in the Department of Labor (July 1941- June 1943). During his tenure, he introduced a number of severe laws against industrial sabotage and supervised the enlistment of Romanian workers to be transferred to Nazi Germany for forced labor. He was indicted as a war criminal in January 1945 and included in the Antonescu group, but managed to avoid arrest allegedly due to Lucrețiu Pătrășcanu’s help. He went into hiding and skillfully managed to avoid the long reach of the Communist authorities until his death in 1953 (Ionițoiu, *Victimele terorii comuniste*, 3: 44- 46).

⁶⁹ Vasile Dimitriuc (?) was born in Bukovina and had close ties to several German officials, such as Hermann Neubacher, the German Special Representative for Economic Problems in Southeastern Europe. The ‘German protection’ probably facilitated his inclusion in the Antonescu cabinet as Under-secretary of State for the Department of National Economy, Petroleum and Mining Affairs (September 1940- May 1941). In this capacity, he negotiated a series of bilateral agreements with Germany concerning the shipment of Romanian oil for the Axis war effort and the subordination of the local industry to German interests. He fled the country after August 23 1944 and was never heard of again. For further details, see Octavian Roske, *Mecanisme repressive în România 1945- 1989. Dicționar biographic*, vol. II D-G (București: Institutul Național pentru Studiul Totalitarismului, 2003), 142).

first Antonescu cabinet during the National-Legionary State (September 1940- January 1941). Although most of them had already been sentenced for their involvement in the Legionary rebellion of January 1941 and had already fled the country, the Groza cabinet decided to try them *in absentia* in order to emphasize the fascist, pro-Hitlerite nature of the Antonescu regime. Horia Sima, acting commander of the Legionary Movement and former vice-president of the Council of Ministers⁷⁰, was the most notorious of them. He was seconded by four former associates, appointed as Legionary secretaries: Professor Traian Brăileanu (National Education)⁷¹, Prince Mihail Sturdza (Foreign Affairs)⁷², Ion Protopopescu (Communications and Public Works)⁷³ and

⁷⁰ Horia Sima (1906- 1993) was a graduate of the Faculty of Philology and Philosophy from Bucharest and a high school teacher. He joined the Legionary Movement during his university studies (1927) and quickly rose through the Legion's ranks, being named commander of the regional organization in Banat in 1935. After Codreanu's assassination in 1938, he fled to Germany, where he reorganized the depleted ranks of the Legion under his leadership. Sima continued to coordinate the underground struggle against King Carol II's regime (terrorist assassinations) until May 1940, when he negotiated an armistice with the King and was offered, in exchange for the Legion's support, a ministerial position (Under-Secretary of Education, later full Secretary on June 28, 1940). The armistice was quickly broken by Sima, whose political ambitions exceeded the petty rewards the King was willing to offer. He resigned from the government after a week (July 7, 1940) and resumed the underground activities against King Carol II, thus contributing to the demise of the Royal dictatorship. Under Germany's tutelage, Sima and General Antonescu brokered a political alliance that took the form of the National Legionary State, proclaimed on September 14, 1940. Sima became the vice-president in new Antonescu Government (September 1940- January 1941) and the Legionaries were offered a number of key ministerial positions in return for their political support. However, this 'marriage of convenience' quickly began to show signs of strain and in January 1941, the Legionaries' uprising to overthrow General Antonescu was crushed. Most Legionary leaders, including Sima, fled to Germany and were tried for sedition and sentenced to long prison terms *in absentia* by a military court (Sima received 12 years). But the German authorities did not extradite the Legionary leaders to Romania because they planned to use them as a 'reserve team' in case Marshal Antonescu decided to switch sides. After the coup of August 23, 1944, Germany improvised a puppet Romanian Legionary government in Vienna in December 1944, headed by Sima. This short-lived government in exile limited its activity mostly to anti-Communist propaganda and fell with the Third Reich in May 1945. Sima fled from the advancing Red Army, first in Italy, then in France and finally settled in Spain as a political refugee. For further details, see Neagoe, *Oameni politici români*, 635- 655.

⁷¹ Traian Brăileanu (1882- 1947) was a philosophy graduate who earned a PhD in Philosophy from the University of Czernowitz (1909) and embarked on a long and distinguished university career at his alma mater (first as a professor in 1921, then as Dean of the Faculty of Letters and Philosophy during 1931- 1933). His works in the field of Philosophy and Sociology earned him a solid scientific reputation. During the 1920s, he was affiliated with a number of right-wing nationalist parties and ended up joining the ranks of the Legionary Movement in 1927. He became a leading Legionary ideologue and was elected a member in the Legionary Senate in 1929. He ran in the Parliamentary elections of 1937 and was elected Senator on the lists of the Legionary 'All for the Fatherland' Party. He was appointed Secretary of National Education in the Antonescu cabinet (September 1940- January 1941), during which time he passed a number of discriminatory laws against Jewish students and teaching staff and established a purging commission for excluding all those professors who harbored 'anti-Legionary views' from Romanian universities. After the Legionary uprising, he was arrested and indicted in July 1941, but was acquitted. He was arrested again in 1943 and interned in a work camp, but was released in March 1944, only to be arrested

Vasile Iașinschi (Public Health, Labor and Social Care)⁷⁴ and two under-secretaries: Corneliu Georgescu (National Economy)⁷⁵ and Constantin Papanace (Public Finances)⁷⁶.

again in 1945 for war crimes. He was tried and sentenced in May 1946; he passed away in 1947, while serving his sentence in prison. For further details, see Ionițoiu, *Victimele terorii comuniste*, 1: 244.

⁷² Prince Mihail Sturdza (1886- 1980) was the descendant of a Romanian noble family and enjoyed a long career in the diplomatic service (diplomatic attaché in Durazzo and Athens during the 1910s; chargé d'affaires in Budapest, Vienna and Washington in the 1920s; ambassador in Riga, Tallinn and Copenhagen during the late 1930s). He joined the ranks of the Legionary Movement in 1937 and his protests against the persecution of his fellow Legionaries led to his discharge from diplomatic service (November 1939). His credentials and connections to Horia Sima earned him the position of Secretary of Foreign Affairs in the new Antonescu government (September 1940- December 1940). During his short tenure, Romania strengthen its diplomatic relations with Nazi Germany, which were formalized by the signing of the Tripartite Pact during General Antonescu's visit to Berlin in November 1940. Sturdza's intentions in late 1940 to put new strains on the increasingly tensed relations between Germany and the Soviet Union clashed with General Antonescu's efforts to consolidate Romania's alliance with the Axis. As a result, Secretary Sturdza was abruptly dismissed from his position in November 1940. He took part in the Legionary uprising of January 1941 and was subsequently arrested and tried for treason and sedition. He received a one-year sentence, but was released early and fled to Copenhagen. In December 1944, he joined the Romanian Legionary government in Vienna as Secretary of Foreign Affairs. After May 1945, he fled to Copenhagen, Paris, Latin American, then finally settled in Madrid in 1956. For further details, see Neagoe, *Oameni politici români*, 664- 667.

⁷³ Ion Protopopescu (1898- 1966) was an engineer by training who had a long university career as Professor and Deputy Director at the Polytechnics University of Timisoara. He joined the Legionary Movement in 1937 and played an important role in the regional Legionary branch in Banat (he held the rank of Legionary commandant). At Horia Sima's recommendation, he was appointed Under-secretary of State at the Department of Public Finances (September – October 1940), then Secretary of Public Works and Communications (October 1940- January 1941) in the Antonescu government. In this official capacity, Protopopescu supervised the modernization of the local transportation infrastructure and passed new legislation which instituted military control over certain factories. He was dismissed after January 1941 from his position and briefly imprisoned. He fled the country after the coup of August 23, 1944 and activated in several clandestine anti-Communist organizations until he received diplomatic asylum in Spain. For further details, see Ionițoiu, *Victimele terorii comuniste*, 8: 470.

⁷⁴ Vasile Iașinschi (1892-1978) was a licensed pharmacist who graduated from the University of Iași. He joined the Legionary Movement in the early 1920s and occupied the position of Legionary commander. He ran for the Parliamentary elections of 1937 and was elected Deputy as a member of the 'All for the Fatherland' Party ('Totul pentru Țară' in Romanian). His connections with H. Sima led to his nomination as Secretary of Labor, Health and Social Protection in the Antonescu cabinet (September 1940- January 1941). During his tenure, he passed a number of discriminatory laws which virtually excluded Jewish doctors and pharmacists from these respective professions. He fled the country to Germany after January 1941 and was tried and sentenced *in absentia* to life imprisonment in July 1941. After the coup of August 23, 1944, he was appointed Secretary of the Interior and of Labor in the Legionary Government in Vienna and acted as Horia Sima's second in command. After the war, he went into exile in Spain, where he spent the rest of his life. For more details, see Roske, *Mecanisme repressive in Romania*, 3: 346.

⁷⁵ Corneliu Georgescu (1902-1945) was a Law graduate (studied in Cluj and Iași) and trained lawyer. As one of the founding members of the Legionary Movement in 1927, he held important positions in the Legion's hierarchy (Commander of the "Annunciation group" and member in the Legionary Senate) and was imprisoned several times due to his political and anti-Semitic activities. During the National Legionary State, he was nominated Under-secretary of Colonization and Displaced Population in the Department of National Economy (September 1940- January 1941). During his tenure, he adopted measures concerning the expropriation of Jewish properties and their redistribution to ethnical Romanians. After January 1941, he fled the country to Germany and was included in the Legionary Government in Vienna as Secretary of Finances. He died in obscure circumstances in May 1945 in Austria, while trying to cross the border to Italy (according to Horia Sima's version, he was probably assassinated by a group of deserters). Ignorant of this fact, the People's Tribunal placed Georgescu on the list of defendants in May 1946 and his death was confirmed later in 1950 (Roske, *Mecanisme repressive in Romania*, 2: 399).

⁷⁶ Constantin Papanace (1904-1985) was born in an Aromanian (Vlach) family originally from the province of Macedonia (Greece) who emigrated to southern Dobrogea (Greater Romania) after World War I. He graduated from

4.5.2. *The pretrial investigation*

The collection of the evidence, the interrogation of the witnesses and the preparation of the indictment was entrusted to a special body of public prosecutors ('*acuzatori publici*' in Romanian), invested with an exceptional mandate. Not only were they given full authority to investigate and criminally prosecute suspected war criminals, but could also request the full support of all public servants, including the officers of the law, in the discharge of their duties. Such a concentration of powers was not completely unknown to the Romanian criminal justice. The traditional Public Prosecutor's Office (*parchet* in Romanian) fulfilled both an investigative and prosecutorial function and was subordinated to the Department of Justice. What was different now about the new lay public prosecutors was their general lack of professional training, partisan election based on political ties or sympathies and hierarchical subordination to both the Department of Justice (officially) and the Romanian Communist Party (unofficially).

The political character of the trial of 'the Antonescu group' is nowhere better illustrated than by the composition and activity of the prosecuting team handling the Antonescu case. Secretary Pătrășcanu appointed as Chief Public Prosecutor Avram Bunaciu, a trained lawyer (member of the Ilfov Bar Association) who had joined the ranks of the local Communist Party during the war years⁷⁷. Although not a jurist of recognized legal standing or wide experience,

the Academy of Commerce in Bucharest with a degree in Political Economy and Finances and took his PhD in Political Economy. He joined the ranks of the Legionary Movement in 1930 (appointed Legionary commandant and the head of the Aromanian wing of the Legion) and was elected Deputy in the Parliamentary elections of 1937 on the lists of the 'All for the Fatherland' Party. After Codreanu's assassination, he assumed temporary command of the Legion, together with Horia Sima. During the National Legionary State, he was appointed Under-secretary of State in the Department of Finances (September 1940- January 1941). During his tenure, he militated for a closer economic and diplomatic collaboration with the Axis and denounced the ill- treatment of his fellow Aromanians from the province of Macedonia at the hands of Greek nationalists. After the Legionary uprising, he fled the country to Germany, but due to his long-standing rivalry with Horia Sima, was not included in the short-lived Legionary Government of Vienna. He went into exile in Salo and lived the remaining years of his life in Italy. For further details, see Ionițoiu, *Victimele terorii comuniste*, 8: 51.

⁷⁷ Avram Bunaciu (1909- 1983) was the prototype of the Communist *nomenklatura* member who used his personal relations with the Party elite to advance his political career after August 1944. As L. Pătrășcanu's protégée, Bunaciu

Bunaciu had proved himself a capable Party cadre and was entrusted by Secretary Pătrășcanu himself with the task of overseeing the criminal prosecution in the first wave of war crimes trials brought before the Bucharest People's Court in the spring and summer of 1945. He was dispatched to Cluj in June 1945 to supervise the creation of a second People's Court, which had jurisdiction over war crimes trials in Transylvania. Since this new task would prevent him from dedicating his full attention to the pending trials in Bucharest, Bunaciu had to delegate authority to his subordinates. Nonetheless, he personally oversaw the criminal investigation of the leading members of 'the Antonescu group'. Bunaciu's choice for his replacement fell on Vasile Stoican, an obscure practicing lawyer from Bacau with Communist sympathies⁷⁸. He initially worked under Bunaciu supervision in 1945 and acquitted himself well of the tasks assigned to him, earning the promotion to Chief Public Prosecutor after Bunaciu's delegation to Cluj.

V. Stoican joined forces with two other Party-affiliated colleagues and former the 'triumvirate' that would handle the case against the Antonescu group. The first of the two was Constantin Gheorghe Dobrian, a prosecutor from the Appeal Court in Timișoara who was

was appointed Chief Public Prosecutor and oversaw the activity of the public prosecutors first in Bucharest, then in Cluj. After Pătrășcanu's removal in February 1948, Bunaciu denounced his former protector and was appointed Secretary of Justice (February 1948- September 1949). In the early 1950s, he managed to get in the good graces of the influential Secretary of Foreign Affairs Ana Pauker and became her Deputy (October 1950- July 1952). Pauker's fall weakened his political position and led to his temporary transfer to the University of Bucharest (Rector and Professor of Constitutional Law between October 1952- August 1954). He managed to win the confidence of Gheorghiu-Dej, the uncontested Party leader after Pauker's fall, and was appointed Secretary of the Presidium of the Great National Assembly, then became Secretary of Foreign Affairs (January 1958 – March 1961). After he left the Foreign Service, he was elected as Vice President of the State Council and, for a brief period after Gheorghiu-Dej's death, the acting President of State Council (March 19 - 24, 1965). He was sidelined by Nicolae Ceausescu, the new Party leader, and appointed to the honorary position of Chairman of the Constitutional Committee of the Great National Assembly until his retirement (1965-1975). For further details, see Țăranu ed., *Avram Bunaciu*, 2011.

⁷⁸ Vasile Stoican (born in 1913) was a Communist fellow-traveler who started his career in the interwar period as a modest practicing lawyer in the Romanian town of Bacău. He was coopted in the legal division of Apărarea Patriotică after August 23, 1944 and became a Party member around the same time as his appointment as public prosecutor in 1945. His zealous activity at the Bucharest People's Tribunal (1945- 1946) helped him advance his legal career: he became Secretary Pătrășcanu's close collaborator in his official capacity as General Secretary of the Department of Justice (1946- 1948), but the latter's fall in 1948 led to his marginalization. Stoican had to pursue other career opportunities, first as technical councilor with the State Planning Committee (1948- 1950), then as a legal advisor of the Department of Internal Affairs. In October 1956, he was promoted to the rank of Lieutenant-colonel and appointed the Head of the Department of Internal Affairs' Legal Office. For further details, see Stoican's Party dossier at CNSAS, File no. 7386 DMRU/ 1967, Vol. 13, Files 217-219.

selected on account of his Communist sympathies (during the war years, he had showed lenience in the discharge of his prosecutorial duties towards some imprisoned Communist activists) and experience in criminal litigation⁷⁹. The second one, Dumitru Săracu⁸⁰, was a worker with no legal training or experience, who had little to commend him except his wartime Communist activity. However, the ‘proletarian anger’ with which he denounced the ‘fascist’ defendants during the first war crimes trials managed to earn him the sympathy of the Party leadership.

As for its activity, the prosecution enjoyed considerable discretion in the investigation of the defendants. Stoican and his team clearly favored written evidence over live testimony, focusing their efforts on reviewing the wartime records produced by the Antonescu cabinets, civilian administration and military structures in search of evidence of the defendants’ unlawful directives and subsequent ground-level progress reports from their subordinates. The instructions sent by the members of the Antonescu regime ordering deportations and other unlawful measures proved of great value for the understanding of the decision-taking mechanisms and the individual responsibility of each state official involved in the planning and implementing such measures.

However, there were noticeable omissions in the paper trail concerning the implementation and tragic consequences of these measures. The prosecution tried to address this issue by interrogating a large number of witnesses, ranging from Army officers and state officials to Jewish political leaders and Holocaust survivors. They fell under two general categories: some were already imprisoned on account of their direct involvement or active collaborations with the deposed wartime administration, whereas others were free and willing to tell their story of

⁷⁹ *Monitorul Oficial*, year 114, no. 95, part I (April 24 1946): 4101.

⁸⁰ Dumitru Săracu was a Communist activist of modest origins, whose tenure as public prosecutor served as a springboard in launching his political career. He was a waiter and a cook at Capșa restaurant in Bucharest and, as a Communist activist, was imprisoned at Târgu Jiu labor camp. He was appointed public prosecutor in March 1945 and became part of the team entrusted with the handling of case of the first group of war criminals in May 1945 (‘the General Macici group’), as well as the investigation of the Iași pogrom of 1941. After 1948, he had no qualms about denouncing his former protector, L. Pătrășcanu, after the former Secretary of Justice had been arrested and imprisoned by the RCP. For further details, see Ciucă, ed., *Procesul Mareșalului Antonescu*, 1: 23- 24.

opposition, persecution or survival at the hands of the Antonescu regime. Their depositions, either in the form of affidavits or live testimonies from the witness box during the trial, were crucial in the process of building the individual cases against each the 24 defendants⁸¹.

Next, the interrogations of the defendants proved a crucial stage in the investigation because it allowed the prosecution to fill in some of the gaps and ambiguities in the official state records and the witness testimonies. The inquisitorial nature of the criminal trial in Romania gave the prosecution a certain advantage by denying the defendants the privilege of requesting the help of a councilor until they had formally been presented with the indictment. Thus, the defendants had to face alone the prosecutor's barrage of questions and were not always able to steer clear of the pitfall of providing self-incriminating statements. Yet, the prosecution's efforts to collect new evidence concerning the circumstances of the crimes under investigation were somewhat hindered by the fact that it was not possible to interview all 24 defendants. A third of them (the Legionary defendants) had already fled Romania and their extradition could not be secured because the latter took refuge in neutral countries, well outside the reach of the Allies.

Those defendants who were in Romanian custody (sixteen to be precise) were questioned during April 1946 by a team of five public prosecutors (V. Stoican, Zelea, D. Săracu, Stroescu and A. Nicolschi), working under Avram Bunaciu's direct supervision. The chief-prosecutor took charge personally of the interrogations of the most important defenders and his involvement clearly benefited his team of legally inexperienced and politically dilettante public prosecutors. Bunaciu's courtroom experience enabled him to make use of a whole arsenal of interrogation techniques (the use of 'disarming questions' to throw the defendants off guard and to establish rapport, the alternating of direct and indirect questions, the constant return to previously discussed topics in order to check consistency in accounts), while his thorough knowledge of the

⁸¹ USHMM RG RG-25.004M, Reel 31, File 40010 'Dosar penal Ion Antonescu', Volume 2, Files 152- 153.

functioning of the wartime regime allowed him to ask precise questions about the defendants's involvement in certain diplomatic negotiations and political activities before and after 1940.

Bunaciu's eight successive interviews with Marshal Antonescu during 14- 20 April 1946 are a telling example of his interrogation style. He opened the first interview with a series of 'casual questions' concerning the treatment Marshal Antonescu was receiving in prison and tried to establish rapport by lending an apparently sympathetic ear towards the detainee's complaints about the severity of the detention regime. Far from adopting a confrontational style, like the SMERSH officers did in Moscow, Bunaciu affected a courteous questioning manner in order to induce a 'conversational atmosphere' to the whole interrogation. He asked Marshal Antonescu to help him 'cast light' on a series of controversial and poorly known aspects of his regime, such as the installation of the National-Legionary regime, the nature of the Romanian-German relations, Romania's involvement in the Barbarossa Operation or the ill-treatment of the Jewish minority. Thus, he induced the former *Conducător* to review the key events of the period between 1940-1944. Marshal Antonescu, who had already undergone long interviews on similar topics while in Moscow, offered long, articulated answers and took every chance to recant some of his previous statements made to SMERSH officers, arguing that they included false or exaggerated facts:

When I was taken in Russia, the first interrogator, who asked the question and included in my statement many untrue facts, told me that 250 000 people were shot in Odessa [...]

The last interrogator in Moscow wrote in some of my other statements that only 100 000 people were killed in Odessa. In [the brochure published in Stockholm] the count was 27 000 victims, in Moscow, the first interrogator gave another tally, 250 0000 victims. *What is the truth? What is the reason behind these exaggerations?*⁸²

Bunaciu's list of questions extended beyond these predictable topics, over which Marshal Antonescu probably had plenty of time to brood over during his long Soviet detention. The

⁸² Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 10 (1946, April 14 – 17), 3: 425- 426.

questions about the nature of his relationship with the Legionary leaders took Marshal Antonescu aback and forced him to recall the details of his first meetings with Corneliu Zelea-Codreanu and short-lived collaboration with Horia Sima. Bunaciu was apparently trying to shed light on the relation between the three men of state, but in reality, he was exploring the extent to which Marshal Antonescu's 'fascist sympathies' had shaped some of his crucial political decisions.

Marshal Antonescu's answers, however, painted a different picture, stressing how the rapidly deteriorating political situation in Romania and the new balance of power in Europe prompted him to forge a political, but not ideological alliance with the Legionaries in late 1940:

‘A. Bunaciu: You must tell us certain things that need to be clarified. You need to start with your first contact with the Legionnaires. When did you first meet with them prior to September 1940?

I. Antonescu: [I first encountered them] a long time ago, but not for political reasons. I was not without a certain political and military influence in Romanian political life [at the time]. Surely the Legionnaires wanted to establish relations with me [...] I have always been against crimes, especially against political crimes. I deeply resented the people who employ such methods.⁸³

Another set of questions to which Bunaciu constantly harped back to was the defendant's relation with the leaders of 'the democratic opposition', I. Maniu and D. Brătianu. He asked for details about the attitude of the two statesmen towards the major decisions of the Antonescu regime in domestic and foreign policy, trying to extract a confession that would incriminate I. Maniu and D. Brătianu as Marshal Antonescu's political supporters, or at least his confidential political advisors. Marshal Antonescu admitted that although he co-opted a limited number of National Liberal or National Peasants' financial technicians in his wartime cabinets and kept in contact with I. Maniu and D. Brătianu via correspondence, the two statesmen only offered their short-term, conditional support in 1940. Their relation became increasingly strenuous after July 1941 due to their conflicting views on a number of political issues, especially the Axis alliance

⁸³ Ibid., 302- 303.

and the war against the Soviet Union beyond the Dniester River. Bunaciu's insistence forced the deposed *Conducător* to admit that his difference of opinion with Maniu was of a political, not personal nature and he did not chose his friends or enemy based on personal feelings. In an outburst of chivalrous attitude, he boasted that he would not sink so low as to accuse his former allies, although they disavowed him and turned against him. He would take full responsibility:

I will not lower myself to the sad spectacle of shifting blame on my collaborators. On the contrary, it is my duty to defend them. The actual allegations would certainly need to be proven. In the Councils of Ministers, I said and even repeated two or three times: Not all positive things during my ministerial tenure were the result of your actions; but I will take responsibility for all the negative things, if I had previous knowledge of them⁸⁴.

These pretrial interrogations benefited both the defendants and the prosecution, though in a very uneven manner. Though they might not have known it, these interrogations gave the defendants the chance to rehearse and test their defense strategies for later use in the trial. But it was the prosecution that gained the most, naturally, since Bunaciu never lost control of the interrogation process and steered the line of questioning towards identifying weak points in the defendants' convoluted exculpatory discourses. The information thus gained was corroborated with the data extracted from official records or witness testimonies and put to use in the drafting of the Bill of Indictment in late April 1946. This 200 odd page-long document was forwarded for review to the Council of Ministers and, after some minor modifications, the Groza government formally approved it on May 2 1946.

The criminal investigation was not without setbacks, as the public prosecutors had to admit one year later, during a high-level Party meeting convened in 1947 for the evaluation of the activity of the People's Court. A. Bunaciu, D. Săracu, C. Dobrian and L. Pătrășcanu admitted to

⁸⁴ Ibid., 343.

the shortcomings of the prosecution of ‘the Antonescu group’, blaming their failure to secure a higher rate of convictions on ‘external factors’, such as the very short time frame, restricted access to sensitive public records, administrative hurdles and constant political interferences. A. Bunaciu detailed the difficulties encountered when trying to secure confessions from Jewish witnesses, who were, in effect, traumatized victims of the wartime persecutions and deportations, while C. Stoican, the former Chief Public Prosecutor, pointed out that the Soviet counselors interceded in favor of certain high-ranking officers, suspected of war crimes, but still serving in the ranks of the Romanian army, on account of the possible resistance that the local officer corps would mount. His team was prevented to gain access to sensitive wartime public records by high-ranking Party officials and the Soviets offered them no real assistance in this respect, as his requests for additional Soviet materials usually fell on deaf ears. He concluded as follows: ‘The Soviets promised us materials pertaining to the Antonescu trial and gave us nothing’.⁸⁵ Such a significant deficiency in the collaboration between the Soviet Union and the local Romanian Communist Party remains difficult to explain until this day.

4.5.3. *The preliminary hearing of the defendants by the investigating judge*

During this third stage, the defendants were brought before the appointed investigating judge (‘judecător de instrucție’ in Romanian) to be informed of the formal charges brought against them and to present their nominations for their chosen defense councilors and their list of witnesses. Alexandru Voitinovici was nominated for the office of investigating judge. At first glance, there was little in the background of this 28-year-old magistrate from Iași with limited

⁸⁵ Andreescu, Năstase and Varga, eds., *Evreii din România*, Doc. no. 110 (1947, March 27), 316.

courtroom experience to indicate the likelihood of his appointment⁸⁶. Yet what he clearly lacked in seniority and professional experience was compensated with his political allegiance (he was a Communist activist) and family relations (he was Secretary Pătrășcanu's distant cousin from Iași). He was appointed in the panel of judges of the Bucharest People's Court in the spring of 1945, then became chief-prosecutor of the Prahova Court and promoted president of the First Section of the Bucharest People's Court in less than one year on account of his loyal service and family relations than his imposing presence in the courtroom, either as a prosecutor or judge.

A. Voitinovici was the only magistrate to disclose his personal opinions of the trial of the Antonescu group in an interview taken in 1984⁸⁷. His 'insider's account' of the preliminary trial investigation provides valuable details about the direction of the inquiry and the key defendants' attitude. The preliminary hearing was not conducted independently from the public prosecutors overseeing the Antonescu case and the focus of his line of questioning was similar to Bunaciu's. A. Voitinovici interviewed Marshal Antonescu on several occasions during the week prior to the court hearings. During these interviews, he asked the former *Conducător*, in an affable manner, to provide a detailed account of his political involvement in ordering Romania's participation in the war against the Soviet Union, the deportations to Transnistria and his political relations with the 'democratic leaders'. Just like A. Bunaciu before him, he gave the former *Conducător* ample opportunity to present his side of the story, tactfully intervening on certain occasions to request

⁸⁶ Alexandru Voitinovici (1918- 1986) was a member of the Communist *nomenklatura* who reached important positions in the Romanian magistrature on account of his personal and family relations with the Party elite. Born in Pascani in 1915, he studied law at the University of Iași in the late 1930s and became a member of the illegal Communist Party. An aspiring journalist and writer, Voitinovici decided to enter the Romanian magistrature and began his career as a junior magistrate during the war years. His career took a turn for the best after August 1944, when he was appointed the presiding judge of the Bucharest People's Court. He was later appointed as magistrate (councilor) at the Bucharest Appeal Court, then General Secretary of the Department of Justice (1948), Chief Prosecutor of the Romanian People's Republic (1948- 1952) and president of the Republic's Supreme Tribunal (1954- 1967). He was sidelined by Nicolae Ceausescu and spent his retirement writing literature. For more information, see Arimia, *Citiți, judecați, cutremurați-vă!*, Doc. no. 5 (1984, December), 87- 102.

⁸⁷ Ibid.

additional details and some clarifications, while carefully steering the discussion away from politically-sensitive topics such as the Ribbentrop-Molotov Agreement of 1939 or the Soviet annexation of northern Bukovina and Bessarabia in 1940, that could put the RCP or the Soviet Union in a negative light. From A. Voitinovici's account, it seems that the defendants' culpability was already pre-established and the latter's task was limited to confirming and expanding upon what the public prosecutors had already established. Even after almost 40 years, Voitinovici's biased evaluation of Marshal Antonescu's guilt had not softened:

'Antonescu was a very contradictory figure, who needs to be judged from a historical perspective. It is clear that he was paranoid, a power-hungry man, who based on what he had done in 1907, in 1938 and during the Goga cabinet, was certainly a fascist. [...] He was certain that he would be found guilty and used to say that "History spares no one".⁸⁸

4.5.4. *The selection of the panel of judges and the appointment of the defense council*

Voitinovici was not the only magistrate to serve in the Bucharest People's Court panel of judges. He was seconded by the assessor Constantin Bâlcu, a prosecutor of the Prahova Court of Appeal and seven additional 'lay judges' ('judecători populari' in Romanian)⁸⁹, who allegedly illustrated the 'popular character' of the proceedings. Their nomination was made primarily on political criteria and was marred by Secretary Pătrășcanu's maneuvers to ensure the election of pliable candidates. Articles 11 and 12 of *Law no. 312 of April 1945* established the criteria and procedure for the election: first, each of the seven political groups forming the Groza government would nominate a list of potential candidates, and then, the Secretary of Justice would choose one name for each political group by lot⁹⁰. However, the Communist Party expressed its dissatisfaction with the initial elections of Petre Bruteanu (May 1, 1946) and

⁸⁸ Ibid., 91.

⁸⁹ USHMM RG RG-25.004M, Folder 40010 'Dosar penal Ion Antonescu', vol. 1, files 150-151.

⁹⁰ *Monitorul Oficial*, year 113, no. 94, part I (April 24, 1945): 3362- 3364.

Constantin Lăpuşneanu (the following day), the National Peasant Party's representatives, and put pressure on the last two to resign from office. Upon learning of Lăpusneanu's resignation 'due to illness', Secretary Pătrăşcanu organized a new ballot on May 3, 1946 and drew out from the urn the name of Teodora Iorgulescu, a housewife from Bucharest. The list of the panel of judges was finalized in the same day and included the following nine members: two career magistrates (A. Voitinovici as the presiding judge and C. Bâlcu as his assistant) and seven lay judges (Niţă Vasile, a worker standing for the Romanian Communist Party; Remus Dragomirescu, a lawyer representing the National Liberal Party- the Tătărăscu faction; Ioan Păuna, a worker standing for the Social Democrat Party; Dumbravă Joviţa, a ploughman representing the Ploughmen's Front; Constantin Țiulescu, a worker standing for the General Labor Confederation; Niculae Dinulescu, a professor representing the National People's Party; and Teodora Iorgulescu, an modest housewife standing for the National Peasants' Party – the Alexandrescu faction)⁹¹.

The next step in the pretrial proceedings was the appointment of the defense council, an undertaking which formally guaranteed the conduct of an adequate trial defense, but, in reality, was also fraught with controversy. The defendants were afforded the right to legal counsel, either in the person of a court-appointed lawyer or a counsel of their choice. Since all their assets had been forfeited, most defendants had little choice but to accept the services of the court-appointed counsel, a hastily assembled team of eight lawyers, headed by Constantin Paraschivescu Bălăceanu, the Dean of the Ilfov Bar Association⁹². Thus, the latter was appointed to defend the

⁹¹ USHMM RG RG-25.004M, Folder 40010 'Dosar penal Ion Antonescu', vol. 1, file 157.

⁹² Constantin Paraschivescu-Bălăceanu (1893- 1979) was a trained lawyer with leftist sympathies, who made a reputation for himself by defending a number of Romanian Communists activists prosecuted during the interwar period. A longtime member of the Ilfov Bar Association, he was appointed its Dean after August 23, 1944. He served as the court-appointed lawyer at various political trials held in the postwar years, including that of the National Peasants Party leaders in 1947. He maintained his position as Dean of the Ilfov Bar Association after its reorganization (1955- 1968) and became the president of the Association of Jurists of the People's Republic of Romania. In parallel, he began his political career by enrolling in the National People's Party in 1946, a Communist satellite organization which ran on the same electoral lists as the Popular Democrat Bloc. He ran for the

interests of Marshal Antonescu, Eugen Ionescu those of Mihai Antonescu, Constantin Daraban those of General Pantazi, Paul Roșu those of Constantin Z. Vasiliu, Gheorghe Mihail those of Traian Brăileanu, Iancu Vasile those of Constantin Bușilă, Alexandru Antofiloiu those of Nicolae Mareș, Ion Lucaci those of Radu Lecca and Teodor Stănescu those of Eugen Cristescu⁹³. That a member of the court-appointed defense team had Communist sympathies or affiliations did not necessarily mean that he was an unreliable councilor, but it did afford reason to doubt their choice of defense strategy. C. Paraschivescu Bălăceanu and his team of court-appointed defense lawyers opted for a ‘damage-limitation’ strategy, pleading for a reduced sentence on account of mitigating circumstances rather than challenge directly the factual or legal basis of the Indictment and draw the court’s attention to the list of procedural irregularities.

Faced with such a desperate situation, some defendants retained the services of other legal councilors, who were neither discouraged by the complexity of the task, nor deterred by the Communist pressures. Thus, Titus Dragoș was defended by councilor Crăciun Șerbanescu, Gheorghe Dobre by councilor Anghel Dumitrescu, Ion Marinescu by councilor Emil Socor, Constantin Petrovicescu by councilor Paul Iliescu, Petre Tomescu by councilor Ion Vasilescu-Notarra, while the defendant Gheorghe Alexianu secured the aid of councilor Miron Eliade.

Councilor Titus T. Stoika was the one who accepted to represent Marshal Antonescu in court during the appeal stage in spite of all adversity⁹⁴. The new councilor adopted a more

parliamentary elections in 1946 and won a seat in the new Assembly of Deputies, which became after 1948 the Great National Assembly (1948- 1952). For further details, see Ciucă, ed., *Procesul Mareșalului Antonescu*, 1: 31.

⁹³ USHMM RG RG-25.004M, Folder 40010 ‘Dosar penal Ion Antonescu’, vol. 1, file 362.

⁹⁴ Titus T. Stoika (1893- 1983) was a trained lawyer who practiced in Chișinău during the interwar years. In 1925, he made a name for himself by defending the participants in the Soviet-incited Tatar-Bunar rebellion of 1924 in the ‘The trial of the 500’. As Ion and Mihai Antonescu’s attorney, he lodged his clients’ appeals for pardon to the High Court of Cassation and Justice in 1946. He recorded Marshal Antonescu’s last words (a moving letter), which he secretly conveyed to his wife, Maria Antonescu, also in custody and awaiting trial in the same prison in Bucharest. The Communist authorities accused him of having made public this letter and placed him under arrest between May 28- July 11, 1946 in order to intimidate him. For further details, see Gheorghe Vartic and Doina Maria Petrescu, ‘Ultimele gânduri ale Mareșalului’, in *Revista de istorie militară*, no. 3-4 (1996): 61.

vigorous defense strategy, denouncing the unconstitutional character of the Bucharest People's Tribunal, the outright punitive nature of Law no. 312 of April 1945 and the long list of alleged procedural due process violations. As opposed to the defense councilors appointed by the court, T. Stoika and some other retained defense lawyers pointed out from the beginning of the court hearings that they had been placed at a clear disadvantage vis-a-vis the prosecution and complained that there had not been provided equal opportunities to prepare their case, since they have been afforded neither adequate time to consult with their clients, nor unrestricted access to the long list of materials introduced as exhibits by the prosecution. Their efforts to have the court proceedings postponed by introducing a motion for a continuance were summarily dismissed by the panel of judges, who frequently ruled in favor of the prosecution and made oblique remarks during the proceedings that left little doubt about their bias against the men in the docks.

4.5.5. The attitude of the Groza cabinet

The last step to be taken before the commencement of the court proceedings was the formal sanctioning by the government of the final list of defendants to stand trial before the Bucharest People's Court. The Groza cabinet discussed the Indictment drafted by the public defenders and the progress report prepared by Secretary Pătrășcanu concerning the preparations for the trial of the Antonescu group on May 2, 1946. The leading Communist members of the cabinet, such as Gheorghe Gheorghiu-Dej, the Secretary of Communications and Teohary Georgescu, the Secretary of the Interior, considered this as a routine task and were not prepared to engage in lengthy debates on the topic. They were quickly taken aback by the attitude of the two non-Communist members of the cabinet, Petre Bejan and Mihail Romniceanu, who raised a number of pointed and rather insinuating questions in respect to L. Pătrășcanu's activity report.

P. Bejan and M. Romniceanu's questions focused initially on technical details, such as the criteria behind the inclusion or exclusion of certain deposed members of the wartime cabinets on the list of defendants and soon moved to the heart of the problem, i.e. the extent of the formal and informal aspects of government supervision over the preparation of the coming trial of the Antonescu group. The Liberal M. Romniceanu, the representative of a minority political group in the Groza cabinet⁹⁵, asked the most pointed questions about the inconsistencies in the criteria behind the drafting of the lists of war criminals. He expressed wonder at the great severity or unexpected leniency showed by the public prosecutors towards certain members of the wartime cabinets and pointed out that the executive was not just supervising from afar the work of the People's Courts, but was actually influencing it by selecting the names on the lists of suspects⁹⁶.

These pointed questions and implied criticism elicited, as expected, the prompt reaction of the Communist cabinet members, who were compelled to make a number of candid statements that allow us to catch a glimpse of their actual perspective on the forthcoming trial of the Antonescu group. L. Pătrășcanu, in his quality as Secretary of Justice, made efforts to reassure his colleagues that the principle of collective ministerial responsibility would be fully enforced in respect to all the former members of the Antonescu cabinets. The few 'exceptions' made so far from the inclusion of certain former ministers on the list of suspected war criminals were not due to selective prosecution, but the inevitable result of bureaucratic delays and logistical difficulties. None would escape retribution, he claimed, because the category of 'minor war criminals' would face criminal prosecution as soon as the trials of 'the major war criminals' would conclude⁹⁷.

Gh. Gheorghiu-Dej and T. Georgescu, both representing the official voice of the RCP, continued on a similar line by stressing their Party's firm commitment to the upholding of the

⁹⁵ Romniceanu, *Zece luni în Guvernul Groza*, 11-12.

⁹⁶ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 19 (1946, May 2), 3: 570- 577.

⁹⁷ Ibid., 3: 585.

principle of collective ministerial responsibility for the war criminals. Although some of the former ministers included on the list of defendants were low-key figures who had limited authority and influence, they still had to be tried on account of the implicit consent and support they had given to the policies adopted by the Antonescu regime. The wholesale prosecution of the members of the Antonescu regime, he argued, was eagerly demanded by public opinion⁹⁸.

The Prime-Minister's intervention settled the matter and prompted the Cabinet to officially endorse the Indictment and L. Pătrășcanu's report. With his typical cynicism, this Communist fellow-traveler explained that the coming trial had a distinct political dimension and voiced in a blunt manner what the other cabinet members did not dare to say openly: 'We are here to pass a political judgement on the defendants' activity. The People's Court is only an executive body.'⁹⁹

4.6. Conclusions

The analysis of the reasons behind and circumstances surrounding the abrupt arrest of the members of the Antonescu group' on August 23, 1944, their precipitated transfer to and long detention in the Soviet Union and their transfer back to Romania in order to stand trial formed the substance of this chapter. This whole process was a combined Romanian - Soviet initiative, part of the joint Allied postwar policy to prosecute suspected war criminals in the former Axis satellites, but ultimately bearing the distinct mark of Soviet direct intervention and influence.

One can argue that the role of Soviet Union in the preparation of the trial of the Antonescu group remained a constant element, while the political interests behind its involvement or the means employed adjusted in accordance to the changing fortunes of international politics. The

⁹⁸ Ibid., 3: 575.

⁹⁹ Ibid., 3: 582.

Soviet attitude in respect to ‘the Antonescu group’, although difficult to fully discern due to the lacunae in the archival records, illustrate this point. The fact that the Red Army troops seized the custody of Marshal Antonescu and his collaborators on August 31, 1944 was probably the result of both planning and opportunism. While holding them in custody for almost two years, the Soviet agenda in respect to these high-ranking Romanian prisoners evolved in accordance to the changing international situation (the end of World War II and the beginning of the Cold War) and the evolution of the political situation in Romania (the growth in size and influence of the RCP). Faced with the reluctance of the Western Allies to accept Marshal Antonescu’s inclusion on the list of prosecution witnesses at Nuremberg, the Soviet authorities made the most of the situation by including the most self-incriminating statements made by Marshal Antonescu during his interrogations in Moscow in the Soviet prosecution case before the IMT and transferring the members of ‘the Antonescu group’ to Romania to stand trial before a local People’s Court.

In the beginning of April 1946, the complex Romanian legal machinery created by the Communist-dominated Department of Justice for the prosecution of war criminals was set into high gear with the aim of preparing the defendants in custody them for the much-awaited trials. In all fairness, it needs to be pointed out that the political conditions that prevailed in postwar Romania made difficult the strict observance of the established legal provisions that guaranteed the defendants' due process rights. The trial raised some complex challenges in respect to the apprehension of the defendants (more than a third of them had already fled the country and there was no possibility to secure their extradition), as well as the examination of their individual guilt (a significant part of the Romanian wartime archival records have been confiscated or destroyed, while many surviving Jewish witnesses were too traumatized by their recent ordeals to bear testimony for the prosecution). Also, external political pressures forced the Groza government to

expedite the pretrial proceedings in less than a month and thus, at the behest of the ACC and the RCP, procedural rigor and efficiency had to be sacrificed, at times, for the sake of expediency.

Even though the argument that the agitated postwar years did not allow a fair examination of the crimes perpetrated by the defendants is not without merit, the arbitrary manner in which the Communist Groza government supervised the preparations for the trial and the misconduct of the prosecutorial team handling the case of the Antonescu group point to the fact that the proverbial ‘scales of justice’ had been tipped against the defendants. The fact that the pretrial procedures were fraught with procedural due process violations cast a long shadow upon the prosecution’s competence, as well as its actual intentions. Appointed based on political affiliation rather than professional competence, the activity of the team of public prosecutors headed by Vasile Stoican was far from exemplary, as it raised many questions about the accuracy of the evidence collected and the reliability of the witnesses’ testimonies used to build the case against the Antonescu group. Some may be tempted to ascribe these shortcomings to the public prosecutor’s lack of legal training and courtroom experience, the limited resources allocated by the Department of Justice and, most of all, time. However, the political character of the prosecution’s investigation cannot be easily overlooked, as it led the public prosecutors to employ deliberately vague criteria for the indictment of the members of ‘the Antonescu group’, thus blurring the thin line between punishment them for ‘fascist’ political beliefs and punishment for supposed wartime crimes.

5. 'THE TRIAL OF THE GREAT NATIONAL BETRAYAL' (FIRST STAGES)

5.1. Introduction

The previous chapter analyzed the preparations for and preliminary stages of the trial of the Antonescu group. This section focuses on the criminal trial itself, aiming to examine the evolution of the courtroom proceedings between May 6- 17, 1946 and the long list of vexing legal, ethical and political questions that they raised: whether the Bucharest People's Court could try defendants *in absentia* and the law it applied violated any constitutional principles; whether the defendants' right to a fair trial was adequately protected and the defense council received the same resources to prepare or opportunities to present its case as the prosecution did; and finally, whether the Communist Groza government and the *ad-hoc* People's Court that it created could deliver 'fair justice' to its former political and ideological opponents, now standing in the docks.

These questions were raised again and again during the clash between the prosecution and the defense in the courtroom, each side presenting and defending a different version of the facts. This 'legal duel' was neither a contest between equal participants, nor was it arbitrated by neutral procedural rules enforced impartially by the panel of judges. The prosecution, who had had significantly more time and resources at its disposal than the defense, argued its case in an aggressive, even hostile manner, denying the defendants the presumption of innocence and resorting to gratuitous attacks on and unsavory characterizations of the sixteen men in the docks. In doing so, it was clearly favored by the panel of judges, who arbitrarily intervened in order to censor defendants during their examination or even to influence the witnesses called to the stand.

These procedural irregularities substantiated the defense council's complaint of 'inequality of arms'. Although it had been placed at a disadvantage vis-à-vis the prosecution, the defense was given ample opportunity by the court to refute the prosecution's arguments and present its own case, while the defendants in the docks carefully listened to the accusations brought against the Antonescu regime and their own individual acts in view of preparing the last details of their defense. Their effort to point out the flaws in the prosecution case and to shift responsibility onto their superiors or subordinates gave a clear dramatic, confrontational flair to the trial. But to what extent did the new information brought to light by this confrontation influence the adjudication? Was the People's Court primarily interested in finding the truth or proving the defendants' guilt?

This section will attempt to answer these vexing questions by analyzing in a systematic manner the main stages of the trial. The length of the court hearings and volume of documentary evidence makes it difficult to provide a comprehensive analysis of the cases against each of the twenty-four defendants in the limited space of this section. Instead, I will examine in detail those stages that dealt with the defendants as a group (the indictment, prosecution's closing arguments, verdict) and will selectively review the examination, closing arguments and appeal of what I consider to be 'the major defendants' (I. and M. Antonescu, C. Pantazi, C. Vasiliu, E. Cristescu, G. Alexianu, and R. Lecca), selected on account of their high-profile, the impact of their detailed and evocative testimonies and the severity of their sentences (they were all sentenced to death).

For reasons of space, this section is divided into two chapters. The first one deals with the initial stages of the trial, from the opening formalities to the examination of the defendants (May 6- 8). The second chapter looks at the subsequent stages, from the examination of the witnesses to the reading of the verdict (May 9- 17). To pursue the judiciary process until its final outcome, some brief consideration will be given to the appellate review and the execution of the sentences.

5.2. The setting (venue, ‘cast of characters’ and trial timetable)

5.2.1. *The venue*

The date chosen for the opening of the trial against the Antonescu group was May 6, 1946. However, it was not certain until the last moment that the opening date would be respected, as the defense councilors had filed a motion of continuance in the previous week. Even so, the court was determined to stick to the trial calendar and allow for no postponement in order to ensure an expedient trial, as per the instruction received from the Department of Justice. Secretary Pătrășcanu openly refused to stage ‘a Nuremberg-style trial’, which risked to drag on for months and opted instead for a speedy two-week trial that would captivate the nation’s full attention¹.

The trial did begin, as planned, on the morning of Monday, May 6. The chosen venue was the Courthouse no. 7 on Știrbey-Voda Street in Bucharest, a large Art-Deco building erected in the 1930s with an impressive entrance decorated with an avant-garde frieze. The courtroom in which the proceedings took place was not exactly impressive and the ‘people’s justice outlook’ that it was given by the Communist authorities did little to alter its somewhat unassuming character. It was quickly filled to the brim by an eager audience composed of men and women belonging to various professional categories and social groups; some were engaged spectators, critical of the deposed Antonescu regime and unsympathetic to the men in the defendant’s dock, while others mere curious observers, awaiting the public appearance (presumably the last) of the fallen *Conducător*. To this initial atmosphere of excitement and great anticipation quickly added a growing sense of hostility. The Communist authorities had carefully screened the audience and reserved the majority of the seats to a mixed group of Party sympathizers (mostly workers and

¹ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 19 (1946, May 2), 3: 579.

discharged soldiers), seated in a conspicuous place and instructed to shout abuse at the defendants, put pressure on the defense witnesses and vocally support the prosecution's attacks².

The layout of the courtroom and the placement of the magistrates, defense council and defendants was altered in order to concentrate the public's attention in the small area of the dais where the people's judges sat at the far end of the room, opposite the seats reserved to the public. The judges were not dressed in the traditional black robes of their profession, but in dark-colored suits and popular garb. There were nine judges seated on the dais: seven lay people's judges drawn by lot (Niță Vasile, Remus Dragomirescu, Ion Păuna, Jovița Dumbravă, Constantin Țiulescu, Nicolae Dinulescu and Teodora Iorgulescu) and two appointed career magistrates (Alexandru Voitinovici and Constantin Bâlcu). The presiding judge, A. Voitinovici, stroke a discordant note in the panel by wearing a pair of dark glasses to protect his weary eyes from the glare of the spotlights. He was sitting opposed to the court clerk (Gheorghe Colac), who was steadily taking notes of the proceedings. At a table to his right sat the three public prosecutors (Vasile Stoican, Constantin Dobrian and Dumitru Săracu), leaned over their case files and notes. Next to them was the defendants' box, consisting of three rows of chairs packed with the sixteen defendants and guarded by armed soldiers. The defense council was seated next to their clients, facing the dais where the people's judges were seated and adjacent to the section for the public.

In the opposite left side of the courtroom, there was 'the press corner', a section reserved for the Romanian and foreign press correspondents who were reporting on the case³. Their cameras, with their powerful flashes and distracting whirring sounds, were not the only 'intrusive devices' allowed in the courtroom. The proceedings were also being recorded by a filming crew, who had their large equipment, particularly the obtrusive spotlights and the conspicuous black

² Schuyler, *Misiune dificilă*, 325- 327.

³ Markham, *Rumania under the Soviet yoke*, 156.

studio microphones, installed all over the courtroom. The strong glare of the spotlights and the palpable tension in the overcrowded courtroom conferred an almost theatrical flair to the trial.

The political aspect of the trial was personified by the discrete, yet unmistakable presence of the representatives of the Allied Control Commission: Lieutenant Colonel Kuzmin and Major Smirnov (the Soviet Union), Major Hann (the United States) and Captain Kay (Great Britain)⁴. This presence reminded everybody that this judicial affair was supervised, as stipulated by the Armistice Agreement of September 12, 1944, by the victorious Allies. Apart from these official observers, several other ACC members, such as Burton Berry, the senior US political representative to the ACC, followed closely the evolution of the proceedings in Bucharest.

5.2.2. *The defendants in the dock*

The highlight of the opening day was the appearance of the defendants before the court. Stripped of their military uniform and insignia, the sixteen defendants (the other eight were tried *in absentia*) appeared as old, tired men, fallen from their former days of power and glory. The long imprisonment had clearly taken its toll: the defendants were wearing civilian clothes (mostly dark suits), usually worn and saggy because their owners had lost weight due to the strict prison diet. The long period of solitary confinement in the Jilava prison had also affected their morale, compelling them to become either more withdrawn or more frantic. On the morning of the first day of the trial, some waited with resignation the start of the hearings, while other chatted with fellow detainees in search of news or with their defense council in a last effort to go over the details of their cases, receive some news about their families or offer each other assurances. They quickly became the center of attention and their every gesture was scrutinized.

⁴ Botez, Ion Antonescu. *Destinul unui mareșal*, 207.

Contrary to the allegations made by the Communist press, the twenty-four defendants did not constitute a homogenous group, but actually a cross-section of the Antonescu regime, selected to exemplify both its military and 'fascist' ideological orientation, and the nefarious involvement of government institutions in the drafting and implementing of 'criminal policies'. Some had been longstanding members in the wartime cabinets and Marshal Antonescu's close friends, while others were Legionary fellow-travelers or mere 'second-echelon political cadres' and loyal Army Generals. This list of defendants included four distinct subgroups: first, seven cabinet members from the upper echelon of power (Marshal Ion Antonescu, former *Conducător* and Prime-Minister, Mihai Antonescu, Secretary of Foreign Affairs, Eugen Cristescu, Director of the Romanian Intelligence Service, General Constantin Pantazi, Secretary of War, General Constantin Vasiliu, Under-Secretary of the Interior, Gheorghe Alexianu, Governor of Transnitria and Radu Lecca, Commissar for Jewish Affairs,); second, three Army generals who served as state secretaries (General Constantin Petrovicescu, Secretary of Interior, General Dumitru Popescu, Secretary of the Interior and General Gheorghe Dobre, Secretary of Army Ordnance); third, seven cabinet members from the second echelon of power (Ion Marinescu, Secretary of National Economy, Constantin Bușilă, Secretary of Public Works and Communications, Nicolae Mareș, Secretary of Agriculture and Royal Domains, Doctor Petre Tomescu, Secretary of Public Health, Labor and Social Care, Titus Dragoș, Under-Secretary of Romanianization, Constantin Dănulescu, Undersecretary of Labor and Vasile Dimitriuc, Under-Secretary of National Economy) and fourth, seven cabinet members, formally affiliated to the Legionary Movement (Horia Sima, vice-president of the Council, Traian Brăileanu, Secretary of National Education, Prince Mihail Sturdza, Secretary of Foreign Affairs, Ion Protopopescu, Secretary of Communications and Public Works, Vasile Iașinschi, Secretary of Public Health, Labor and

Social Care, Corneliu Georgescu, Under- Secretary of National Economy and Constantin Papanace, Under-Secretary of Public Finances.)

5.2.3. *Overview of the trial timetable*

The first day of the trial (May 6) was dedicated to the fulfillment of the opening formalities, as stipulated in Article 14 of *Law no. 312* of April 24 1945: the presiding judge declared the court to be in session, then proceeded with the identification of the defendants present in the box. Next came the reading of the Indictment, which proved so lengthy that the court clerks had to take turns to go through it during the entire morning and afternoon session. After that, the presiding judge gave the floor to the defense council to present their legal objections to the Indictment, which were summarily examined and dismissed as unfounded⁵.

The examination of the defendants began in the same day, during the evening session. The procedure was specific to the Romanian inquisitorial criminal system, as stipulated in Article 304 of the CCP of 1936. This meant that the presiding judge, Al. Voitinovici, assumed the role of main interrogator of the defendants, while the public prosecutors, the defense council or other defendants could ask questions to the defendant called to the stand only through him. As a result, the examination, cross-examination and, in some instances, the confrontation of the defendants generally took place in the same session and without major interruptions. Marshal Antonescu, the first defendant, was examined by the presiding judge and by the public prosecutors on the evening of May 6. The following two days (May 7-8) were taken by the examination of the remaining fifteen defendants in the docks, in the order presented in the Indictment (M. Antonescu, C. Pantazi, C. Vasiliu, T. Dragoș, G. Dobre, I. Marinescu, T. Brăileanu, D. Popescu,

⁵ Ciucă, ed., *Procesul Mareșalului Antonescu*, 1: 27- 33.

C. Petrovicescu, C. Bușilă, N. Mareș, P. Tomescu, G. Alexianu, R. Lecca and E. Cristescu).

The examination of the long list of witnesses for the prosecution and for the defense began afterwards. During the next four days (May 8- 11), a number of prominent military figures (Generals Ilie Șteflea and David Popescu), political actors (Iuliu Maniu, Dinu and Gheorghe Brătianu), retired magistrates that had held important positions in the judiciary apparatus (for instance, Gheorghe Docan) and leaders of the Jewish community (Wilhelm Filderman), were called to testify in court. In total, fifty-seven witnesses had to take the stand and answer the questions raised by the presiding judge, the prosecution, the defense council and the defendants.

After the examination of defendants and witnesses was completed, the two parties were given the floor to make their closing arguments. The prosecution took almost one and a half days (May 12- 13) to develop the charges presented in the opening argument in the light of the new evidence and testimonies presented during the hearings, demanding the exemplary punishment of the defendants. Then came the turn of the defense council to refute the prosecution's accusations and to defend their clients' entitlement to the presumption of innocence (May 13- 14).

The evening of May 14 and the following day (May 15) were reserved for the defendants' last words (Marshal Antonescu's was the longest and most evocative). Claiming that they could not present and develop all their arguments during their examination, the defendants made use of their right to lodge written memoranda to the court, as stipulated by Article 311 of the CPP.

Finally, on May 15, the presiding judge announced the closing of the proceedings and the panel of judges retired to deliberate the verdict, which was announced in court on May 17. Although some were acquitted of the count of 'war crimes', all defendants were found guilty on the count of 'contribution to the country's disaster' and received harsh sentences, varying from ten years of hard labor in prison to life imprisonment and the capital punishment (Ion and Mihai

Antonescu, C. Vasiliu, G. Alexianu, C. Pantazi, R. Lecca, E. Cristescu and the Legionary leaders H. Sima, M. Sturdza, I. Protopopescu, C. Georgescu, C. Papanace and V. Iașinski *in absentia*).

All the defendants lodged appeals to the High Court of Justice and Cassation. According to Article 14 of Law no. 312, the High Court could not review the case facts themselves, but only the procedural aspects of the trial, namely the faulty composition of the panel of people's judges and the incorrect application of the sentencing guidelines. These appeals were reviewed in great haste in less than a week (May 25- 31) and eventually rejected by the High Court as unfounded.

The execution of sentences began immediately after the rejection of appeals. Those defendants sentenced to death petitioned King Mihai for clemency, but Secretary Pătrășcanu persuaded the King not to grant a Royal pardon to four defendants: Ion and Mihai Antonescu, C. Vasiliu and G. Alexianu. Their death sentences were carried out near Jilava prison on July 1, 1946 and came to represent an inglorious end of their careers and 'a sordid epilogue to the trial'.

5.3. Outline of the prosecution's case

Before turning to the analysis of the Indictment, it would be useful first to review the key elements of the strategy employed by the prosecution to argue its case. The public prosecutors built their case around the alleged criminal nature of the fascist Antonescu regime, labelling it as 'dictatorial, xenophobic, militaristic and imperialistic' and holding its ruling elite responsible for the political, economic, military and diplomatic policies and measures adopted during the war years that were 'criminal in their intent' and 'disastrous in their application'. More concretely, the prosecution aimed to prove that the twenty-four defendants were criminally liable for 'war crimes' and 'the country's present disaster' on account of their participation in the planning,

preparation and implementation of a set of policies and measures between 1940 and 1944 that resulted in the systematic persecution and destruction of political opponents, ethnic minorities, religious groups and Soviet POWs ('war crimes'). In addition, the defendants were responsible for having pushed Romania on the brink of military and economic disaster by collaborating with the Axis and knowingly plunging the country into war, thus inflicting great sufferings and losses of the Romanian population ('responsibility for the country's disaster' and 'high treason'). This section will examine the prosecution's approach to defining culpability, processing evidence and selecting witnesses, while the criminal charges will be discussed in the following subchapter.

5.3.1. Defining the forms of criminal responsibility

One of the main elements of the prosecution's strategy was to argue that the whole range of crimes perpetrated by the defendants sprang from the very fascist nature of the regime that ruled Romania between 1940 and 1944. In fact, the indictment of Marshal Antonescu and his former collaborators was indicative of the prosecution's intention to condemn the entire wartime regime by revealing how the dictatorial, xenophobic, militaristic and imperialistic tendencies of its fascist ruling elite ('Ion Antonescu and his clique') shaped the outlines of its domestic and foreign policy⁶. There was a direct connection, argued the prosecution, between the defendants' deep-seated anti-democratic beliefs and the savage persecution of political enemies, particularly the Communist 'freedom fighters', whereas their xenophobic and racist attitudes provided the needed justification for the brutal oppression of ethnic and religious minorities. In addition, the militaristic tendencies of the deposed regime drew wartime Romania closer towards 'kindred' fascist states, while the alliance with the Axis further reinforced Marshal Antonescu's

⁶ Ibid., Doc. no. 4 (1946, April 29), 1: 60- 183.

‘imperialist’ foreign policy, which culminated in the war against the Soviet Union. By drawing a line connecting the most disturbing aspects of the wartime years, the prosecution offered an alternative interpretation of the history of the Antonescu regime, which was articulated around ‘fascist ideology’, ‘military dictatorship’, ‘collaboration with the Nazis’ and ‘imperialist war’.

In putting forward this simplified historical interpretation, the prosecution also sought to emphasize the notion of collective guilt that weighted on the shoulders of the members of the Antonescu government. The starting of a war and the perpetration of the large-scale atrocities during the war, argued the prosecution, could not have occurred unless the individual members of the said regime acted in concert with the shared purpose of fulfilling ‘a common criminal plan’. Indeed, waging war and organizing the deportation of large groups of people were collective enterprises that required careful planning and effective mobilization of resources. Following this logic of ‘joint criminal enterprise’, mere membership in the Antonescu government was sufficient grounds for holding any state official responsible for the criminal measures adopted by the wartime regime. Indeed, the men in the docks retained the greatest amount of responsibility for the formulation and planning of the military campaign against the Soviet Union and the deportation of ethnic and religious minorities to Transnistria. But on which grounds could they be hold responsible for the acts of their military and civilian subordinates who actually perpetrated the abuses and crimes against the civilian population or the deportees?

In trying to answer this question, the prosecution had to address the concept of individual criminal liability. In order to connect the defendants to the actual perpetrators (material authors of the crimes), the prosecution formulated a ‘theory of command responsibility’, probably inspired by A. Trainin’s study, *The Criminal Responsibility of the Hitlerites*⁷. According to this interpretation, the high-ranking officials and senior military commanders were the moral authors

⁷ Trainin, *Răspunderea penală*, 9-10.

of these crimes and bore primary responsibility for the crimes and atrocities perpetrated by their subordinates, even though they had not been directly or physically involved in them. By virtue of their positions, ranks and authority, these state officials and military commanders had ordered, consented to or at least, had direct knowledge of the criminal actions of their subordinates, be they soldiers, gendarmes or civil servants. Thus, they were held responsible for subsequent failure to punish them for their unlawful actions or abusive acts. However, this theory was not without its flaws. Military commanders, for instance, could be held responsible for issuing unlawful orders, enacting such orders without formally protesting or failure to punish the unlawful behavior of their subordinates on the battlefield. But the same field commanders could plead ignorance on account of their unawareness of the actions of their subordinates or innocence on account of ‘the superior orders’, which they were bound by military discipline to observe.

5.3.2. *The processing of the evidence*

The prosecution team devoted a great deal of time to collecting material evidences relevant to their case. Article 6 of *Law no. 312* of April 24 1945 gave them full authority to inspect any repository of government documents and collect any evidence that they deemed useful, while the public institutions had to extend them their full support⁸. They made good use of their powers and collected a significant, though uneven collection of wartime government records, diplomatic correspondence, military reports and memoranda sent to the High Command, press cuts and the like to build their criminal case. The documentary records of the Antonescu regime, although fragmentary, proved the most useful to document the decision-taking process of the wartime cabinets and thus, gave weight to the claim that the defendants had planned or, at least, had first-

⁸ *Monitorul Oficial*, year 103, no. 66, part I (March 19, 1936): 2368.

hand knowledge of some of the unlawful policies and decision adopted by the wartime regime.

Even though the prosecution had found incriminating evidence in abundance, a number of crucial official records were still missing or still had a ‘restricted-access’ status. For instance, Marshal Antonescu’s military archive covering the war years had been captured by the Soviet Army after the coup and shipped out of the country, while a number of SSI records containing classified intelligence had been seized by the RCP, which restricted full access to them. A table summarizing the postwar investigation for the location of the missing archives of Ion and Mihai Antonescu stresses the ‘less than perfect’ collaboration between the Soviet officials and various local institutions that seized parts of the said archives after the coup⁹. In addition, the prosecutors did not have direct access to the official records of the Third Reich captured by the victorious Allies, which could have cast new light on the evolution of the German-Romanian economic, military and diplomatic collaboration between 1940 and 1944.

5.3.3. The selection of witnesses

Despite these noticeable lacunae in the documentary record, the prosecution’s case was largely based on documentary evidence, but also made use of witness testimonies during the trial. These took the form of either affidavits, obtained during the pre-trial investigations, or live testimonies. Due to the need to expedite the proceedings, the initial list of potential witnesses was reduced to twenty persons, representing the major sectors of military and public life, such as General Ilie Șteflea (former Army Chief of Staff), Gheorghe Davidescu (former State Secretary), Gheorghe Docan (former magistrate and Secretary of Justice), General Vasile Cuzen (the Romanian Intelligence Services), Doctor Andrei Hățeanu (Public Health) and Professor

⁹ USHMM, RG-25.004M.0034 ‘Dosarul penal Ion Antonescu’, folder no. 34, file 88.

Ovidiu Vlădescu¹⁰. No other testimony was more dramatic than that of the surviving victims of state persecution, especially the Communist Jews interned at the Vapniarka camp in Transnistria.

The prosecution called other prominent political figures to bear testimony, such as the former Prime-Minister C. Sănătescu or Secretary Pătrășcanu. Some summoned witnesses evaded this responsibility because they were concerned about the risk of incriminating themselves or simply feared for their own well-being. Others potential witnesses were not considered by the prosecution due to their ‘unreliable character’, meaning that the anticipated ‘probative value’ of their testimonies far outweighed their potential to challenge the prosecution’s main arguments.

5.4. The charges: overview of the Indictment

According to *Law no. 312* of 1945, the public prosecutors were tasked with drafting the Indictment, which would then be presented to the Council of Ministers for review and approval. In keeping with the inquisitorial nature of the Romanian criminal system, this Indictment formed the basis for the ensuing trial of the accused. Since the said law did not stipulate the specific form or length that the indictment should take, the prosecution enjoyed great latitude as to the order in which to present its case and produced a long and complex document, structured around five sections: (1) opening formalities (2) the factual allegations that the prosecution intended to prove during the trial (3) the actual counts or criminal offences with which each defendant were charged, (4) the legal classification of the criminal offences and (5) the recommended sentences.

The opening formalities. The first section of the Indictment contained the typical opening formalities found in such charging instruments: the names of the public prosecutors representing

¹⁰ USHMM, RG-25.004M.0034 ‘Dosarul penal Ion Antonescu’, folder no. 1, files 317- 321.

the state against the defendants, the legal basis for the indictment (*Law no. 312* of 1945 and specific provisions from the Criminal Code and the Code of Criminal Procedure of 1936) and the particulars of the twenty-four defendants (full name, occupation, age, last address and so forth).

The factual allegations. The second section contained a long catalogue of allegations and supporting evidence that outlined the criminal fascist nature of the Antonescu regime and formed the background of the criminal charges brought against the twenty-four defendants. Despite the grandiose claims of objectivity and probity made in the beginning, the Indictment took the form of a devastating critique of the Antonescu regime, delivered on an accusatory and vindictive tone or in an unusually violent language. The main allegation was that the defendants had conspired to establish a fascist dictatorship, which betrayed Romania's national interests in favor of Nazi Germany, persecuted and economically exploited the local population and brought only ruin and desolation by plunging the country into an unprovoked and disastrous war of aggression:

Ion Antonescu and all those who supported his regime are considered guilty of the country's disaster and war crimes on account of their betrayal of the interests of the Romanian people and by subordinating the country to the interests of the fascist and Hitlerite enemy. [...] This dictatorship acquired all the traits of a fascist regime, where cruelty went hand in hand with hypocrisy, cowardice with insolence and cynicism with the most shameless self-advertising. The Antonescu dictatorship, like all fascist dictatorships, lied to the people, suppressed liberties and tried to steer the nation towards national betrayal by means of subversive propaganda [...] ¹¹.

First, the Indictment outlined the history of the alleged 'conspiracy' that brought General Antonescu to power in September 1940 with the purpose of delegitimizing his regime. The prosecution claimed that a conspiratorial group of 'reactionary and fascist forces', acting under German instructions, employed political scheming and force in order to have General Antonescu propelled to power by means of a *coup d'état*. Then, the 'vainglorious general' established a

¹¹ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 4 (1946, April 29), 1: 62- 63.

fascist dictatorship in Romania with the aid of the Legionary Movement, ‘the Hitlerite fifth column’. Once in power, ‘Ion Antonescu and his clique’ articulated their policy around two directions: the fascization of the social and economic structures, which led to systematic political and racial persecutions, and the complete economic subordination to the Nazi interests, which turned Romania into a German colony and plunged her into the war against the Soviet Union¹².

The indictment then turned to the domestic policy, exposing the disastrous impact of the state-sponsored persecutions. First on the victim list were the Romanians who opposed the new fascist regime, particularly the members of the underground Communist party, who were massively imprisoned in special camps for political prisoners. Then came the plight of the Jewish and Roma ethnic minorities, which bore disturbing similarities to the brutal racial persecutions organized by the Nazi regime. The prosecution painted a vivid picture of the most dramatic episodes: the enactment of racial laws, inspired by the Nuremberg Laws (disenfranchisement of the Jewish minority in Romania), the notorious anti-Jewish pogroms (in Bucharest and Iași in 1941), the economic spoliation (the creation of a Jewish Central Office) and the deportations of around 108 000 Jews and around 24 000 Roma to the camps in Transnistria, where many found their death. Lastly, there was the religious persecution of smaller religious groups, such as the Innochentists, whose 2 000 members were deported on account of their refusal to fight in the war. The National Socialist ideology, argued the prosecution, provided the source of inspiration:

We analyzed in the beginning of this section the criminal measures adopted by Ion and Mihai Antonescu targeting the ethnic minorities, which were labeled as ‘forced migration’ by Mihai Antonescu. This was the expression of hatred, chauvinism, the purity and superiority of one race over the other, inspired by the false Hitlerite theory, which was propagated in order to divide nations and thus, facilitate their conquest, domination and exploitation¹³.

¹² Ibid.

¹³ Ibid., 109.

Once the country has been terrorized into submission, ‘the Antonescu clique’ directed its forces against the Soviet Union, planning and preparing, in cooperation with Hitler, ‘a gangster-like and unprovoked attack’ against ‘the peaceful’ Soviet Union. The ‘warmongering’ Antonescu regime did not join military forces with the Axis in order to restore the borders of Greater Romania, argued the prosecution, but was actually driven by its own ‘imperialist ambitions and xenophobic beliefs’. The destructive manner in which the military operations were conducted and the savage exploitation of Transnistria, in total disregard of international law, attests to this:

This war against the USSR could not have been launched unless the criminally insane team led by Ion Antonescu, with the help of the reactionary Romanian leaders, had opened up the frontiers and had handed out the people and the army to the invading Hitlerites and, in the same time, had not brought about the darkest period of repression even known in his history.

The disaster caused by this war was incommensurable. The crime of aggression against the Soviet Union did not limit itself to the gang-like imperialist plan to conquer and plunder. It also encompasses the [criminal] manner in which the war was planned and conducted ¹⁴.

The Indictment highlighted the practical consequences of these ‘criminal policies’: (a) the political persecutions (the internment and persecution of ‘Communist freedom-fighters’); (b) the racial and religious persecutions (the disenfranchisement, racial persecution and spoliation of the Jewish and Roma minorities; the deportation of many Jews, Roma and Innocentists to the concentration camps of Transnistria); (c) the economic disaster (the systematic exploitation of the Romanian national economy by the Reich); (d) the pro-fascist propaganda (the poisoning of the people’s minds by the Legionary propaganda) and (e) the great human and material losses brought by the war (the ill-treatment of the Soviet population during Operation Barbarossa and the systematic looting of Transnistria). Although the Romanians were the first to be betrayed, concluded the prosecution, they were still struggling to shoulder the dire effects of these policies.

¹⁴ Ibid., 75- 76.

The counts. After weaving the factual allegations into such a dark history of the Antonescu regime, the prosecution moved to the examination of the actual criminal charges brought against the defendants. The Indictment was framed around two distinct, yet inter-related counts, as defined by *Law no. 312* of 1945: ‘contribution to the country’s disaster’ and ‘war crimes’.

The first count represented a controversial legal innovation that was intended to anchor the entire indictment. The postwar lawmakers, believing that the provisions of the Criminal Code of 1936 concerning crimes against national security, particularly high treason and collusion with the enemy (Articles 184 through 192), did not cover the whole spectrum of the serious crimes committed by the Antonescu regime, decided to include this *sui generis* category of offenses among the provisions of *Law no. 312* of 1945. As a ‘political crime’ by definition, this offense sanctioned both high treason in favor of the enemy in the form of the conspiracy to overthrow the existing political order (Article 1, paragraph a.), and the collusion with the enemy forces in the form of the wartime political, military, economic and ideological collaboration (Article 1, paragraph b.). As noted above, the prosecution took for granted the existence of a ‘common plan’ or ‘criminal conspiracy’ to betray national interests and to collaborate with Nazi Germany and considered that the active subjects, i.e. the members of the wartime regime, had knowledge of, participated in the drafting of or took part in the implementation of the said ‘common plan’¹⁵.

Due to the complexity of this count, the prosecution did not define in detail the premises and requirements, nor the material and subjective aspects (the common law equivalents of *actus reus* and *mens rea*) of this offense. The premise being the very existence of a shared intention to overthrow the political order, the implicit requirement for the perpetration of the offense was that the ‘conspirators’ held positions of power and influence in the government and the army in order to influence state policy or carry out their plans. The material aspect consisted in the planning,

¹⁵ Volanschi, ‘Noțiunea crimei de război’: 1182 – 1183.

preparation and initiation of the acts of high treason and collaboration with Nazi Germany, either by militating in the press for such measures or by effectively adopting measures to such purpose. The subjective aspect was not given a detailed definition because it was assumed that the persons involved in this ‘criminal conspiracy’ had the clear intention of committing high treason and collaborating with Germany. Still, the issue of whether they could have foreseen the disastrous effects of their actions raised some issues. The prosecution argued that these actions were premeditated and although the obtained results (‘the country’s ruin’) were not identical with the desired results (subordination to Nazi Germany), they could have been anticipated in advance.

As for modes of participation, Article 1 included a standard of strict liability according to which propaganda in favor of Hitlerism and fascism prior and after September 6, 1940 and mere membership in the Antonescu cabinets or wartime state administration automatically incurred responsibility for ‘contribution to the country’s disaster’. There was no clear distinction between a substantial and minimal or a direct and indirect participation mode, leaving to the prosecution’s discretion to determine whether any action in the public sphere or propaganda activity, no matter how slight, had helped in the execution of this crime and could constitute grounds for indictment.

The second count (‘contribution to the country’s disaster by committing war crimes’) was defined in more detailed manner and was broadly divided into three subcategories of offenses: crimes against peace, war crimes and crimes against humanity. The first subcategory (Article 2, paragraph a) criminalized the planning, initiation and waging of war of aggression against Great Britain and the United States and the invasion of Soviet territory without a proper war declaration and in clear violation of international treaties. The second subcategory (Article 2, paragraphs b to d) made reference to those offense constituting violations of the laws and customs of war, specifically the Convention of Hague (1907) and the Convention of Geneva

(1927) and sanctioned the ill-treatment of POWs or war hostages and the unlawful measures that intended to terrorize, intimidate, ill-treat or destroy civilian population from the war zones. The third category (Article 2, paragraphs e. to o.), which punished crimes against humanity, partially overlapped with the second subcategory, but it was more specific in regards to the active subjects (the perpetrators) and passive subjects (the victims), as well as the underlying offenses¹⁶.

The count of crimes against humanity included a long list of underlying offenses (acts of terror and violence, spoliation, persecution, atrocity, deportation, forced labor and extermination) perpetrated in a systematic manner against the civilian population on racial and political grounds, in or outside of occupied territories, generally during the war. The prosecution held the defendants directly responsible for four offenses: abuses of authority in order to unlawfully acquire goods (Article 2, paragraph l.); ordering the creation of forced labor camps or ghettos and the deportation of population groups on account of racial and political persecution (paragraph m.); the enactment of discriminatory measures and laws of 'Hitlerite, Legionary or racial nature' and excess of zeal in their application (paragraph n) and militating for the alliance with Nazi Germany and the country's economic subordination (paragraph o). The list of passive subjects is referred to in *Law no. 312* of 1945 as 'groups of civilians' and the prosecution made direct reference to the Ukrainian, Jewish and Roma ethnic groups (racial persecution), the Communist militants (political oppression) and the Innohentists (religious persecution).

Again, the prosecution did not provide a detailed analysis of the main judicial aspects of this criminal offense on account of its complexity and magnitude. The premise being the very existence of these large ethnic, political and religious groups targeted for persecution, the implicit requirement for the commission of the offense was that the material and moral perpetrators held positions of power in the government, state administration, the Army and the

¹⁶ Ibid., 1183- 1184.

Gendarmerie in order to plan, prepare and implement their nefarious criminal plans. The material aspect of this criminal offense consisted in a series of ‘inhumane acts and atrocities’ perpetrated on civilian population in the national or occupied territories (acts of terror and violence, organized plunder, systematic persecutions, atrocities, deportations to Transnistria, subjection to forced labor in work camps and extermination in concentration camps by means of starvation, exposure to extreme weather, criminal negligence, mass executions and so forth). As for the subjective aspect, it was assumed by default that such horrible crimes could only be committed with the clear intention of persecuting and destroying certain population groups and stemmed from the defendants’ deep-seated cupidity, chauvinism, xenophobia and racism¹⁷.

More attention was paid to defining the modes of participation in this criminal actions. Due to the magnitude of the offenses and the need to establish a clear connection between those who ordered and those who perpetrated the crimes, the prosecution had to distinguish between the ‘moral’ and ‘material’ authors. The defendants, as moral authors, were held responsible for planning, inciting and ordering their subordinates to commit such criminal actions, or at least were seen as a consenting part (had knowledge of these plans or orders but failed to act against or object to them). Another distinction was introduced between principal authors and accessories to the commission of these criminal offences (accomplices, aiders and abettors). But in the end, Marshal Antonescu was held as the main responsible for all the murders and destructions brought about during the four years of dictatorial regime in Romania and three years of anti-Soviet war.

Assigning individual liability. The next section of the Indictment was taken by the complicated task of individualizing the role of each defendant in the perpetration of these crimes

¹⁷ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 4 (1946, April 29), 1: 76.

and delimiting their individual criminal liability. The presentation of the charges against each defendant followed a typified manner and is listed below (name, crimes, legal classification)¹⁸:

1. Ion Antonescu, described with the injurious epithets of ‘traitor’, ‘blood-stained criminal’ and ‘enemy of mankind’, is seen as the arch- criminal primarily responsible for the country’s disaster (according to Article 1, paragraphs a and b of Law no. 312) and the perpetration, as the material and moral author, of the entire range of war crimes (Article 2, paragraphs a. to o.).

2. Mihai Antonescu, Ion Antonescu’s closest collaborators, was labeled as ‘one of the greatest enemies of the peaceful Soviet people’. He was seen as co-author to Ion Antonescu’s crimes and was charged with ‘responsibility for the country’s disaster’ (Article 1, paragraphs a and b) and the perpetration of the entire range of war crimes (Article 2, paragraphs a. to o.)

3. Horia Sima was seen as ‘the main agent of Hitlerite interests in Romania’, who allegedly sponsored between September 1940 – January 1941 ‘large-scale terrorist acts, looting, murders and incitements to racial hatred’ was charged with ‘contribution to the country’s disaster’ (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs e, j, m, n and o.)

4. Constantin Pantazi was labeled as one of Ion Antonescu’s ‘devout follower, co-author and accomplice to all his criminal acts’. As Secretary of War, he was responsible for ‘having sent to their death on the front hundreds of thousands of the nation’s best sons in order to serve Hitler’s and Antonescu’s criminal plans’ and charged with contribution to the country’s disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs a, b, c, d, e, f, m, n, o).

5. Constantin Z. Vasiliu was branded as ‘the most heinous, cruel and cynical of all of Ion Antonescu’s collaborators’ and held responsible for the systematic spoliation, persecutions and atrocities perpetrated against Communist militants, Soviet prisoners of war, Jewish and Roma deportees by the units of Romanian Gendarmes that were under his formal command as Under-

¹⁸ Ibid., 113- 179.

secretary of the Interior. He was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs a, b, c, d, e, f, l, m, n, o).

6. Titus Dragoș, the Under-secretary of State for Romanianization, Colonization and Inventory, was labeled as 'one of Ion Antonescu's right-hand men', entrusted with carrying out 'one of the most abject activities of the wartime regime', i.e. the racial persecution and spoliation of the Jewish and Roma ethnic group. He was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs a, b, l, m, n and o).

7. Gheorghe Dobre, the former Secretary of Army Ordinance, was described as 'the typical representative of the pro-Antonescu group of fascist officers', responsible for the planning and the preparation of the war. He was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs a, b, c, l, m, n and o).

8. Ion Marinescu, former Secretary of National Economy, was presented as the 'foremost representative of the fascist circles in Romanian industry', who militated for his country's economic subordination to German interests. He was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs a, b, c, l, m, n, o).

9. Traian Brăileanu, former Secretary of Education, was accused of having disseminated 'chauvinistic hate messages among the youth' and was charged with contribution to the country's disaster (Article 1, paragraphs a. and b.) and war crimes (Article 2, paragraphs m to o).

10. Dumitru Popescu, Secretary of the Interior, was described as 'one of the pillars of the terror regime created by Ion Antonescu' and held responsible for sponsoring most of the political, ethnic and religious persecutions. He was charged with contribution to the country's disaster (Article 1, paragraphs a. and b.) and war crimes (Article 2, paragraphs a, b, c, d, e, f, m, n, and o).

11. Constantin Petrovicescu, former Secretary of the Interior, was seen as an old Legionary militant who ‘had sponsored, incited and covered up all the major wrongdoings committed during the dark years of the National Legionary regime’. He was charged with contribution to the country’s disaster (Article 1, paragraphs a. and b.) and war crimes (Article 2, paragraphs n and o).

12. Constantin Dănulescu, former Undersecretary at the Department of Labor, was seen as the representative of ‘the fascist group of the L.A.N.C. hooligans’ who supervised the transfer of Romanian ‘volunteer workers’ to Germany. He was charged with contribution to the country’s disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs a, e, m, n, and o).

13. Constantin Bușilă, former Secretary of Public Works and Communications, was also portrayed as ‘the representative of the fascist circles in Romanian industry’ who served as an agent of German interests in Romania and was charged with contribution to the country’s disaster (Article 1, paragraphs a. and b.) and war crimes (Article 2, paragraphs a, b, c, e, f, l to o).

14. Nicolae Mareș, former Secretary of Agriculture and Royal Domains, was depicted as ‘the representative of the Romanian reactionary landowners with fascist sympathies’, who lent his active support to the Antonescu regime. He was charged with contribution to the country’s disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs l, m, n, and o).

15. Petre Tomescu, former Secretary of Labor, Health and Social Care, was labeled as a ‘faithful supporter and collaborator of Ion Antonescu’s fascist-Hitlerite regime’ and held responsible for the enactment of anti-Jewish legislation. He was charged with contribution to the country’s disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs e and m).

16. Vasile Dimitriuc, Undersecretary at the Department of National Economy, was seen as an agent of German interests who ‘had encouraged, in a conscious and traitorous manner, the

exploitation of Romania's oil by Germany'. He was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs m, n and o).

17. Mihail Sturdza, former Secretary of Foreign Affairs, was depicted as 'the representative of the Romanian reactionary landowners with fascist sympathies' who had militated for the country's total subordination to the Axis. He was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs j, m, n and o).

18. Ion Protopopescu, former Secretary of Communications, was described as a fervent Legionary who had militated, both as a university professor and state official, for the active collaboration with Nazi Germany and the war. He was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs j, m, n and o).

19. Corneliu Georgescu, former Undersecretary at the Department of National Economy, was seen as 'a notorious Legionary' who supported all the state policies intended to completely subordinate his country to Nazi Germany. He was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs j, m, n and o).

20. Constantin Papanace, former Undersecretary at the Department of Finances, was labeled as 'the commander of the Legionary Macedonian terrorists'. For having militated for the subordination of his country to Nazi Germany, he was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs j, m, n and o).

21. Vasile Iașinschi, former Secretary of Health, was characterized as 'an old Legionary militant' and was accused of having enacted racial, anti-Semite legislation during the short-lived National Legionary State. He was charged with contribution to the country's disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs j, m, n and o).

22. Gheorghe Alexianu, the former governor of Transnistria, was seen as ‘the supporter of the regime of terror, crime and pillaging that characterized the Antonescu dictatorship’ and held responsible for ‘his tireless activity concerning the looting of Transnistria and the gradual extermination of the local population’. He was charged with contribution to the country’s disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs a to f, k, l, m, n, o).

23. Radu Lecca, former Commissar for Jewish Questions, was described as ‘a Hitlerite agent in Romania, who had remorselessly betrayed his country for personal advantages’. He was held responsible for the planning and implementation of the criminal system for the extortion and destruction of the local Jewish population. He was charged with contribution to the country’s disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs e, f, k, l, m, n, o).

24. Eugen Cristescu, the former Director of the Special Intelligence Services, was vilified as ‘the most odious creation of the Antonescu regime’ and held responsible, inter alia, for having orchestrated the persecutions against Communist militants and Jews in Romania, and Soviet partisans in Transnistria. He was charged with contribution to the country’s disaster (Article 1, paragraphs a and b) and war crimes (Article 2, paragraphs a, b, c, d, e, f, g, l, m, n and o).

Closing section. The last section of the Indictment contained the prosecution’s sentencing recommendations for each defendant. In line with the great severity of the charges, the prosecution asked for the maximum possible sentences under *Law no. 312* of 1945, ranging from 5 to 20 years of hard labor to the capital punishment. The severity of these recommendation came as no surprise, since the prosecution had requested that the court should make an example of the defendants. However, the overall tone and line of argument in the Indictment were far from convincing and partly substantiated the defense’ allegation of prosecutorial partiality and misconduct. However, before examining in detail these allegations, a brief detour is required in

order to present the main points of the defense strategy mounted by the main defendants.

5.5. Outline of the defense case (type of defenses, evidence and witnesses)

It is fair to assume that, during their imprisonment in the Soviet Union and Romania, the defendants had had time to anticipate and prepare for some of the criminal charges they would eventually face in court. The pre-trial interrogations conducted by the prosecution and the instruction judge in April 1946 provided a useful, though difficult, preparatory exercise for building-up the main arguments of their defense. Still, nothing could have prepared them for the hostility of the Indictment, which was presented to them on May 1 1946. Each defendant was handed a copy of this legal document and their reactions varied according to their character and level of morale. A common reaction was to deny with indignation all charges, as Marshal Antonescu did, or discount them as mere fabrications that would not stand in court, like R. Lecca said. Still, some defendants, such as C. Z. Vasiliu, recognized that there was some truth in them, but were quick to deny all involvement and shift blame on other former cabinet members¹⁹.

After recovering from the initial shock, all the defendants made use of their right to consult with their lawyers and review the individual case files containing the incriminatory evidence compiled by the prosecution. Although they had only two days for this (May 4-5), the defendants hastily prepared their individual defense with their respective lawyers, desperately clinging to the hope that all was not lost²⁰. The Indictment was criminalizing activities, measures and policies about which the defendants had direct or detailed knowledge and thus, were in the best position

¹⁹ “‘Jurnalul de temniță” al grupului mareșal Antonescu’, in Gheorghe Buzatu and George Rotaru, eds., *Stalin, Hitler, Antonescu* (Pitești: Editura Rottarymond & Rotarexim S.A., 2007), 2: 442- 443.

²⁰ Ibid., 446.

to identify inconsistencies in the prosecutions' arguments and to provide alternate explanations. In spite of their differences, the individual defense strategies adopted by each defendant rested on similar grounds for denying, justifying or minimizing their alleged criminal responsibility.

5.5.1. *Procedural and substantive defenses*

A first set of arguments invoked by the defense challenged the legal basis of this trial and the jurisdiction of the court over their clients' cases. This procedural defense was raised from the first day of the trial, after the reading of the Indictment, when the defense lawyers were offered the floor to present their complaints. With some variations, they all invoked the legality principle embedded in the Romanian Constitution of 1923²¹ to denounce the retroactive, selective and punitive character of *Law no. 312* of 1945. Thus, the defense argued, the new law contradicted the said Constitution, which explicitly prohibited the adoption of retroactive laws, the creation of special tribunals, the forfeiture of assets and the imposition of the death penalty in times of peace. In addition, the direct appointment of prosecutors by the Department of Justice infringed upon the separation of powers principle, while the limitation of the right to appeal represented a violation of their clients' constitutional rights. The defense also challenged the competence of the court to hear the subject matter of the case, arguing that the Constitution of 1923 stipulated that any crime of political nature committed by former cabinet members, such as the defendants, in the exercise of their functions should be tried before the High Court of Justice and Cassation²².

Taken at face value, these arguments all seemed to have legal merit. Still, the foundation on which they rested was not very solid, given that the Constitution of 1923 had not been fully restored after the coup of August 23, 1944. In fact, the Constitutional Act of August 31, 1944 re-

²¹ *Monitorul Oficial*, year 190, no. 282, part I (March 29, 1923): 2373- 2375.

²² USHMM, RG-25.004M.0034 'Dosarul penal Ion Antonescu', folder no. 1, file 312.

enacted only some constitutional provisions, while giving the transitional governments full power to enact new criminal legislation, i.e. *Law no. 312* of 1945. It was this line of argument that the Bucharest People's Court used to justify its dismissal of the defense's challenges²³.

Another set of arguments invoked for excluding criminal responsibility challenged the substance of the allegations made by the public prosecutors. Contrary to the procedural defense, which was entrusted to the defense lawyer on account of their legal expertise, the main elements of this substantive defense were drafted by the defendants themselves, who had better knowledge of the military chain of command and political decision-taking mechanisms of the Antonescu regime. Based on their wartime experience and legal expertise (some of the defendants had legal training or were trained lawyers themselves), they were able to articulate three types of substantive defenses recognized under the *Criminal Code* of 1936: acting under duress (Article 130), the state of necessity (Article 131) and acting under superior orders (Article 137).

The first defense ('state of necessity') was commonly used by the defendants to justify their wartime unlawful actions. Article 131 of the CC of 1936 stipulated the conditions under which an individual who had committed illegal acts for reasons of self-preservation would be exempt of criminal responsibility. The defendants tried to make use of this provision in order to challenge the first count of the Indictment (responsibility for the country's disaster) by arguing that the illegal wartime measures that they adopted were not the product of fascist ideology or treasonous conspiracies, but, in fact, pragmatic and necessary response to a crisis situation that posed grave and imminent dangers for the country. In September 1940, argued the defendants, Romania was on the verge of collapse, with its territory amputated and surrounded by revisionist neighbors, its political forces in disarray, and with no strong military allies left in Europe. The establishment of the new regime on September 6, 1940 was part of the effort to save the country

²³ USHMM, RG-25.004M.0034 'Dosarul penal Ion Antonescu', folder no. 1, file 313.

from the imminent danger of Legionary rebellion or German occupation. Marshal Antonescu argued that he had the support of a large sections of the political elites and the context in which he came to power explained the difficult decisions that he had to make in domestic (alliance with the Legionaries) or foreign policy (adherence to the Tripartite Pact). He used a similar line of argumentation to justify the excessive severity of some of his ‘extra-legal’ measures, such as the suspension of civil liberties and the severe repression against Communist activists.

The second defense (‘duress’), closely related to the state of necessity, was also used by the senior cabinet members to attempt to minimize responsibility for their criminal acts. Article 130 of the CC of 1936 defined duress as the illegal act perpetrated under ‘moral coercion’ by a person who had a well-grounded fear that himself, his relatives or loved ones were facing a serious imminent threat, which could not have been avoided except by committing the said illegal act. The defendants, particularly Ion Antonescu, resorted to this strategy to justify their choices in foreign policy and military affairs in the context of the consolidation of Axis hegemony over Europe. After the fall of France and the Second Vienna Award, the Romanian state was facing the daunting prospect of either a Soviet or a German occupation. Facing this imminent danger, the new Antonescu regime chose ‘the lesser evil’, namely the alliance with the Axis that would guarantee Romania’s territorial integrity. This alliance came at the cost of economic, political and military collaboration, which was a less heavy price to pay than a foreign occupation regime. To those who held his foreign policy in contempt, Marshal Antonescu reminded them of Poland’s grim fate in 1939, caught between the two superpowers of the time.

The third defense (‘superior orders’) was generally employed by the military officers and second-echelon cabinet members to shift responsibility onto Ion Antonescu and the members of his inner circle. As noted above, Article 137 of the CC of 1936 stipulated that the civil servants

or the soldiers who acted pursuant to the illegal orders of his hierarchical superior or military commandant and thus perpetrated an illegal act were not to be held liable, provided they could not ascertain the legality of the said order. By adopting this strategy, most of the defendants, except Marshal Antonescu, argued that they were simply following the *Conducător's* orders, which at the time represented the legitimate head of the government and the Army.

Some defendants stressed that their obedience to these orders did not imply full approval of all state policies adopted by the wartime regime or unconditional support for fascism or the Axis alliance. They quoted some situations when they protested against the illegal nature of severe orders or even personally secured the release of some political detainee or the postponement of a harsh, arbitrary measure taken against some persecuted members of the local Jewish community. Still, most of these interventions took place on behalf of acquaintances and usually constituted isolated incidents. The decision not to leave their posts was influenced by their civic or military duty and the threat of police retaliation; their resignation would only have aggravated the situation, argued the defendants, because other, more pliable cadre would have taken their place.

5.5.2. The processing of evidence

As the defendants were preparing these arguments, it became clear that they would not enjoy 'equality of arms' with the prosecution in respect to access to evidence, witness and time to prepare their case. The ensuing complaints about severe time restrictions were not baseless: whereas the prosecution had months at its disposal and the full cooperation of state institution, the defense council had only a few weeks in April to gather documentary evidence for its case, as well as limited time slots for individual consultations with their respective clients in the week before the trial. Restricted access to official records was another grievance: during the pre-trial

proceedings and even first day of the trial, the defendants made various requests for obtaining copies of official transcripts, such as cabinet minutes, administrative reports and military orders, as well as personal papers which had been seized upon their arrest, but only some were fulfilled.

Despite these difficulties, the defense had one significant advantage: the sixteen men in the docks had a solid grasp of the wartime state policies and measures against which prosecution allegations were directed. Unlike the public prosecutors, whose limited political experience and even more limited understanding of military affairs became evident during the court hearings, the defendants had better knowledge of the working of the state institutions and the wartime military operations in the Soviet Union. When the opportunity presented itself, most of them did not hesitate to draw the court's attention to the many inaccuracies in the evidence introduced by the prosecution or openly challenge the inconsistencies in the prosecution's arguments. Nonetheless, their constant efforts to 'set the record straight' hardly managed to impress the panel of judges and, on some occasion, had the predictable effect of irritating the public prosecutors and even antagonizing the Communist members or sympathizers in the audience.

5.5.3. The selection of witnesses

Convinced of their own innocence, the defendants were not deterred by the fact that many of their former collaborators still alive had fled abroad or went into hiding and produced long lists of potential witnesses to testify in their favor. Some of these lists, such as Ion Antonescu's, were sensible and included only 15 names, while others, particularly Mihai Antonescu's proposal for summoning 67 witnesses, were quite unreasonable²⁴. In the end, all lists of potential witnesses had to be abridged on grounds of time constraints and relevance. The court argued that

²⁴ USHMM, RG-25.004M.0034 'Dosarul penal Ion Antonescu', folder 1, files 99- 101.

the defense witnesses should bear testimony on matters related to the issues of the trial, particularly the charges, not the defendants' good character, outstanding service or salutary interventions on behalf of acquaintances. Still, some names on these lists were disregarded by the court due to the political liability they posed for the new Communist regime. Thus, the Papal Delegate Antonio Cassulo, nominated on both Ion and Mihai Antonescu's lists of defendants, received veiled threats from Gheorghe Tătărăscu, the Secretary of Foreign Affairs, not to take the witness stand during the coming trial and to refrain from making any 'unfavorable disclosures'.²⁵

5.6. The examination of the principal defendants

Returning to the trial timetable, it is time now to discuss the highpoint of the first week of the court proceedings, i.e. the examination of the defendants. According to the procedure of the Romanian trial system, the presiding judge was the main interrogator and had full authority to censure the defendants called to the stand if he deemed their answers too dilatory or irrelevant. Al. Voitinovici, the presiding judge, made discretionary use of his powers in order to focus the line of questioning towards validating the counts of the Indictment. This proved no easy task because the defendants were resolute to present their own interpretation of the facts and to challenge the hostile, and, at times, inaccurate version of events presented by the prosecution.

Ion Antonescu was the first and probably the most important defendant to be called to the stand. His lengthy examination, eagerly awaited by the audience packed in the courtroom on the first day of the trial (May 6), lasted for several hours and took the form of a 'verbal sparring' with the bench and the prosecution. Judge Voitinovici began with plain questions of fact about

²⁵ Berry, *Romanian Diaries*, 398.

the defendant's political career and gradually shifted the examination into more 'threatening areas', whereas the defendant tried to articulate his pro domo arguments, while avoiding the bench's attempts to entrap him and parrying the prosecution's volley of insidious questions. It seemed that by expounding the massive evidence pertaining to his crimes, the prosecution intended to vilify the entire Antonescu regime. This did not confound Ion Antonescu because he had prepared a defense not only for himself, but also for his former collaborators and his regime.

Judge Voitinovici tried to focus the line of questioning on several areas of interest, which summarized almost the entire Indictment. The initial questions were centered on the defendant's association with the Legionaries and the circumstances that led to the founding of the National Legionary State on September 6, 1940. Ion Antonescu stressed in his answers that it was political necessity, not fascist beliefs, that led him to form an uneasy alliance with the Legionaries. Given that he lacked a political basis and the leaders of the Liberal and Peasants Parties refused to lend their full support, despite having encouraged him to force King Carol II's abdication, the defendant saw no choice but to ally himself with the Legion, with whom he had had occasional contacts in the past. He took this chance to present his political credo as 'a providential man', a career officer with no strong political ties, who was honor-bound to respond to the King's calls to save the country by assuming power. He said the following: '[...] I was never a political man. I did not belong to any political group in the past. I have always served my country, which I always considered to be above the interests of the monarchy or any political party²⁶.

The examination then moved to the military and economic aspects of the state collaboration with Nazi Germany. When asked about the nature of the military and economic treaties signed with Nazi Germany after September 1940, Ion Antonescu attempted to argue a defense of duress. He stressed the bitter legacy left by the previous regime (King Carol II had endorsed the

²⁶ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 7 (1946, May 6), 1: 189.

Wolthat-Bujoiu economic agreement signed in 1939 and had issued a request to Berlin for sending a German military mission to Romania to instruct the local military troops) and his efforts to impose clear contractual terms to the German-Romanian collaboration in order to draw the maximum of benefits for his country. This collaboration was not only imposed by the new balance of power in Europe or the war, he argued, but also by economic necessity, since Romania could not find in the late 1930s another European ally, besides Germany, willing to protect its fragile borders and able to deliver large quantities of armament or industrial products in exchange for local agricultural products, raw materials and oil. However, his contention that the Romanian economy had not been ruined by the incessant German wartime demands and that his country ‘had received more than it had given’ failed to impress the court or the prosecution²⁷.

Another set of questions focused on Romania’s participation to Operation Barbarossa. The prosecution insinuated that Romania, as Nazi Germany’s ally, had been involved from the start in the preparations for the aggression against the Soviet Union. The defendant flatly rejected this allegation and claimed that Hitler informed him about his plans to attack the Soviet Union in the last moment (June 1941). He decided to join this military operation in order to recover the lost provinces of Bessarabia and northern Bukovina by military means and to prepare the annulment of the Second Vienna Arbitration of 1940 (thus, the recovery of northern Transylvania), by diplomatic means. He considered the reconstruction of Greater Romania’s borders to be his historic mission, bestowed upon him by the nation and sanctioned by the leading Romanian political figures. Still, the prosecution’s direct questions compelled him to admit that, apart from legitimate territorial claims, Romania was not exactly pursuing a ‘parallel war’ against the Soviet Union, limited in scope and scale, but was actually engaged in a total war alongside the Axis:

²⁷ Ibid., 260.

The President: If you had no claims over Soviet territory, why were your troops at Stalingrad?

Ion Antonescu: Mr. President, when a country engages in a war, that country's army needs to pursue the adversary until the ends of the earth, to win the war. It is a crucial principle in the strategic planning of military operations, which had been in effect since the Romans until now. Search the history of ages and you will see that no army stopped at the frontiers, but pressed forward to destroy [the enemy] armies [...] This was due to military reasons alone²⁸.

When the discussion moved to the wartime policies of repression, the court inquired about the persecution of political dissidents, particularly the 'Communist patriots'. Marshal Antonescu took this opportunity to belittle the diminutive and marginal role played by the Communist resistance during the war years, describing it as 'an underground and occult movement', whose only perceived activity was limited to plots and plastering public places with posters²⁹. His tone changed and his attitude became defensive when the topic of racial persecution was broached. He challenged the validity of the charge of state sponsored persecution and pogroms of the Jewish population, complaining that the prosecution had quoted in the Indictment inaccurate and out of context excerpts from his own statements. He sketched a defense which weaved together denials (he claimed to never have ordered measures of racial persecutions and denied any involvement in anti-Jewish pogroms), omissions (he argued that he had no direct knowledge of the massacres of the local Jewish population in Iași and Odessa in 1941, but dully reprimanded his over-zealous subordinates who had somehow 'misinterpreted' his orders) and deflections of responsibility (he claimed that the anti-Jewish measures were forced upon him by his fervent Legionaries and German allies). He also tried to rationalize the deportation of large groups of Jews, Roma and Innohentists to the death camps of Transnistria by resorting to simplistic military considerations and self-serving justifications related to 'state security in times of war':

²⁸ Ibid., 204- 205.

²⁹ Ibid., 198- 199.

The President: What were the reasons for ordering the deportations? The deportations of....

Ion Antonescu: For military reasons also. This is a military principle: near and along the frontline, the [civilian] population needs to be displaced. [...] This was a measure pertaining to political security, military security and army operations and even pertaining to their own safety. Mr. President, had I left them [the Jews] there, none would have survived today³⁰.

Mihai Antonescu was examined during the following day (May 7). Fortified by his predecessor's bold stand against the prosecution's direct attacks and chivalrous defense of his collaborators by taking personal responsibility for the political decisions of his wartime cabinets, M. Antonescu mounted his defense based on lack of authority, duress and denial of knowledge.

The Indictment founded the individual case against him on his important positions in the wartime Antonescu cabinets, privileged relations with Marshal Antonescu and close ties with German diplomats. The defendant could not simply rebuke the charge of 'responsibility for the country's disaster' since he had formally directed Romania's foreign policy between 1940- 1944. Instead, he pointed to the formal division of responsibilities inside the Antonescu cabinets to argue that a civilian member like himself had limited authority over military initiatives and was not really able to direct state diplomacy independently of Marshal Antonescu's will. He accepted responsibility for the ratification of several economic and diplomatic treaties with the Axis, but claimed that these were signed under German pressure or with the real intention of limiting his country's military involvement in and economic contribution to the war effort. Faced with the prosecution's barrage of questions concerning his failure to sign the armistice with the Allies, the defendant finally lost his composure and began to stress that his diplomatic efforts to negotiate an armistice between 1943 and 1944 had failed due to the objections raised by the Army officers close to Marshal Antonescu and the vacillations of the leaders of the democratic opposition³¹.

³⁰ Ibid., 203.

³¹ Ibid., 275- 278.

M. Antonescu tried to evade the charge of war crimes by having enacted anti-Semitic legislation or having militating for the deportation of Romanian Jews and Roma by flatly denying the racial character of the said legislation and the malevolent criminal intent behind the wartime ‘forced migration’ of the local ethnic minorities to Transnistria. He relied on a number of interventions that he made on behalf of some groups of local Jews in great distress to prove that he had not been a proponent of anti-Semitism and certainly not a supporter of radical racial and xenophobic measures. He denied any knowledge of the crimes committed against the local population in Transnistria or the deportees from Romania and offered the following apology:

[...] due to my intellectual formation, I had no ties to any fascist activity or any kind of racial, fascist... or other similar ideologies. I must honestly confess that I was never an anti-Semite [...] whenever the issue [of the treatment of the Jews] came up during Cabinet meetings, I did the best to ensure that this treatment was implemented under normal and moderate conditions.’³²

General Constantin Pantazi was examined soon after M. Antonescu and adopted a different defense, typical of a General Staff officer, claiming that he was following ‘superior orders’ and had little or no control over state policies. The Indictment founded the individual case against him on the key cabinet positions that he had held during the war and the personal relations with Marshal Antonescu. The prosecution argued that, in his capacity as Undersecretary for the Land Army and Secretary of Defense, he bore primary ‘responsibility for the country’s disaster’ on account of his alleged role in the planning and waging of the anti-Soviet war. To this charge, the defendant responded by resorting to a defense of superior orders. He insisted that, as an Army officer serving in the cabinet, he was duty-bound to obey Marshal Antonescu, who was both his hierarchical superior and political senior and made discretionary use of his military and political authority to issue key orders or take all major decisions. For some measures, such as overseeing

³² Ibid., 278.

the deployment of logistical support for the Romanian troops fighting on the front, C. Pantazi did accept limited ‘administrative responsibility’, but rigidly refused to accept responsibility for the initiation and waging of the war against the Soviets. He claimed that his ‘limited administrative attributes’ deprived him of any real power and left him only with the selection of methods³³.

As to the charge of war crimes, the defendant denied any involvement in the ill-treatment of Soviet POWs and the persecution of ethnic minorities. Faced with the prosecution’s direct questions, supported by incriminating evidence, about propaganda activities in favor of Germany and the war, the defendant partially admitted to this charge by saying that ‘he wrote in support of the German-Romanian military cooperation’, but never openly in favor of racial hatred³⁴.

General Constantin Z. Vasiliu, the next defendant to take the stand, adopted a similar defense as General Pantazi’s, based on the arguments of superior orders, lack of authority and state of necessity. The Indictment founded the case against him on the high position he had held in the wartime administration, his close ties with Marshal Antonescu and collaboration with other state institutions involved in the planning and implementing of racial persecutions.

Whereas the first charge of ‘responsibility for the country’s disaster’ was based only on scant evidence, which suggested he had no clear influence over Marshal Antonescu’s decisions to bring Romania into the Axis alliance or to participate in Operation Barbarossa, there was substantial evidence for the second charge of ‘war crimes’. General Vasiliu made half-hearted attempts to refute the atrocities perpetrated by the Romanian Gendarmerie, but strongly denied he had any connection with these crimes and refused to accept responsibility. He claimed that he had assumed a cabinet position in 1943, when the decisions to deport Communist activists, Jews and Roma to Transnistria had already been decided. Just as General Pantazi, he accepted only a

³³ *Procesul Marii Trădări Naționale*, ‘Interogatoriul acuzatului Generalului Pantazi’, 94- 95.

³⁴ *Ibid.*, 95.

limited ‘administrative responsibility’ for organizing the deportation of around 24 000 Roma to Transnistria in 1942, arguing that he was following ‘superior orders’ issued by Ion Antonescu:

Public Prosecutor D. Stoican: Did the defendant, upon receiving general instructions to deport the Gypsies [the Roma], organized the details of these deportations?

Defendant C. Vasiliu: Sending 24 000 men from the four corner of the country without taking preparatory measures means condemning them all to death. I took all the measures, I prepared five complete trains for the transport of those Gypsies [Roma].

President [Voitinovici]: Were you the organizer of these deportations?

Defendant: Having been given the order [by Marshal Antonescu], what option did I have?³⁵

When confronted with the abuses committed in Transnistria, he said that the Gendarme detachments deployed to Transnistria were not under his direct command and he lacked the authority to discipline them. Since he could not use the same defense in respect to the ill-treatment of the interned Communist members at the hands of local Gendarmes, General Vasiliu claimed he had no direct knowledge of such crimes. When he did learn of his subordinates abusing their authority, he took swift measures to punish them and to redress the wrongs done³⁶.

Gheorghe Alexianu was examined in the same day (May 7) and adopted a slightly different defense strategy, specific to top-level civil servants, claiming that he was simply following ‘superior orders’ issued by Marshal Antonescu himself and lacked the authority to secure the full cooperation of the military or other government branches. The individual case against Gh. Alexianu was founded on the important administrative position he had held in the province of Transnistria, his close ties with Mihai Antonescu and the collaboration with state institutions, such as the Council of Patronage, involved in the exploitation of the occupied Eastern territories.

Similar to General Vasiliu’s situation, the first charge of ‘responsibility for the country’s disaster’ brought against Gh. Alexianu was not based on solid evidence that would prove the

³⁵ Ibid., ‘Interogatoriul acuzatului Constantin Vasiliu’, 108.

³⁶ Ibid., 108- 109.

defendant's direct involvement in the decisions taken by the wartime Antonescu cabinet to ally Romania with the Axis or to launch the military campaign against the Soviet Union. The second charge of 'war crimes', however, was based on ample and compelling evidence concerning the administration of Transnistria, which indicated the defendant's active involvement in two areas: the supervision of the deportations to Transnistria and the abusive exploitation of the province.

The defendant claimed he cooperated with the Antonescu regime as a civilian 'technocrat' specialized in administrative matters and he only observed superior orders issued by his seniors. Despite having formally attended a number of key wartime cabinet meetings, he argued, his role in the planning of the deportations was a limited one, given that the deportation orders issued by Marshal Antonescu in 1941 were adopted without his consent and, as civilian governor, he had limited knowledge of the Romanian and German military operations carried out in the province he was sent to govern. To this claim of ignorance, he added 'lack of authority' when it came to the atrocities committed during the deportations, blaming the abusive Army troops who escorted the convoys of deportees and the Gendarmes who guarded them once interned in the camps.

These claims were sharply refuted by the prosecution, who produced documents on the dreadful use of slave labor and the appalling living conditions in the Transnistrian camps. Many of these documents were, in fact, local Army reports that had been brought to his attention. The defendant's efforts to use 'military necessity' as an excuse seemed self-serving: he argued that the proximity of the new province to the front line, the military requisitions and the harsh climate put a strain on the supply lines and hindered his efforts to better organize the labor camps. The prosecution did not seriously consider the mitigating factors presented by the defendant (he knew little about these issues and could really do nothing to redress them), holding him responsible if not of criminal intent, at least of criminal negligence in the supervision of the labor camps:

The President: In respect to food, did the Jews [deported to] Transnistria suffered any deprivations?

The defendant Gh[eorghe] Alexianu: First I have to offer some explanations concerning the camps. In Transnistria functioned one single camp, that of Vapniarka. All the other places where the Jews were sent were not actually camps and I informed Marshal Antonescu that the Jews should remain in those locations, given that there were no other possibilities at the time.

The public prosecutor Săracu: Had the defendant not heard of the camps of Slivino, Mostovoi or Golta? What had happened there? So many graves were found there...

The defendant Gh[eorghe] Alexianu: This is a different issue.³⁷

The abusive exploitation of the province of Transnistria between 1941 and 1944 yielded further incriminating evidence against former governor Alexianu. Under his supervision or, at least, with his knowledge, the new administration starved the local population by requisitioning large quantities of cereals and livestock, partially dismantled the industrial infrastructure and shipped it to the Old Kingdom, together with some art collections from museums and institutions in Odessa, ‘for safekeeping’. The prosecution argued that this systematic looting filled not only the governor’s own pockets, but also those of the Council of Patronage and Social Work, a state-endorsed charitable organization run by Marshal Antonescu’s wife, Maria, which benefited from large donations from the former governor in exchange for political protection³⁸. This made difficult to believe his claims that he left Transnistria a better place than he had found it in 1941.

Radu Lecca, the next defendant examined on May 7, resorted to a line of defense similar to Gh. Alexianu’s, but was less convincing because the individual case against him was stronger on both counts. The prosecution founded the case not only on the key position that he had held in the state administration as Commissar for Jewish Questions and close cooperation with other state institutions involved in the exploitation of the local Jews, but also on his close personal connections with some top Nazi leaders in Berlin, SS officers and the members of the German Legation to Bucharest, such as Manfred von Killinger, the German Plenipotentiary Minister.

³⁷ Ibid., ‘Interogatoriul acuzatului Gheorghe Alexianu’, 144.

³⁸ Ibid., 150- 151.

The prosecution was able to gather palpable incriminating evidence in respect to the first charge of ‘contribution to the country’s disaster’. The analysis of Lecca’s activity between 1937 and 1944 boiled down to the view that he had deliberately served as a Nazi ‘agent of influence’ in Romania out of opportunism and for his own personal gain. Through political scheming and German support, he managed to secure important administrative positions, first as Deputy Director of the Intelligence Services in 1941, then unofficial director of the Jewish Central Office in 1942 and Commissar for Jewish Questions in 1943. In both capacities, he liaised with key members of the German diplomatic corps or SS officers dispatched to Bucharest to settle the ‘Jewish Question’ and served as an intermediary between them and the Antonescu cabinet.

The second charge of ‘war crimes’ concerned his illicit activities as head of the Jewish Central Office and the Commissariat for Jewish Questions between 1942 and 1944. The evidence cited by the prosecution unveiled the crooked and ruthless methods of exploitation employed by these infamous institutions in the preparation of lists for compulsory labor, the collection of money or goods and future deportations to Transnistria. Through false promises and threats, it was argued, R. Lecca managed to squeeze large sums of money and goods from the local Jewish population under the official pretext of contributing to the war effort, which were later partially embezzled by himself, his subordinates or other corrupt state officials. In creating this state-endorsed ‘mechanism of spoliation’, the defendant had turned the Jewish population into ‘the primary human commodity’ for the Antonescu regime to exploit in a cynical and brutal manner.

The defendant’s reaction was to reject all charges as exaggerations and unfounded slander, claiming that he was following ‘superior orders’ issued by Ion or Mihai Antonescu and he had no choice but to resort to expedient methods in order to meet the increasing government requests.

He flatly denied any allegations of corruption and ill-gotten wealth, evading responsibility for the consequences of his illegal acts and trying to shift the blame on his former subordinates:

The President: Do you acknowledge the sums of money you received in exchange of favors?

The defendant Lecca: This is a complete lie. I had an informant. This informant made an assessment of the speculator's wealth.

The President: Is it true that you requested high amounts of money [for the issuing of discharges from manual work], which were subsequently reduced [by yours subordinates]?

The defendant Lecca: No, this is something totally different. [...]

The President: After your arrest, gold objects, around 2000 gold coins, 60 gold watches were found on your possession [in your home]. What is the provenance of these objects?

The defendant: You could not have found 60 watches, not even 55, maybe 3 or 4. And, to begin with, they were not found in my home and it was I who had filed a police complaint about them.³⁹

Eugen Cristescu was the last defendant to be examined in court on May 8. As head of the Romanian Intelligence Services (SSI) between 1940 and 1944 and Marshal Antonescu's close political advisor, he had developed good working relations with the German Intelligence Services operating in Romania and, as his official duties required on him, had maintained regular contact with the main German economic and diplomatic representatives to Bucharest.

As with R. Lecca, the defendant's active cooperation with Nazi officials and structures formed the basis for the first charge of 'contribution to the country's disaster'. The Indictment one-sidedly presented E. Cristescu's wartime activity as patently pro-Nazi, anti-Communist and in favor of the anti-Soviet war and vilified him as the diligent executor of German orders in Romania, as well as a faithful imitator of the Gestapo cruel methods of torture during interrogations. The defendant rejected these accusations as unfounded and articulated a clear, pro-domo defense of his profession and activity at the helm of the SSI. He stressed the fact that he was a civil servant with a distinguished record and no political affiliations, who had dutifully served his country and observed 'superior orders' as director of the SSI. He had inherited from

³⁹ Ibid., 'Interogatoriul acuzatului Radu Lecca', 153.

the previous administration the contacts and informal collaboration with the German Abhwer and had little choice after 1940 but to officialize this relation in order to protect the country's national interests. He also claimed that the Romanian-German collaboration in the field of intelligence was strictly professional and his country's best interests had always come first. He claimed that he had never met with Hitler, Himmler, Keitel or von Ribbentrop and had collaborated, as ordered, only with the German Intelligence Service (Abhwer operatives) on Romanian soil,⁴⁰.

E. Cristescu also stood accused of a long list of abuses and atrocities that formed the basis of the second charge of 'war crimes': direct involvement in the anti-Jewish pogroms of Iași and Odessa in 1941, the ill-treatment of Soviet POW, the atrocities against Soviet partisans in the occupied territories and the spoliation of the Jewish population in Romania. The defendant challenged the evidence used by the prosecution, discounting it as circumstantial at best or fictional at worst. He tried to dismantle the prosecution's arguments by pointing to the formal division of responsibilities between the Intelligence services and the Gendarmerie or the thin line between legitimate counter-terrorist measures and unlawful reprisals in times of war. He persisted in his denial of involvement in the persecution or the spoliation of the local Jews, arguing that the prosecution misinterpreted certain 'technical terms' from the SSI reports.

The examination took a surprising turn when the questioning focused on the defendant's relations with the 'democratic opposition'. E. Cristescu disavowed the previous claims made by I. Maniu and D. Brătianu regarding their self-proclaimed opposition to the Antonescu regime, stressing that 'the democratic opposition' was not persecuted, but actually protected by the SSI from Gestapo reprisals. Although he did not openly acknowledge the fact that the leaders of the traditional political parties were under close SSI scrutiny, Cristescu pretended to be well familiarized with the wartime political initiatives undertaken by both Iuliu Maniu and Dinu

⁴⁰ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 9 (1946, May 8), 1: 312.

Brătianu. The two, he continued, had lent their limited support to the Antonescu regime in 1940 by sending economic experts to join the new cabinet, made some personal interventions on behalf of their former political associates and even frequently consulted with Marshal Antonescu about the slow progress of the Armistice negotiations initiated in 1943 and 1944. Here is how he characterized the relations of the ‘democratic opposition’ with the Antonescu regime:

During the four years of rule- despite the claim made today that relations were very strained and [‘the democratic opposition’] suffered harsh persecutions at the hand of the government—gentlemen, I claim that the liaison [of the wartime regime] with these two political parties were maintained via Gheorghe Brătianu, representing the Liberal Party and Mihai Antonescu [acting on behalf of the wartime regime]; these relations were very friendly and enduring, and Mr. Mihalache and others represented the Peasants Party. The Marshal had better relations with Mr. Mihalache, as did Mr. Mihai Antonescu with some other members of the Peasants Party⁴¹.

5.7. Discussion

After reviewing the first three days of court proceedings, the preliminary conclusion that emerges is that the defendants’ right to a fair trial was not protected by the court and the defense was put at a clear disadvantage, both prior and during the trial, compared with the prosecution. The primary responsibility for this falls not only on the punitive war crimes legislation, which, among others, denied the defendants the right to seek legal advice before they were indicted and thus, avoid the risk of offering self-incriminating testimonies during the pre-trial interrogations, but also with the partial manner in which the Bucharest People’s Tribunal administer justice, as well as the hostile and vindictive attitude of the team of public prosecutors handling the case.

The panel of judges displayed not only personal animosity towards the defendants, but also a political bias against the wartime ‘fascist and Hitlerite’ regime, which the sixteen men in the

⁴¹ Ibid., 322- 323.

docks came to personify. Thus, it came as no surprise that during the proceedings, the people's judges drawn by lot made their hostility heard by occasionally uttering criticism or caustic remarks about some defendants' *pro domo* arguments. Also, the presiding judge made discretionary use of his powers to censure those defendants who tried to bring up political sensitive issues, such as Romania's territorial claims over the lost provinces of Bessarabia and norther Bukovina or to encourage E. Cristescu, the last defendant, to make full incriminating confessions about the involvement of 'the democratic opposition' with the Antonescu regime. Although there are significant lacunae in the primary sources, Al. Voitinovici's attitude could be linked, with some effort, with the discrete attempts made by the public prosecutors to convince the defendants to denounce each other or to make 'unfavorable disclosures' about the wartime relations between Marshal Antonescu and I. Maniu and D. Brătianu in exchange for leniency.

Despite the claims of impartiality made by the prosecution, the aggressive, even vindictive tone of the Indictment became apparent from the first pages. Marshal Antonescu and the other defendants were blamed exclusively for the country's current predicament and disparaged as 'traitors' or 'Hitlerites' as part of the larger effort to ruin what little remained of their political reputation. The prosecution's claims of thoroughness in handling the evidence on which its case was based had the same hollow ring. Apart from the occasional display of lack of due diligence in respect to some minor details, such as statistics (the sum of the parts did not actually match the total sum), the prosecution sometimes used evidence in a misleading way, quoting incriminating statements outside of their context or putting an entirely different meaning on the defendants' comments. This prompted Marshal Antonescu to openly challenge the accuracy of some cabinet meetings minutes used by the prosecution in the Indictment or E. Cristescu to strongly denounce some incriminating affidavits as 'the products of fantasy'. Another error, this time more

grievous, appeared in the classification of the offenses allegedly perpetrated by the defendants. Thus, Ion and Mihai Antonescu were both indicted under Article 2, paragraphs g, h and i, which criminalized the wartime abuses of prison administrators, police officers or magistrates, when it was obvious that neither of them had ever held such positions. Such vindictive attitude and inconsistency in the drafting the Indictment could be attributed, with some leniency, to the tense postwar atmosphere and the various constraints placed on the work of the prosecution team. However, the partiality of the argumentation against the defendants cannot be overlooked as mere excess of zeal and rather seems to point to a serious breach of professional ethics.

As for the defense, although it was not assured ‘equality of arms’ with the prosecution (the defense council had less time to prepare or more limited access to witnesses and documents), it did show ability in constructing defense arguments and resourcefulness in finding witnesses and evidence to challenge the charges. The main arguments that they used in their substantive defense (state of necessity, duress and superior orders) openly questioned some aspects of the Indictment, particularly those related to the ‘joint criminal plan to subordinate Romania to German interests’ or the ‘systematic nature’ of the racial and religious persecution measures. The examinations offered the defendants the much-needed opportunity to present their alternative interpretations of the war period, which either sought to whitewash the stains on the Romanian Army’s reputation or stress the formal division of responsibilities between the various cabinet Departments and state agencies responsible for planning and formulating state policies.

These arguments, together with the long list of individual denials, justifications and attempts to displace responsibility, cast a shadow of doubt over the prosecution’s vision of a homogenous Antonescu regime, composed of fascists members who were all following a ‘step-by-step plan’ not only to establish their own dictatorial authority over the Romanian nation, but

also to enslave their country to the Axis. Nonetheless, the arguments presented by the defendants in court, usually suffused with the rhetoric of ‘patriotic self-sacrifice for the country’, were to a larger or smaller degree self-serving and should not always be taken at face value. Their stance on the wartime persecutions, deportations and exterminations of the ethnic and religious minorities constituted a case in point. Most defendants pleaded ignorance of the massacres perpetrated near the front lines or tended to shift the blame on other government officials or commanding officers, adopting an evasive stance as soon as they were presented with evidence pointing to their individual responsibility for the long list of crimes and atrocities perpetrated in the camps in Transnistria. Marshal Antonescu, when asked about the deportations to Transnistria, adopted a similar evasive position and argued that his ‘policy of unilateral ethnic transfer’ was intended not to destroy, but to remove from Romanian territory and the proximity of the front line certain ‘unreliable civilians’ (in reality, ‘non-desirable’ ethnic and religious minorities) and to transfer them to Transnistria ‘for military strategic reasons’ and ‘for their own safety’. It would fall upon the prosecution to attempt to clarify some of the obscure aspects and bring to light new details about the darker chapters in the history of the Antonescu regime during the next stage of the proceedings, the examination of the witnesses.

6. 'THE TRIAL OF THE GREAT NATIONAL BETRAYAL' (LAST STAGES)

6.1. Introduction

With the examination of the defendants concluded on May 8, the court proceeded to the interrogation of the witnesses on the very same day. The fact that the proceedings advanced at such a fast pace, despite the inevitable delays imposed by the need to examine individually the long list of charges brought against each defendant, was the result of the discipline enforced by the court. The presiding judge was well within his prerogatives to press hard for the avoidance of the repetition of points already made by previous defendants and the use of cumulative evidence by the defense. Still, the court's desire for an expeditious hearing, manifested in its frequent requests for brevity during the examination of the defendants, visibly obstructed the defense's efforts to present all the facts of its case. This issue, coupled with the vindictive tone of the prosecution's opening speech, the partiality of the presiding judge's interventions and hostile outbursts of the audience, added more tension to the already heavy atmosphere in the courtroom.

The following stages of the trial, namely the examination of the witnesses, the reading of the closing arguments by the prosecution and the defense, the defendants' last words and the reading of the verdict, unfolded in the same tense atmosphere, although at a different pace. As the trial entered its second week, the court's failure to ensure a fair hearing of the defendants became quite noticeable. The string of incidents that disturbed the courtroom decorum, the prosecution's unrestrained attempts to intimidate the witnesses on stand and, above all, the lack of due consideration and courtesy showed to the defense sadly illustrated which side the panel of judges favored and made the guilty verdict reached by the court on May 17 rather predictable.

6.2. The examination of the witnesses

This next stage of the trial was supposed to prove crucial in the court's efforts to establish a full record of the crimes under examination, yet the cumbersome examination procedure and the hostile approach of both the prosecution and the defense only increased the witnesses' initial reluctance, forcing many of them to adopt a defensive or evasive stance. *Law no. 312* of April 1945 did not include a special provision concerning the examination of witnesses and made reference to the Code of Penal Procedure still in effect. According to the CCP of 1936, Articles 145 to 163, the procedure for interrogating witnesses called to stand followed a similar pattern as the examination of defendants: the presiding judge assumed the role of main interrogator, meaning that the prosecution, the defense council or the defendants could ask the witnesses questions only through him, and had the prerogative of censoring both the questions addressed to the witness and the latter's answers if he deemed them irrelevant, redundant or offensive¹. Thus, the direct and cross examinations took place during the same session, at the end of which the witnesses were required to formally acknowledge the accuracy of their statements by signing the deposition transcript. Due to the strict timetable, the court stenographers had the task of taking notes and preparing the witness deposition simultaneously. To avoid errors, the presiding judge had to frequently interrupt the ongoing interrogation in order to ask the witness for clarifications and to dictate these answers to the court stenographer. This cumbersome procedure not only proved time-consuming, but also tried everyone's patience, especially the panel judges.

One major factor that discouraged the witnesses from making detailed testimonies was the complex issue of self-incrimination. Some of Marshal Antonescu's former collaborators called as

¹ *Monitorul Oficial*, year 104, no. 66, part I (March 19, 1936): 2373- 2375.

witnesses were potential defendants in upcoming trials and knew that they would be answering ‘indiscrete questions’ at their own peril, given that the court would not afford them the privilege to refuse to answer such questions. Acting in self-preservation, many witnesses chose to proceed cautiously, often refraining from fully disclosing those reprehensible acts that could incriminate them alongside their former superiors. The doubts concerning the ‘honesty’ of these testimonies prompted both the prosecution and the defense to subject some witnesses to lengthy cross-examinations, laden with provocative questions and insinuations. In many cases, the defendants themselves stepped in and used their right to address questions to the witnesses in order to challenge their biased and incomplete recollection of past events, as well as their good-faith.

Another factor that prompted some witnesses to adopt an even more defensive stance was the outright hostile attitude of the prosecution or the defendants during cross-examination. Due to the hectic pretrial timetable, the defense did not have the time to examine all the witnesses proposed by their clients. In some cases, the state of uncertainty regarding the actual presence in the courtroom of some witnesses persisted until the very day of the trial. However, their oral testimony did not disappoint and the appearance in court of political figures, such as Iuliu Maniu, brought to light uncomfortable facts about the recent past. This prompted the prosecution, the defendants or even some ‘agitated’ members of the audience to abruptly interrupt the witnesses and challenge the veracity of their testimony by throwing in snide questions or remarks, which often degenerated into mutual exchanges of accusations. Despite the presiding judge’s frantic efforts to maintain order in the court, the string of frequent interruptions and accusations discouraged some key witnesses from fully developing their ideas or making full disclosures. Since it is not possible to examine all these testimonies, special attention will be devoted to those which elicited noticeable reactions from the prosecution, defense or even the audience.

6.2.1. *The witnesses for the prosecution*

The prosecution decided to summon 18 men and women to give evidence in court, drawn not only from the large number of war casualties or victims of the wartime political and racial persecutions, but also from the defendants' former political collaborators, administrative staff, employees or subordinates². However, it was not easy to persuade the last group of witnesses to provide full confessions, especially when the said confessions were self-incriminatory in nature.

General Ilie Șteflea's testimony from May 8 serves well to illustrate this point. A former Secretary-General at the Department of National Defense and Chief of the General Staff directly subordinated to Marshal Antonescu, General Șteflea held key positions in the military hierarchy and took an active part to the initial military operations on the Eastern front³. Aware of the valuable information that the witness held about the war planning and the conduct of war, the prosecution focused its questions on the alleged bellicose nature of the German-Romanian alliance of 1940 and the military preparations for the launching of Operation Barbarossa in 1941. General Șteflea's admitted that he was aware at the time that the German Military Mission sent to Romania in fall 1940 was more than a training mission and that the General Staff had drafted

² The complete list of witnesses for the prosecution included 18 persons: General David Popescu, General Nicolae Tătăranu, General Gheorghe Potopeanu, General Ilie Șteflea, Maria Calino (employee at a Textile Company 'Sfântul Gheorghe'), Gheorghe Popescu-Docan (magistrate), Gheorghe Davidescu (diplomat), General Socrate Mardare, General Ion Arbore, Coman Negoescu (magistrate), Andrei Meteanu (medical doctor), Emanoil Cercavski (former public servant), Victor Ionescu (SSI officer), Colonel Emil Velciu (military magistrate), General Vasile Cuzen (military magistrate), General Tudor Orezeanu, Alexandru Patraș (financial advisor) and Ovidiu Vlădescu. The court used the prerogative to call its own witnesses and subpoenaed one public defendant, Ion Pora, to take the stand.

³ General Ilie Șteflea (1887- 1946) was a career officer who graduated from the Military School for Infantry Officers in 1909 as Sub-lieutenant and steadily rose through the ranks to Army Corps General in 1942. Due to his qualities and personal relations with Marshal Antonescu, he was appointed to a number of key position in the Army (Chief of Staff of the 1st Romanian Army Group in August -November 1940, Commanding officer of the 3rd Infantry Division between February 1941- January 1942, which participated to Operation Barbarossa and Chief of the General Staff between January 1942- August 1944) and the Department of National Defense (Secretary-General between November 1940- January 1941). After the coup of August 23, 1944, he was arrested (October 1944) on charges of war crimes and imprisoned for several months. He was released in February 1945 and placed under house arrest. He was included on the list of suspected war criminals and a formal investigation against him was initiated, which had to be suspended after his sudden death in May 1946. For further details, see Duțu, *Armata română*, 378.

plans for an offensive campaign against the Soviet Union, but claimed that these were policy decisions over which he lacked any real influence. Presented with evidence of the Army's involvement in the ill-treatment of POWs and Jewish deportees to Transnistria, he denied any participation in or knowledge about the perpetration of such reprehensible acts. He invoked 'military discipline' to justify his compliance with superior orders and tried to exonerate himself by making reference to the formal protests he lodged after the battle of Stalingrad against the German generals who unfairly tried to pin the blame for this disaster on Romanian soldiers⁴.

The following witness, Gheorghe Popescu-Docan⁵, made only a modest contribution to the prosecution case due to the overly defensive stance he adopted during examination. He had every reason to tread carefully: after the Legionary uprising of January 1941, he briefly served as Secretary of Justice in 1941 and enacted repressive legislation against 'political extremists' (both Legionnaires and Communists). When the prosecution asked him about *Law no. 80 of February 6 1941 for the repression of acts which threaten the existence and interests of the State*, he gave evasive answers: he claimed that the initiative for this law came from Marshal Antonescu himself, its drafting was the collective work of the Legislative Council attached to the Council of Ministers and its final form was less punitive due to his interventions. He exculpated himself by claiming that his short-lived collaboration with the dictatorial regime was conditioned by the respect of the principles of legality and when this proved untenable, he resigned: 'During my 17 days of ministerial tenure, I had to deal with all kind of interventions that were contrary to the promises made to me and I, as a magistrate, could not stand the atmosphere and resigned'⁶.

⁴ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, file 209.

⁵ Gheorghe Popescu-Docan (1892- ?), was a jurist who served as a counselor at the Romanian High Court of Justice and Cassation in the 1930s. During World War II, he was nominated as Secretary of Justice in the Antonescu cabinet and held this appointment for less than three weeks (January 27 – February 15 1941). After he testified in the trial of the Antonescu group, he was arrested for war crimes and sentenced to 5 years in prison. For more details, see Ionițoiu, *Victimele terorii comuniste*, 3: 110.

⁶ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 1, file 214.

Gheorghe Davidescu⁷ was another witness called by the prosecution whose testimony was equally dissatisfying. As a longstanding member of the Romanian diplomatic corps, Davidescu recalled the dire circumstances that led to Romania's ill-fated alliance with the Axis and participation to Operation Barbarossa. Under cross-examination, however, he made a number of statements that favored the defense case. He was compelled to admit that Mihai Antonescu, his former superior from the Department of Foreign Affairs, showed 'due consideration' towards the situation of the Jewish population and the Anglo-American POWs and, under the latter's guidance, the Department of Foreign Affairs sought to enact its own diplomatic objectives in concert with, but not identical with those of the Axis. As a result, the witnesses claimed, 'the policy pursued by Mihai Antonescu was a parallel policy with that of Germany'⁸. This explicit statement, coupled with the confirmation of having witnessed several incidents in which his former superior resisted German demands, did more good than damage to the prosecution case against Mihai Antonescu.

The prosecution had to deal not only with evasive or reluctant witnesses, but also with some who refused to acknowledge their previous signed statements. One such instance of witness misconduct that provoked a serious incident involved Emil Cercavski, former Secretary General of the Transnistria Protectorate. He was called to the stand on May 8 to testify about the corrupt nature of the Romanian administration, but decided to retract the compromising statements made in his statement dated July 12, 1945. Upon hearing this, the court used its prerogative to summon its own witnesses and called to the stand Ion Pora, the public prosecutor

⁷ Gheorghe Davidescu (1892- 1959) was a jurist (PhD in Law) who enjoyed a long and distinguished career as a diplomat between 1920 -1947 (he was stationed, in succession, to Budapest, Warsaw, Tallinn and finally, Moscow between October 1929- August 1940). He returned to Romania in late 1940, where he worked as Secretary General at the Department of Foreign Affairs, under Mihai Antonescu's guidance. He continued to work for the Department of Foreign Affairs after the coup of August 23 1944 until he was purged on November 1946. He was arrested shortly after and died in prison. For further details, see Buzatu, ed., *Jurnalul Maresalului Ion Antonescu*, 1: 73, footnote 98.

⁸ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, file 215.

who had interrogated the recanting witness, who confirmed that the interrogation of July 12 1945 was conducted according to the rules of judicial inquiry⁹. After the confrontation between Cercavski and Pora, the presiding judge held the recanting witness in contempt pursuant to Article 159 and 160 of the CCP of 1936, which permitted the court to impose financial and penal sanctions against witnesses suspected of perjury.

6.2.2. *The witnesses for the defense*

Although at a clear disadvantage compared to the prosecution in terms of resources and time, the defense submitted a long list of potential witnesses, out of which the People's Tribunal, approved only a fraction. In the end, the 39 defense witnesses who came to testify during the trial formed a varied assortment of military, administrative and political figures that mixed together former wartime collaborators and political opponents alike¹⁰. A few witnesses answered the aging Marshal's call for help and came to defend his reputation in court, regardless of the potential consequences. Most, however, took the witness stand in their own defense, attempting to shield their wartime actions from their rivals' attacks and avoid the stigma of collaboration.

⁹ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, file 225-226.

¹⁰ The complete list of witnesses for the defense included 39 persons (the court stenographer did not always record the witnesses' particulars- surname, name and occupation- in their signed statements, hence the omissions in this list): Ion Stănculescu, (lawyer), Alexandru Marcu (former civil servant), Gheorghe Andonie (engineer), Alexandru Farcu, General G. Cassian, Constantin Narli (university professor), Tudor Arghezi (journalist and writer), Mihail Romniceanu (lawyer), Bazil Teodorescu (medical doctor), Roger Sarret (French diplomat), General Mihail Racoviță, Dumitru Gerota (lawyer), Grigore Niculescu-Buzești (civil servant and former state secretary), Victor Slăvescu (university professor and politician), I. Reiter, Isaac Blum (former civil servant at the Jewish Central Office), Samuel Margulis, Mihai Rotaru (former civil servant), Gheorghe Brătianu (university professor and politician), Constantin I. C. Brătianu (politician), Vasile Băncilă (university professor), Colonel Radu Davidescu (Marshal Antonescu's former chief of staff), Cristian Ionescu-Kerci (technical councilor at the UGIR), Iosif Erosz (technical councilor at the UGIR), Alice Magheru (medical doctor and university professor), Doctor Wilhelm Fildermann (lawyer and prominent leader of the Jewish Community in Romania), Iuliu Maniu (lawyer and politician), Professor Nicolae Lupu, (politician), Iacob Iacobovici (medical doctor and university professor), Virgil Damian (civil servant), Stavri Ghiolu (former Undersecretary of State), Admiral Alexandru Gheorghiu, General Nicolae Diaconescu, Constantin Angelescu (former Director of the Romanian National Bank), General Aurel Aldea (former Secretary of the Interior), Major Radu Ștefanescu, Mișu Benvenisti (lawyer), Colonel Dimitrie Antonescu, Olivian Verenca (Gheorghe Alexianu's former Chief of Staff in Transnistria) and Aurel Romniceanu.

A first distinct category of witnesses included several high-ranking officers who had served under Marshal Antonescu's command either in the Army ranks or in his wartime cabinets. Colonel Radu Davidescu¹¹, Marshal Antonescu's Head of Military Cabinet and private secretary gave his testimony on May 10. He summarized in a clear and concise manner what can be termed as a typical 'military apology' for Marshal Antonescu, praising the defendant's excellent character, military competence and respect for order, while defending 'the moderation' of his wartime policies towards political opponents, Soviet POWs and Jewish deportees. As if his interpretation was not doubtful enough, he concluded by saying that the old Marshal knew nothing of the harsh conditions in the POWs camps or the deportation camps of Transnistria, did not issue any illegal orders and made effort to remedy his subordinate's abuses, when possible:

I know that from the beginning of his rule and even from before, when Ion Antonescu was the Chief of Staff and Secretary of War, he issued an order to enforce the respect of the law and human dignity. I know that at the beginning of the war, the defendant, Ion Antonescu, ordered the Chief of Staff to ensure that the Army observed international laws and treated POWs and the civilian population fairly and humanely; he took severe measures to ensure this compliance¹².

The weak points in this testimony were quickly revealed by the prosecution during cross-examination. Faced with a barrage of questions and incriminating documents, Colonel Davidescu reluctantly admitted to the deficiencies in the administration of POWs camps and recalled that he had received alarming reports about the abuses committed by the German troops in the occupied territories. Still, he claimed, Marshal Antonescu always took action to address the situation¹³.

¹¹ Colonel Radu Davidescu (1897 - ?) was a career officer who enjoyed Marshal Antonescu's confidence and served as the Head of the Military Cabinet attached to the Romanian Government between October 1941 and August 1944. In this quality, he coordinated the communication between the Secretary of Defense and the Chief of Staff and accompanied Marshal Antonescu to almost every cabinet meeting. After August 23, 1944, he was interrogated by the public prosecutors about Marshal Antonescu's policies and served as a witness in several war crimes trials. He was later arrested and imprisoned (Buzatu and Rotaru eds., *Jurnal de temniță*, 2: 279, footnote 670).

¹² USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 1, files 263- 264.

¹³ Ibid.

Another noticeable category of witnesses included members of the local Jewish community who had, in one way or another, benefited from the defendants' 'assistance' during the war (the reason why they were summoned in the first place). The testimony given on May 10 by Doctor Wilhelm Filderman¹⁴, one of the most prominent leader of the Jewish community, revealed that this 'assistance' was not gratuitous and varied in both scope and intensity according to the interests of these once all-powerful defendants and the external constraints placed upon them. W. Filderman described vividly the long list of abusive and discriminatory measures to which the local Jewish population was subjected to during the war (disenfranchisement, expropriation, ghettoization and deportation), claiming that 150 000 or more local Jews from Bessarabia and norther Bukovina died as a result of the racial policies implemented by the Antonescu regime.

Still, he showed caution when it came to identifying the actual responsibility of each of the defendants in drafting these policies. The *Conducător* Marshal Antonescu, the Secretary of the Interior C.Z. Vasiliu, the Commissar for Jewish Questions R. Lecca and Governor G. Alexianu probably bore the main responsibility, he said, but they had also listened favorably to his pleas for sparing some groups from deportation or staying the execution of certain repressive measures. In a sense, he was defending his own actions during the war, which aimed to save as many local Jews as the regime would permit and to advocate for Jewish emigration to Palestine:

¹⁴ Wilhelm Filderman (1882- 1963) was a lawyer and prominent Jewish leader. He studied in Paris, where he took his PhD in Comparative Law in 1909. Upon returning to Romania in 1910, he became active in the non-Zionist organizations of the Romanian Jews. In 1921 he was elected vice-president of the Union of Indigenous Jews (U.E.P). From 1923 until 1947, he served as the chair of the said organization, the Federation of Jewish Communities, as well as the Joint (The American Jewish Joint Distribution Committee, the Romanian branch). During World War II, Dr. Filderman made numerous interventions with Marshal Antonescu and the members of 'the democratic opposition' in order to denounce the racial persecutions against the local Jews and forestall the deportations to Poland (he himself was disbarred and deported to Transnistria for three months). After the war, he resumed some of his previous positions, but the increasing pressure of the Jewish Democratic Center, a rival organization established by the local Jewish Communists, forced him to flee Romania clandestinely and settle in Paris, where he remained until his death in 1963. For further details, see Neagoe, *Oameni politici români*, 750- 756.

During the Legionary regime, I frequently visited Ion Antonescu to present him the various requests of my coreligionists. He showed much consideration in respect to individual cases, but not the same consideration when it came to general measures. I believe that in that period, our legislation had an especially pronounced racial character¹⁵.

The most notorious category of witnesses included the political leaders (Gh. Brătianu, D. Brătianu and I. Maniu) who had led the wartime ‘democratic opposition’. The defendants, particularly Mihai Antonescu, wanted to persuade these witnesses to confess that there had been tacit approval and silent understanding from the part of ‘the democratic opposition’ regarding some crucial foreign policy decisions taken by the Antonescu regime. However, these political leaders decided to take the witness stand in order to defend their own political reputation by ‘setting the record straight’ about their wartime actions and relation with the Antonescu regime.

The first to take the witness stand was Gheorghe Brătianu¹⁶, an eminent medievalist, university professor, and Liberal politician, who had maintained a ‘personal and political relationship’ with Mihai Antonescu prior to the war and was involved in the negotiations between Marshal Antonescu and the ‘democratic opposition’ for the signing of the Armistice between 1943- 1944. He tried to present his own version of events, stressing that he had never been formally affiliated with the deposed regime. His relation with the two Antonescus was not one of political collaboration due to the fact that it did not extend beyond discrete exchanges of information and brief consultations concerning foreign policy, over which he had no influence:

¹⁵ USHMM, RG-25.004M ‘Dosar penal Ion Antonescu proces’, folder no. 2, file 268.

¹⁶ Gheorghe Brătianu (1898- 1953) was a Romanian historian and politician. A distinguished intellectual who held a PhD in Philosophy (1923) and a second one in History (1928), he embarked on a long career as a history professor at the Universities of Iași and Bucharest and, after Nicolae Iorga’s tragic death in 1940, as director of the Institute of Universal History in Bucharest. In parallel, he embarked on a political career. He started as a member of the National Liberal Party, but formed his own party in 1930. He rejoined the ranks of the Liberals in 1938 and, during the wartime Antonescu regime, served as an intermediary for Dinu Brătianu and Iuliu Maniu in the negotiations with Marshal Antonescu for the signing of the armistice. After the Communists came to power, he was marginalized from public life and arrested in 1950. For further details, see Neagoe, *Oameni politici romani*, 99- 101.

It is not accurate to say that the Liberal Party, including myself and Mr. Dinu Brătianu, supported the Antonescu regime. We adopted an attitude of resistance against the general policies of the Antonescu regime. The means that we used, i.e. letters and notes [of protest] were the only ones available and did not remain unknown because they were circulated both at home and abroad¹⁷.

The second witness, Dinu Brătianu, the aging leader of the National Liberal Party (NLP), adopted a similar position to that of Gheorghe Brătianu's, his nephew and political advisor. When confronted with questions concerning his initial support for the establishment of the Antonescu regime in September 1940 and the cooptation of several NLP members in the wartime regime, D. Brătianu adopted a self-justifying position. He claimed that his own beliefs were very different from Marshal Antonescu's and his pro-Western democratic beliefs prevented him from lending formal support to a dictatorship allied with the Legionary Movement and with the Axis. The NLP members who joined the new regime did that in their professional capacity as 'experts', offering their technical support in order to maintain continuity in the operation of some national financial institutions. He claimed that he had personally manifested his opposition 'through notes of protest because, in a dictatorial regime, [political] disagreement cannot really take any other form. I have always militated against the alliance with Germany and the war in my protests'¹⁸.

The last witness, Iuliu Maniu, the leader of the National Peasant Party, was examined on May 11 and gave a 6-hour long testimony on the issues of wartime collaboration and opposition. The defendants confronted the witness with a barrage of questions concerning his role in Marshal Antonescu's rise to power, the official collaboration of some NPP members with the new regime, his tacit support for the military campaign of 1941 and, finally, the virtual communality of purpose between Marshal Antonescu and 'the democratic opposition' during the negotiations with the Allies. The defense claimed that Marshal Antonescu not only kept the witness informed

¹⁷ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, file 257.

¹⁸ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces' folder no. 2, file 261.

about the progress of the official Armistice negotiations, but also allowed him to take diplomatic initiatives of his own and even offered to transfer him the reins of power prior to August 1944.

Neither confused, not intimidated by the defendants' insinuating questions or the prosecution's snide remarks, I. Maniu did his best to avoid the pitfalls dug for him and to answer in a manner that would neither incriminate himself, nor compromise his party colleagues. In a memorable statement, he claimed that Marshal Antonescu and himself were 'political opponents, not cannibals' and, despite their many differences, he was willing to offer his political adversary 'limited and conditional support' whenever national interests demanded it. Evasive or forgetful at times, he used arguments similar to D. Brătianu's to justify the inclusion of a few NPP 'experts' in the wartime administration and denied having supported Romania's participation in Operation Barbarossa in 1941, although he wanted to see the borders of Greater Romania restored. He stressed that major political differences separated his party from the new regime and he had disapproved not only of the means employed by Marshal Antonescu, but also of his goals:

I did not support Marshal Antonescu's regime because he took measures against public opinion, he installed a dictatorial rule, [and] entered into an alliance with Horia Sima, which rendered void from the start any collaboration with our party. Horia Sima and his friends were anti-Semitic and we were not. On the contrary, we condemned it. Secondly, Horia Sima was for a dictatorial regime, which we opposed due to our support for a constitutional parliamentary regime, precise and clear.¹⁹

The disclosure of such 'uncomfortable truths' about the recent past vexed the defense, the prosecution and the audience alike, provoking adverse reactions that led to a number of incidents. Due to their solid knowledge in their field, the defendants decided to conduct the examination themselves and kept repeating the same direct questions in order to overcome the witness' self-justifying position. This redundancy proved counterproductive because it only

¹⁹ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, files 292- 293.

reinforced the defendants' evasiveness and wore down the presiding judge's patience, who had to intervene on more than one occasion to redirect the course of the examination. The cross-examination also led to unsavory incidents due to the hostility displayed by the public prosecutors. In one instance, D. Săracu interrupted I. Maniu's deposition to object, not only in his quality as public prosecutor, but also as a member of the working class and Party member, against the witness' insinuations against the Communist Party. Some members in the audience openly sided with D. Săracu and began to show signs of agitation. This unrest turned into turmoil at the end of the examination, when I. Maniu left the witness stand and walked towards the defendants' bench to shake the hands of some of the men seated there, including the two Antonescus. This gesture of courtesy was misinterpreted by the Communist members in the audience as a deliberate expression of solidarity with Marshal Antonescu and prompted them to shout abuse at the witness and demand the swift punishment of the defendants in the docks²⁰.

The most serious courtroom incident, however, involved a defense witness, Olivian Verenca, the former Chief of Staff of ex-Governor Alexianu, who took the stand on May 11 to defend the action of his former superior. Verenca's apologetic stance towards the defendants clearly irritated the prosecution and urged the outspoken public prosecutor V. Săracu to interrupt his deposition by stating that his place should be in the docks, with the other war criminals, and not in the witness box. Just as Verenca finished his deposition and was leaving the courtroom, he was threatened and assaulted by some angry members of the audience²¹. After him, one more witness was examined and the presiding judge, after dismissing the requests of the defense for additional time to summon the absent witnesses, declared the examination of witnesses closed²².

²⁰ Berry, *Romanian Diaries*, 404.

²¹ Olivian Verenca, *Administrația civilă română în Transnistria, 1941- 1944* (București: Vremea, 2000), 274- 275.

²² USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, file 326.

6.3. The closing arguments

The next stage of the hearings consisted of the closing arguments made by the prosecution and the defense. According to Article 304 of the CCP of 1936, the defense (either the defendant himself or his councilor) was given the last word after the prosecution in order to review the main elements of its case, challenge the evidence or witness testimonies presented by the other side and make a last attempt to convince the court of the justness of their clients' case²³. Sensing that this could well be their last chance to publicly defend their military honor or record of public service, some of the defendants took this opportunity to 'set the record straight' and create a lasting record for the posterity that stressed their honor, patriotism and ultimately, self-sacrifice. Their lengthy closing arguments repeated and even expanded the long list of *pro domo* arguments they had employed during their examination by the public prosecutors.

6.3.1. *The prosecution closing argument ('rechizitoriu final' in Romanian)*

The prosecution team chose to present a summation of the entire case rather than a brief summary, willingly sacrificing concision for greater detail. Due to the complexity of the case and the massive amount of evidence introduced in court, the prosecution closing argument took one and a half days (May 12- 13) and had to be divided in three sections, each allocated to one member of the prosecution team. The three public prosecutors spoke in turns, all touching upon some general legal issues, such as the importance of establishing the legality of the proceedings, but each focusing on the counts of the Indictment and the responsibility of each defendant.

²³ *Monitorul Oficial*, year 104, no. 66, part I (March 19, 1936): 2390- 2391.

According to the established ‘division of labor’, D. Săracu was entrusted with presenting the first section of the prosecution’s closing argument on the morning of May 12. He delivered the initial attack to the defense case by presenting the political background and general policy of the Antonescu regime. In a passionate and vindictive manner, he painted a very dark history of the deposed regime and violently denounced ‘the ‘criminal role’ played by the defendants in bringing about the country’s disaster. The colorful epithets he used to vilify the defendants, ranging from ‘fascist bandits’ and ‘Hitlerite servants’ to ‘bloodstained criminals’ and ‘chauvinists’, left little doubt about his Communist beliefs. In fact, his speech, larded with insults against fascists, resembled more to an acid editorial from the Communist daily *Scântea* than an impassionate legal argument. He blamed the defendants for the wartime enslavement of Romania and the introduction of ‘dictatorship, chauvinism and anti-Semitism in domestic policy.’²⁴

D. Săracu’s speech refuted the defendants’ allegation that the creation of the Antonescu regime was the direct result of the national tragedy of 1940. He pushed forward the idea of a ‘criminal conspiracy’ to establish a fascist dictatorship in Romania which would exploit the local economy in favor of German interests and prepare the country for a war of aggression. The local population was exploited and terrorized, but never fully forced into submission by the ‘fascist ruling elite’. In fact, ‘the Romanian people has never agreed to their policy, has never embraced their criminal ideas, but, on the contrary, has [constantly] fought and struggled’²⁵.

Next, came the analysis of Romania’s participation in the war, seen as a gigantic struggle between Fascism and Communism or ‘tyranny’ versus ‘democracy’. According to his biased perspective, Romania’s participation to the anti-Soviet war was vilified as ‘treasonous’, because it had only served the interests of the Axis and the local war profiteers, and ‘criminal’, for it left

²⁴ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 17 (1946, May 13), 2: 126.

²⁵ Ibid., 125.

a massive trail of destruction, death and suffering in its wake. Those who dared to put up a fight paid a heavy price for their defiance of Fascism: the local Communists, who allegedly organized a resistance movement that incarnated the Romanian people's aspiration for freedom and democracy, and the Soviet Union, glorified as 'the land of free people', ruled by a regime that had established 'prosperity and progress' and had always militated for a lasting peace²⁶

After condemning in such unequivocal terms the nature and policy of the wartime regime, D. Săracu finally moved to the individual responsibility of the men on the defendants' bench. He flatly denied the 'superior orders' defense, arguing that the defendants had not been 'simple cogs in the state machinery' without authority or without knowledge, but important decision-makers who had faithfully followed Ion Antonescu, 'the Romanian Führer'. Yet they could not have set in motion their 'criminal masterplan' without the support of the local 'reactionary' political parties. D. Săracu lost no opportunity to denounce 'the leaders of the reactionary circles', i.e. I. Maniu and D. Brătianu, as false opponents of the wartime regime and unmask them, in a typical Communist style, as Marshal Antonescu's 'long-time collaborators'. His long speech culminated in a rousing peroration about the necessity to punish the defendants with exemplary severity:

Thus, in light of the crimes presented here, the horrors described here, the crime of high treason perpetrated by Antonescu regime, the suffering inflicted on this people, the sorrow caused by the four years of cruel dictatorship, the dead who claim today the harsh punishment of the war criminals, Antonescu and his collaborators, in the name of the people, in the name of justice and humanity, for those described individually, I hereby demand the death penalty.²⁷

Constantin Dobrian, the public prosecutor who followed D. Săracu, presented the next section of the prosecution closing address. He dealt primarily with the first count, namely the contribution of the Antonescu regime to the country's military and economic disaster, describing

²⁶ Ibid., 139.

²⁷ Ibid., 158.

in a more factual approach and a less emotional tone the long list of losses and damages caused to the Romanian economy by the alliance with the Axis and the participation to the war. He presented several statistics about the massive quantities of oil, cattle, cereals and raw materials delivered to Nazi Germany in order to fuel the German industry and war machine, claiming that these onerous deliveries depleted Romanian economic reserves and limited the local population's access to staple foods and goods. The facilitation of 'the infiltration of German capital' and the takeover of local businesses by German entrepreneurs represented another means for exploiting the Romanian economy²⁸. As this was not enough, the Antonescu regime willingly agreed to transfer to German hands the controlling shares of a number of local oil refineries and steel factories for 'the needs of the war'. The end result was the transformation of wartime Romania into an 'underprivileged Axis vassal' that resembled to 'an over-exploited German colony'.

Just as D. Săracu took every opportunity to denounce 'the reactionary political leaders' as collaborators, public prosecutor Dobrian repeatedly condemned the onerous economic legacy of the 'disastrous wartime policy'. He emphasized the cause-and-effect relation between the ruthless exploitation of the local economy during the war and the present disastrous situation:

The economic policy [adopted by the Antonescu regime] was an integral part of the Hitlerite policy, which this government adopted in order to enslave the country to and serve the German interests. Due to this economic policy, the country would have been pushed to the brink of collapse had it not been for the well-known events of August 23, 1944. The legacy of the Antonescu regime is so disastrous that we still suffer and will continue to suffer its consequences for some time.²⁹

Vasile Stoican, the chief public prosecutor, delivered the third and final section of the prosecution closing address on May 13. His lengthy speech presented the case under the second count of war crimes and roles of each individual defendants in the atrocities committed on

²⁸ *Procesul Marii Trădări Naționale*, 'Rechizitoriul acuzatorului public Dumitru Săracu', 250.

²⁹ *Ibid.*, 252.

Romanian territory against ethnic and religious minorities, political internees and POWs or in Transnistria against the local civilian population. A practicing lawyer with previous courtroom experience, V. Stoican resorted to oratorical flourishing and dramatic gestures to paint a vivid image of the infernal mechanism of repression created by the Antonescu regime. He favored a monocausal explanation of the whole spectrum of racial policies adopted between 1940 and 1944, i.e. the emulation of Nazi Germany, stressing that ‘Ion Antonescu was Hitler’s bailiff in Romania’ and his regime was ‘Hitler’s government in Romania’, which aligned Romania to the interest of Nazi Germany and gradually ushered the country into the ‘New European Order’³⁰.

One of the first category of crimes analyzed was the brutal repression against the Romanian population, mainly the workers sent to compulsory labor in German factories and the peasants who were drafted in the Army or had to pay a heavy blood tribute on the Russian battlefields. The description of the Romanians as Marshal Antonescu’s first victims and not his faithful collaborators was part of the larger Communist strategy of dissociating ‘the ‘fascist clique’ from ‘the exploited masses’ by stressing the anti-national character of the Antonescu regime.

V. Stoican then moved to the examination of the racial persecutions against the local Jewish and Roma minorities. He read several excerpts from Jewish eyewitness testimonies and Romanian official wartime records to expose the full horror of the anti-Jewish pogroms of Iași or the massacre of almost 20 000 Jews in Odessa in 1941 and present the disastrous consequences of the deportation of Jews, Roma and Innocentists to Transnistria. The mass murders perpetrated by the Romanian troops and administration in Golta, Bogdanovka and Dumanovka were planned and, though not as systematic and on a smaller scale, were as barbaric as the methods of mass extermination, such as mass shootings, asphyxiation and poisoning by gas, used by Nazi Germany in the occupied Soviet territories after 1941. Here is a representative excerpt:

³⁰Ibid., 265- 266.

[The deportations] represented a barbaric policy, one of hatred and racial discrimination, a policy of forced migration. This is the native term used for the first time in the history of the Romanian people by the criminal Mihai Antonescu. The deportations were carry out at his orders and he speaks in Ion Antonescu's name, the former *Conducător*, now on the defendants' bench. This is one crime in the string of savage crimes, for which the defendants had to be held responsible. In total 315 341 citizens were deported from Romania, out of which 270 641 were exterminated³¹.

The examination of 'the crimes against humanity' formed the next section of V. Stoican's argument. He spoke at length about the persecution and ill-treatment of the Communist activists, glorifying them as brave soldiers in the Romanian underground resistance against the 'fascist dictatorial regime' and tragic heroes who had sacrificed in the most noble way 'for freedom and peace'³². The same aura of martyrdom was projected upon the local civilians from Transnistria who had been systematically persecuted and exterminated by the Romanian occupation troops. C. Stoican rejected the defense argument according to which the wartime reprisals against Soviet partisans did not contradict international legislation, claiming that the Romanian Army did not wage a bitter 'unconventional war' against partisans, but slaughtered countless innocent Soviet women and children, who were anything but that. To give more weight to this argument, he read an excerpt from the minutes of the ongoing Nuremberg Trial, in which direct reference was made to the wanton destruction of the Soviet civilian population by the 'invading' Romanian troops³³.

To give a dramatic flair to his speech and expose the horror of the deportations, V. Stoican invoked 'the living and the dead' to testify before the court. First, before he began his speech, he asked permission from the court to call to stand the representatives of two delegations, one for the Romanian war invalids and the other for the few Communist deportees who survived the Vapniarka camp. Both representatives made a strong impression due to their poor physical condition and their fervent plea for swift justice for their mutilated and fallen comrades³⁴.

³¹ Ibid., 306.

³² Ibid., 307.

³³ Ibid., 311.

³⁴ Ibid., 312.

Second, the prosecution projected a short film to the court about the massacres committed by the Antonescu regime in order to elicit an even stronger emotional reaction from the audience. In doing this, they were probably emulating the Soviet prosecution team which handled the Soviet case at the Nuremberg Trial. This film was a collage of photographs (some, probably of Soviet origin) of the mass murders perpetrated in Iași during the pogrom of 1941, Odessa and the camps in Transnistria. The desired effect was quickly achieved: few of the defendants could stand to watch the entire projection and most showed signs of either impatience, anxiety or even shame, lowering their eyes or trying to cover their face with their hands, while the audience, stunned at first, soon became agitated and began to shout angrily: ‘Death to the criminals!’³⁵

6.3.2. *The defense closing argument and the defendants’ final pleas*

The defense summation began immediately after public prosecutor Stoican concluded his plea. Since this was the defense’s last opportunity to challenge the prosecution allegations and present its own interpretation of the case without interruptions, each defense councilor was allocated a time slot to speak in favor of his respective client. Some councilors, usually those appointed by the court (C. Paraschivescu-Bălăceanu for the defendant Ion Antonescu, Eugen Ionescu for the defendant Mihai Antonescu, Paul Roșu for the defendant Constantin Z. Vasiliu, Gheorghe Mihail for the defendant Traian Brăileanu, Ion Lucaci for the defendant Radu Lecca and Constantin Daraban for the defendant Constantin Pantazi) opted for a ‘damage limitation strategy’ and asked for clemency rather than acquittal³⁶. Fully aware of the difficulty of their task, these court-appointed lawyers limited themselves to developing some of the general points made by their clients during cross-examination and presenting pleas such as extenuating

³⁵ ‘Procesul marii trădări se apropie de sfârșit’ in *Scântea*, year 16, no. 523 (May 15, 1946): 4.

³⁶ USHMM, RG-25.004M ‘Dosar penal Ion Antonescu proces’, folder no. 2, files 336- 356.

circumstances, partial ignorance or duress as mitigating factors. Constantin Paraschivescu-Bălăceanu, Marshal Antonescu's councilor, illustrated well this line of defense in his closing argument delivered on May 13, 1946. Starting off by paying lip-service to the court for the 'great objectivity' displayed during the hearings, he admitted that Marshal Antonescu, was partially connected to some of the crimes listed in the Indictment (the 'political crimes', not 'the ordinary ones') and argued that his client should be offered extenuating circumstances on account of his distinguished service and old age. Also, the burden of culpability should not fall exclusively on his client's weary shoulders, but also on his former political allies and collaborators³⁷.

Others councilors, usually those chosen by the defendants, asked directly for the acquittal (Crăciun Serbanescu for the defendant Titus Dragoș, Alexandru Antofiloiu for the defendant Dumitru Popescu, Anghel Dumitrescu for the defendant Gheorghe Dobre, Emil Socor for the defendant Gheorghe Marinescu, Paul Iliescu for the defendant Constantin Petrovici, Iancu Vasiliu for the defendant Constantin Bușilă, Ioan Vasilescu-Notarra for the defendant Petre Tomescu, Miron Eliade for the defendant Gheorghe Alexianu)³⁸. They made attempts to introduce new exculpatory evidence and focused their mitigating arguments on their clients' subordinate positions in the wartime regime, partial or total ignorance of secret government orders or military operations, lack of effective political influence and attempted protests against some of Marshal Antonescu's illegal orders. Some councilors went even further and challenged the prosecution's interpretation of 'collective guilt' and the erroneous legal classification of some crimes included in the Indictment. Underlying all of these pleas was the attempt to shift responsibility on Ion and Mihai Antonescu and substantiate the claim that their clients had been 'mere technicians following orders' issued by the ruling elite of the Antonescu regime.

³⁷ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, files 336- 338.

³⁸ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, files 335- 356.

After all the defense councilors rested their case on the evening of May 14, the court allowed the prosecution to react to the defense's closing arguments, but this rebuttal was short and limited only to the legal issues and evidentiary objections raised in the defense's speeches. The hearing was adjourned and, after a short recess, the court gave the floor to the defendants to present their last arguments. After four days of lengthy exchanges of legal arguments between the public prosecutors and the defense councilors, the courtroom was again filled to full capacity in anticipation of the dramatic final pleas of the sixteen men on the defendants' bench³⁹. The defendants spoke from the docks in the order in which they had been listed in the Indictment and, for this reason, Marshal Antonescu was the first to address the court on the evening of May 14.

No other final plea was more eagerly awaited by the audience than Marshal Antonescu's⁴⁰. Unlike most of the other defendants, the aging Marshal had no illusion about the final verdict and strove to adopt, throughout the hearings, the dignified position of someone with nothing to lose except his military honor and reputation. During his two-hour plea, he challenged the allegations made or the evidence introduced by the prosecution and defended the controversial political, diplomatic and military choices he had taken between 1938- 1944.

In essence, Marshal Antonescu presented his own interpretation of the recent past, with him at the center. He openly denied ever having fascist sympathies by dissociating himself from the Legionary Movement or its leaders. He contested the prosecution's 'criminal plot' explanation for his steep rise to power, claiming that an officer without a political party, influence or strong protectors as himself assumed power in September 1940 at King Carol II's behest and forced by the changes in the local political system. He continued by denouncing the alleged aggressive nature of Romania's alliance with the Axis, describing it as the country's 'only viable option at

³⁹ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, files 356- 363.

⁴⁰ Henriette Magherescu, 'Eu am consemnat «ultimul cuvânt»', in Gheorghe Buzatu, ed., *Mareșalul Antonescu la judecati istoriei. Contribuții, mărturii, documente* (București: Editura Mica Valahie, 2011), 334- 341.

the time' and presented arguments in favor of the defensive nature of the anti-Soviet campaign (the recovery of Romania's lost provinces). He became evasive when it came to the repressive legislation and measures adopted against ethnic minorities or political opponents and attempted to present his anti-Jewish and anti-Communist policies as 'dictated by strategic imperatives and external German pressures'. Then, he quickly moved to refuting the prosecution allegations of his purported opposition to the signing of the Armistice in 1944, reminding the court of the peace feelers his regime had sent to the Allies between 1943- 1944 in order to prepare the Armistice⁴¹.

He concluded his long presentation in a dramatic finale, stressing that he was speaking not to save his own life, but his military honor and Romania's reputation. He placidly accepted the responsibility of 'political crimes', but not that of the 'ordinary ones' and was willing to pay for his errors and those of his former subordinates and allies, even though many had disavowed him. Continuing on this line of heroism and self-martyrizing, he gave assurances that, when sentenced to death (of the impending guilty verdict he had no doubt), he would make no plea for mercy⁴².

Marshal Antonescu further developed these arguments in a memorandum lodged to the court on May 16. Believing that the evidence presented in his favor during the hearings had not been given due consideration and the time allotted for his final plea had been too short, he decided to draft in the solitude of his prison cell a formal response to the criminal charges in the Indictment and the prosecution allegations. Written in an apologetic manner with occasional dramatic touches, this document represented Marshal Antonescu's 'political testament to the Romanian nation', intended to systematically refute the allegations made by the prosecution, 'set the historical record straight' and ultimately vindicate him in the eyes of future generations.

⁴¹ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, file 356.

⁴² USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 2, file 340.

The document is striking due to the remarkable consistency of Marshal Antonescu's one-sided arguments. He utterly rejected his categorization as 'fascist', 'traitor' and 'war criminal', denouncing the specious arguments of the prosecution as founded on inaccurate interpretations of the role played by the political context or the constraints imposed by war and incomplete excerpts from wartime records, quoted out of context and with ill-intent. In responding to the accusations, he articulated a diametrically opposed interpretation of the recent past, according to which his dictatorial regime and wartime Axis alliance represented the direct result of the dramatic dissolution of Greater Romania in 1940. Also, the new regime's massive involvement in Operation Barbarossa was unavoidable because Romania was forced to respond to the Soviet aggression of June 1940. Romania was not the aggressor state in June 1941, he claimed, but was actually responding to the Soviet aggression of 1940. When he spoke of assuming responsibility for his 'political errors', it became clear that the massive losses suffered by the Romanian Army on the Eastern front weighed heavy on his conscious. What is interesting is that he did not completely disavow Romania's pro-Axis alliance, but actually made reference to the unforeseen consequences of the military operations in the East after the battle of Stalingrad and lamented his inability to avert the massive human losses and destructions suffered by his beloved country⁴³.

When it came to the wartime anti-Semitic policies, his self-serving explanations about the rationale behind and execution of his orders of deportation sounded somewhat hollow. He described Transnistria as 'a model of administration' and argued that the deportation of almost 170 000 Jews from Bessarabia and northern Bukovina and almost 20 000 Roma from the Old Kingdom to this new province was ordered for 'strategic military reasons and these populations' own protection' against the local population's hostility or the Legionaries' violence. According to him, 'dangerous Communist agitators' were hiding among the local Jewish population and the

⁴³ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 4, files 7-8.

Roma population harbored too many ‘thieves’. He admitted that the deportations involved cases of ill-treatments and massacres, but claimed that the victim toll had been greatly exaggerated and declined to accept any responsibility for having issued ‘criminal orders’. He maintained that he did not decree or tolerate the perpetration of lootings or atrocities and tried to shift responsibility on the German troops operating in Transnistria, the inefficient local administration, the hostile local population and the harsh realities of combat on the Eastern front. Despite all that had been presented in court, he still considered himself as ‘the savior of the Jewish population’, arguing that the survival of almost half of the local Jews in Romania was due to his resistance to German pressures for organizing mass deportations to the camps in Poland. He ended by claiming in an apologetic manner that ‘had it not been for me, no Jew and Communist would be alive today’⁴⁴.

The memorandum concluded on a dramatic tone, rendering homage to the victims of all belligerent states, as well as the sufferings of the Romanian nation. He declared that he was ready to meet the grim fate that the court had in store for him. He consoled himself at the thought that his untimely death would represent the ultimate sacrifice for his country and would place him in the glorious ranks of the great military figures of the past, such as Themistocles, Julius Caesar or Napoleon Bonaparte, who had sacrificed everything for their fellow countrymen, but met their inglorious end at the hands of their own ungrateful nations. Here are the aged marshal’s memorable last words, which he wanted to record in his political testament to the Romanian people before he met his untimely death:

Your Honor and Honored Tribunal, an embarrassing and sad spectacle was performed in front our people, our history and the universal conscience. The majority of my former collaborators believed that their dignity and that of the nation demanded that they should dissociated themselves from government in which they had participated. I, Honored Tribunal, solemnly declare, in this hour,

⁴⁴ USHMM, RG-25.004M ‘Dosar penal Ion Antonescu proces’, folder no. 4, file 25.

that, except for the crimes and larcenies, I express my solidarity and take responsibility for all the errors that [my former collaborators] have made, with or without my knowledge⁴⁵.

6.4. The Verdict

After the defendants presented their last argument on May 15, the court declared the hearings closed and announced that it would adjourn in order to determine the judgement. *Law no. 312* of April 24, 1945 provided detailed reference concerning the application of penalties, but little guidance in respect to sentencing. In line with Article 14, after the hearings were declared closed, the panel judges were to retire and, after secret deliberations, to arrive at a final verdict, which needed to motivate how the imposed sentences were determined.

6.4.1. *The defendants' attitude*

For the defendants, this recess meant a welcomed one-day respite from the courtroom agitation, during which they received news and visits from outside. Even so, an atmosphere of despair infused the prison cells of Jilava where the defendants had been imprisoned under strict guard during the past weeks. The various privations of the solitary confinement, the fatigue of the last days spent in the courtroom and the growing anxiety concerning the fate awaiting them began to take a heavy toll. The military prisoners generally fared better because they were being sustained by their soldier discipline and belief that they had just followed 'superior orders'. Not the same thing could be said about the civilians, who usually had been vacillated between states of hopeless despair and frantic activity, during which they either bluntly asked 'to be over with

⁴⁵ USHMM, RG-25.004M 'Dosar penal Ion Antonescu proces', folder no. 4, files 36- 37.

this torture and shot on the spot' or made perfunctory attempts to write lengthy justifications⁴⁶.

A slight change of mood occurred when public prosecutor A. Bunaciu visited some of the imprisoned defendants and made them offers of leniency in exchange of denouncing the leaders of 'the democratic opposition' as wartime collaborators in their forthcoming testimonies. It remains uncertain whether or not some defendants struck a proverbial 'bargain with the devil' with the prosecution⁴⁷. However, a noticeable change appeared in the attitude of some prisoners, particularly Radu Lecca and Eugen Cristescu, who began to make unfavorable comments about I. Maniu's involvement with the two Antonescus in the presence of other defendants and used every chance to challenge the latter's wartime actions during the hearings. The fact that R. Lecca and E. Cristescu ultimately had their death sentence commuted to long-term imprisonment only increased speculations about the reasons behind A. Bunaciu's obscure involvement in this affair.

6.4.2. *Deliberations*

There is little information regarding the content of these deliberations held behind closed doors. As President of the Bucharest People's Tribunal, A. Voitinovici chaired the panel judges' meeting on May 16 and played a decisive role in the drafting of the final verdict. He insinuated in his recollections of the trial that the majority of the people's judges did not want to acquit any of the defendants because they believed that the guilty verdicts would be making a statement of morality, not only of law. The question of guilt not being really up for debate, the only serious disagreement emerged during the determination of the sentences. The people's judges affiliated to the leftist parties, led by the Communist Ion Niță, demanded the death sentence, while other two (Ion Păuna from the Social-Democrat Party and Remus Dragomirescu from the National

⁴⁶ Buzatu and Moraru, eds., 'Jurnalul de temniță', 2: 449- 450 and 456.

⁴⁷ Ibid., 449 and 452- 453.

Liberal Party) split with the majority and argued against the capital punishment⁴⁸. Since they were in minority and virtually had no possibility to publicly express their dissenting opinion in virtue of ‘the unity of judgement’ principle, both I. Păuna and R. Dragomirescu had to yield to peer pressure. After a day of deliberations, the verdict was reached with ‘unanimity of votes’.

6.4.3. *The Judgement*

On May 17, the court reconvened for the last time, in an atmosphere of solemn ceremony, in order to announce the verdict. The courtroom was filled again to full capacity by an audience anxiously awaiting the last act of this ‘drama’, during which the presiding judge Voitinovici read in a monotonous voice the 135-page final judgement entitled ‘Sentence no. 17 of the Bucharest People’s Tribunal in the case of Ion Antonescu and his principal collaborators’. This document generally followed the provisions of the CCP of 1936, Articles 328 in respect to its structure and was divided into three main sections: the introduction, the enunciation and the dispositions⁴⁹.

The first section contained the brief conventional introductory formulas of every court sentence pronounced in a criminal case in Romania: the name of the court, the place and date of issue, the names of the panel of judges and those of the court clerks. The second section included the defendants’ full particulars and the findings of the court in respect to the substantive aspects of the case, the evidence presented and the legal classification of the defendants’ offences. But before entering into the legal analysis, the court felt the need to insert some ‘general comments’ about the Antonescu regime in order to explicitly condemn the ‘fascist, and Hitlerite’ nature of the deposed dictatorship, in a severe and biased language that resembled that of the Indictment:

⁴⁸ Arimia, ed., *Citiți, judecați, cutremurați-vă!*, Doc. no 5 (December 1984), 96.

⁴⁹ USHMM, RG-25.004M ‘Dosar penal Ion Antonescu proces’, folder no. 2, files 364- 499; also reproduced in Ciucă, ed., *Procesul mareșalului Antonescu*, Doc. no. 17 (1946, May 17), 2: 209- 308.

‘That the entire policy of the dictatorship established by Ion Antonescu, supported by those who backed him, can be resumed to the achievement of this goal [turning Romania into a German colony] and thus, the full scope of the country’s disaster, with all the costs that the country has to endure today, results from this policy of enslaving the Romanian people⁵⁰.

The Verdict then moved to the analysis of the cases against each defendant, reviewing the factual arguments supporting or refuting the criminal charges brought against them and using ample quotations from the evidence introduced by the prosecution as illustration of their guilt. As expected, ample space was dedicated to the most notorious defendant, Marshal Antonescu and there was little in this document to be said in mitigation of the role played by the defendant in the perpetration of high treason and collaboration, war crimes and crimes against humanity. Dismissing the lacunae or inconsistencies in the evidence and the defendant’s arguments in his defense, the court considered that there was sufficient evidence to find Marshal Antonescu guilty on both counts, describing him as the architect behind the entire wartime policy and branding him as the ill-fated Romanian leader who ‘had committed the gravest crime in the history of the Romanian people in joining Hitlerite Germany in its aggression against the Soviet peoples’⁵¹

The third and final section contained ‘the dispositions’ or the judgement in respect to the defendants’ guilt or innocence. A subsection was dedicated to each defendant, containing a brief presentation on his formal position, the counts on which he was charged, a review of the relevant evidence and a final passage stating the verdict on each count and the imposed penalties. In each case, the court motivated how the imposed sentence had been determined. In respect to the guilty verdicts, the court generally established a higher or lower degree of culpability in accordance to the premeditated intentions and the various modes of participation (principal offenders, moral authors or instigators, co-participants and accomplices). On account of the discretionary powers

⁵⁰ Ibid., 216.

⁵¹ Ibid., 220.

that it enjoyed when it came to weighting the mitigating or aggravating factors, the court decided to partially acquit some defendants of some of the charges due to the lack of sufficient evidence.

In the end, despite the fact that 18 defendants were partially acquitted of one or the other counts of Indictment, all 24 were found guilty and received severe sentences: 13 defendants were sentenced to death, 4 to life imprisonment, 2 to a term of 20-year imprisonment, 1 to a term of 15-year imprisonment and 4 to a term of 10-year imprisonment. Apart from the ‘principal’ capital or prison sentences, all 24 received ‘complementary penalties’, such as civic degradation and forfeiture of properties. Three factors seem to have influenced whether a defendant received the capital punishment or not: membership in highest echelon of government (the inner circle of power), close affiliation with the Legionary Movement and direct participation to the military operations against the Soviet Union. Below is a complete list of the sentences pronounced:

	Name and former positions	Found guilty of	Acquitted of	Sentenced to
1.	Marshal Ion Antonescu, Former Prime-Minister and <i>Conducător</i> of the Romanian state	a. The country’s disaster (Art. 1, paras. a and b) b. War Crimes (Art. 2, paras. a. to j; m to o.)	b. War Crimes (Art. 2, paras. k and l)	Death Forfeiture of property Civic degradation
2.	Mihai Antonescu, former Deputy Prime-Minister, Secretary of Propaganda and Foreign Affairs	a. The country’s disaster (Art. 1, para. a and b) b. War Crimes (Art. 2, paras. a. to o.)	N/A	Death Forfeiture of property Civic degradation
3.	Horia Sima, former Deputy Prime-Minister	a. Contribution to the country’s disaster (Art.	N/A	Death (in absentia)

		1, paras. a and b) b. War Crimes (Art. 2, paras. e, j, m, n, o.)		Forfeiture of property Civic degradation
4.	General Constantin Pantazi, former Secretary of War	a. The country's disaster (Art. 1, paras. a and b) b. War crimes (Art. 2, paras. a, b, c, d, e, f, m, n, o)	a. The country's disaster (Art. 1, para. b) b. War Crimes (Art. 2, paras. d, e, f)	Death Forfeiture of property Civic degradation
5.	General Constantin Z. Vasiliu, former Undersecretary of the Interior	a. The country's disaster (Art. 1, paras. a) b. War crimes (Art. 2, paras. a, b, d, e, f, l, m, n, o)	a. The country's disaster (Art. 1, para. b) b. War Crimes (Art. 2, para. c)	Death Forfeiture of property Civic degradation
6.	Titus Dragoş, former Under-secretary of State for Romanianization,	a. The country's disaster (Art. 1, paras. a and b) b. War Crimes (Art. 2, paras. a, b, l, m, n and o)	a. The country's disaster (Art. 1, para. b)	10-year prison Forfeiture of property Civic degradation
7.	Gheorghe Dobre, former Secretary of Army Ordinance	a. The country's disaster (Article 1, para. a) b. War crimes (Art. 2, paras. a, b, l, n and o)	a. The country's disaster (Art. 1, para. b) b. War Crimes (Art. 2, para. c, f, m)	Life in prison Forfeiture of property Civic degradation
8.	Ion Marinescu, former Secretary of National Economy	a. The country's disaster (Article 1, para. a) b. War crimes (Art. 2, paras. a, b, l, n and o)	a. The country's disaster (Art. 1, para. b) b. War Crimes (Art. 2, para. c, l, m)	20-year prison Forfeiture of property Civic degradation

9.	Traian Brăileanu, former Secretary of Education	a. The country's disaster (Art. 1, paras. a. and b.) b. War crimes (Art. 2, paras. m, n and o)	N/A	20-year prison Forfeiture of property Civic degradation
10.	Dumitru Popescu, former Secretary of the Interior	a. The country's disaster (Article 1, para a.) b. War crimes (Article 2, paras. a and o)	a. The country's disaster (Art. 1, para. b) b. War Crimes (Art. 2, para. c, d, f, m and n)	10-year prison Forfeiture of property Civic degradation
11.	General Constantin Petrovicescu, former Secretary of the Interior	a. The country's disaster (Art. 1, paras. a. and b.) b. War crimes (Article 2, paras. m, n and o)	N/A	Life imprisonment Forfeiture of property Civic degradation
12.	Constantin Dănulescu, former Undersecretary at the Department of Labor	a. The country's disaster (Art. 1, paras. a and b) b. War crimes (Art. 2, paras. a, m, n, and o)	b. War crimes (Art. 2, para. e)	Life imprisonment (in absentia) Forfeiture of property Civic degradation
13.	Constantin Bușilă, former Secretary of Public Works	a. The country's disaster (Art. 1, para. a.) b. war crimes (Article 2, paras. a, b, m, n, and o)	a. The country's disaster (Art. 1, para. b) b. War Crimes (Art. 2, para. c, e, f and l)	10-year prison Forfeiture of property Civic degradation
14.	Nicolae Mareș, former Secretary of Agriculture	a. The country's disaster (Art. 1, paras. a and b)		10-year prison Forfeiture of

	and Royal Domains	b. War crimes (Art. 2, paras. n, and o)	b. War Crimes (Art. 2, paras. l and m)	property Civic degradation
15.	Petre Tomescu, former Secretary of Labor, Health and Social Care	a. The country's disaster (Art. 1, para. b) b. War crimes (Article 2, paras. a, m, n and o)	a. The country's disaster (Art. 1, para. a) b. War crimes (Article 2, para. c)	15-year prison Forfeiture of property Civic degradation
16.	Vasile Dimitriuc, Undersecretary at the Department of Economy	a. The country's disaster (Art. 1, paras. a and b) b. War crimes (Art. 2, paras. m, n and o)	N/A	Life imprisonment Forfeiture of property Civic degradation
17.	Mihail Sturdza, former Secretary of Foreign Affairs	a. The country's disaster (Art. 1, paras. a and b) b. War crimes (Art. 2, paras. j, m, n and o)	N/A	Death Forfeiture of property Civic degradation
18.	Ion Protopopescu, former Secretary of Communications	a. The country's disaster (Art. 1, para. b) b. War crimes (Art. 2, paras. j, m, n and o)	N/A	Death (in absentia) Forfeiture of property Civic degradation
19.	Corneliu Georgescu, former Undersecretary at the Department of National Economy	a. The country's disaster (Art. 1, paras. a and b) b. War crimes (Art. 2, paras. j, m, n and o)	N/A	Death (in absentia) Forfeiture of property Civic degradation

20.	Constantin Papanace, former Undersecretary at the Department of Finances	a. The country's disaster (Art. 1, paras. a and b) b. War crimes (Art. 2, paras. j, m, n and o)	N/A	Death (in absentia) Forfeiture of property Civic degradation
21.	Vasile Iașinski, former Secretary of the Department of Health	a. The country's disaster (Art. 1, paras. a and b) b. War crimes (Art. 2, paras. j, m, n and o)	N/A	Death (in absentia) Forfeiture of property Civic degradation
22.	Gheorghe Alexianu, the former Civilian Governor of Transnistria	a. The country's disaster (Art. 1, para. a) b. War crimes (Art. 2, paras. a, b, d, e, f, k, l, m, n)	a. The country's disaster (Art. 1, para. b) b. War crimes (Article 2, paras. c and o)	Death Forfeiture of property Civic degradation
23.	Radu Lecca, former Commissar for Jewish Questions	a. The country's disaster (Art. 1, paras. a and b) b. War crimes (Art. 2, paras. e, f, k, l, m, n, o)	a. The country's disaster (Art. 1, para. b)	Death Forfeiture of property Civic degradation
24.	Eugen Cristescu, former Director of the Special Intelligence Services	a. The country's disaster (Art. 1, para. a) b. War crimes (Art. 2, paras. d, e, m, n and o)	a. The country's disaster (Art. 1, para. b) b. War crimes (Article 2, paras. a, b, c, f, g and l)	Death Forfeiture of property Civic degradation

6.5. The appeals

The harsh judgement pronounced by the Bucharest People's Tribunal's on May 17 was welcomed with great enthusiasm by the Communist sympathizers in the courtroom, who openly rejoiced at the prospect of 'having the major war criminals sent to their death'⁵². However, this was not the final decision in the case because the defendants still had the legal right to file an appeal. They did so after recovering from the initial shock of receiving the guilty verdict: at the end of the hearing of May 17, all 16 defendants present in the courtroom expressed their firm intention to challenge the verdict. They did not take this decision only because the filing of a notice of appeal to the High Court of Justice and Cassation automatically stayed the execution of capital sentences until it was resolved. In fact, they seemed truly outraged by the fact that the evidence in their favor had not been properly considered, many of their proposed witness had not been summoned in court and their defense arguments had been largely ignored. Convinced that the lack of respect for due process had vitiated the outcome of the trial and benefiting now from the support of new or enlarged teams of councilors, the defendants filed notices of appeal which mandated their legal representatives to set in motion the complex machinery of appellate review.

6.5.1. *The first appeal before the Second Section of the High Court*

According to Article 14 of *Law no. 312 of April 24, 1945*, the Bucharest People's Tribunal represented a first instance court and its decisions could be subjected to judiciary review by the High Court of Justice. However, the review procedure was limited to the procedural aspects of the case, namely the faulty composition of the panel of judges and the wrongful application of

⁵² 'Azi se pronunță sentința', *Scânteia*, year 16, no. 526 (18 May 1946): 1.

the sentencing guidelines included in the above-mentioned law. The notices of appeal filed by the defendants requested the review of substantive and legal aspects of the case as well, but the High Court of Justice either declined competence in such matters or rejected them from the start, admitting that its ordinary jurisdiction had been curtailed by the stipulations of said *Law no. 312*.

The Second Section of the High Court of Justice, presided by Teodor Tănăsescu, examined the 16 individual notices of appeal and a joint one, filed by Ion and Mihai Antonescu together between May 25- 27. Despite their diversity in form, all of them were based on a common number of grounds, which were divided in two categories. The first one ('the ordinary grounds for appeal') criticized the lax observance of the provisions concerning the composition of the panel of judges. This error resulted in the unlawful nomination of one people's judge, Teodora Iorgulescu and the appointment with retroactive effect of Alexandru Voitinovici as presiding magistrate, as well as the incorrect application of the sentencing guidelines, which prompted the first instance court to impose excessively severe sentences, such as the capital punishment, or abusive penalties, such as the forfeiture of properties belonging to the defendants' spouses. The appellate court rejected as unfounded these grounds, arguing that they were either based on spurious interpretations of the law or insufficient evidence. In respect to Teodora Iorgulescu's appointment, the court claimed that it lacked the jurisdiction to review the actual facts and that the defendants should have raised this procedural objection at the time of the court hearings⁵³.

The second category ('special grounds for appeal') challenged the constitutionality of Law no. 312 of 1945 and the court's special jurisdiction over criminal cases involving former cabinet ministers. Following the recommendations of M. Papadopol, the prosecutor representing the state, the Second Section of the High Court declined competence in such matters and transferred

⁵³ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 27 (1946, May 25), 2: 317- 318.

the review of these ‘extraordinary grounds for appeal’ to the next immediate appellate court⁵⁴.

The verdict that the Second Section presented on May 27 read as following: first, all ‘the ordinary grounds for appeal’ filed by 13 defendants (Ion and Mihai Antonescu, C. Pantazi. C.Z. Vasiliu, T. Dragoș, Gh. Dobre. I. Marinescu, T. Brăileanu, C. Petrovicescu, P. Tomescu, Gh. Alexianu, R. Lecca and E. Cristescu) were rejected; second, ‘the special grounds for appeal’ were transferred to the United Sections of the High Court of Justice and Cassation for review; and third, the grounds for appeal filed by D. Popescu, C. Bușilă and N. Mareș were admitted and the verdict of the first instance court was overturned on account of a legal technicality, namely their wrongful conviction for ordinary criminal offenses instead of political offenses, as Article 23 of the CP of 1936 stipulated. In the end, the three cases were remanded before the Bucharest People’s Court for a new trial, ‘but only for a new determination of the punishment’⁵⁵. As a side note, these three defendants were not truly granted a trial de novo and the re-examination of their cases before the first instance court in July 1946 did not lead to significantly lighter sentences⁵⁶.

6.5.2. The second appeal before the United Sections of the High Court

Not discouraged by the rejection of their initial round of appeals, the same 13 defendants filed new notices of appeal to the United Section of the High Court of Justice two days later. Although Article 14 of Law no. 312 of 1945 limited the review procedure to the procedural aspects of the case, the defendants were allowed, as an exceptional and, as events would prove, purely perfunctory measure, to present their direct challenges of the legal basis of the trial itself (‘the special grounds for appeal’) before the highest appellate court in Romania at that time.

⁵⁴ Ibid., 313 – 314.

⁵⁵ Ibid., 365- 266.

⁵⁶ USHMM, RG-25.004M ‘Dosar penal Ion Antonescu proces’, folder no. 2, files 542- 553.

The panel of 33 judges, presided by Oconel Gheorghe Cires, a pliable magistrate appointed to the High Court of Justice by Secretary Pătrășcanu himself, heard the 8 individual notices of appeal and 5 joint ones on May 29. Regardless of their differences, these notices included an expanded and refined version of the challenges to the constitutionality of the trial presented in the first round of appeals, which, in turn, echoed the legal objections raised by the defense council during the first day of court hearings. Essentially, all 13 appellants challenged the constitutionality of Law no. 312 of 1945 on account of its exceptional, retroactive, excessively severe and punitive nature, as well as the Bucharest People's Court personal jurisdiction over the accused, former cabinet ministers and Army officers, or subject-matter jurisdiction over cases involving war crimes. The appellants argued that they should have been tried either by the High Court of Justice, a Martial Court or even an Allied international tribunal, quoting in support of this novel argument the provisions of the Armistice Agreement of September 12, 1944⁵⁷.

The examination of these notices of appeal was hastily concluded in less than three days. Based on the few available information about the court deliberations, it appears that the panel of judges was divided over the soundness of the appeals because a few conservative magistrates tended to regard in a favorable light the appellant's challenges to the constitutionality of Law no. 312 of 1945. Fearing that an eventual dissenting opinion would unduly delay the final decision, Secretary Pătrășcanu instructed the panel judges over which he held sway to put an end to 'the opposition' to the rejections of the appeals. As a result, on May 29 the appellate court rejected 'with unanimity of votes' all the grounds of appeal as unfounded⁵⁸, arguing that they were either based on spurious interpretations of the law or fell outside its jurisdiction, thus reinforcing the validity of the guilty verdicts pronounced by the Bucharest People's Court on May 17.

⁵⁷ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 27 (1946, May 25), 2: 374- 375.

⁵⁸ Arimia, *Citiți, judecați, cutremurați-vă!*, Doc. no. 5 (1984, December), 95- 96.

6.6. The Royal Pardons

Upon hearing the judgement pronounced by the United Section of the High Court of Justice and Cassation on May 31, the members of the Antonescu group understood that the only hope left of any alleviation of their punishment rested with King Mihai, to whom they had the right to appeal for clemency. Under the provisions of Article 88 of the Constitution of 1923 and Articles 172 and 173 of the CC of 1936, the King had the prerogative of issuing acts of clemency or pardon in order to temper the excessively harsh application of the law. However, he could not make discretionary use of this prerogative because Article 641 of the CCP of 1936 stipulated that each petition for clemency addressed to the Royal Palace had to be examined by the Department of Justice and accompanied by a written recommendation signed by the Secretary of Justice.

After the rejection of their appeals, the 7 defendants in custody sentenced to death (Marshal I. Antonescu, M. Antonescu, General C.Z. Vasiliu, General C. Pantazi, Gh. Alexianu, R. Lecca and E. Cristescu) filed petitions for clemency, hoping against hope that their death sentences would be commuted by the King to prison sentences. Marshal Antonescu himself, who had stated during his final plea that he would accept the sentence of the court regardless of its severity and refused in advance to plead for clemency, was convinced by his legal counsel to reconsider his decision. Marshal Antonescu, his aging mother, Chiriachița (Lița) Baranga and C. Paraschivescu-Bălăceanu filed each one separate petitions for clemency to the King on May 31 in hope that the monarch would carry out an ‘act of grace’ and spare his life⁵⁹. This possibility did not seem far-fetched to most contemporary observers, since the King had already pardoned several convicted war criminals from the Macici trial group, commuting their death sentences to

⁵⁹ Ciucă, ed., *Procesul Maresalului Antonescu*, Doc. no. 31 (1946, May 31), 2: 420; Doc. no. 32 (1946, May 31), 2: 420 and Doc. no. 33 (1946, May 31), 2: 421.

life imprisonment in July 1945. But what was unknown to public opinion was the fact that the King's decisions to grant such pardons were censured by the Communist Groza cabinet.

Based on the available archival documents, it seems that the outcome of these pleas for clemency was actually decided by political calculations rather than humanitarian considerations. Upon receiving news of these requests for clemency on May 31, Secretary Pătrășcanu unofficially met with the Soviet representatives in the ACC and the Communist Party's leaders in order to sound their opinions⁶⁰. The suggestions offered during these secret meetings weighted heavily in the final recommendations made by the Department of Justice, as did the last-minute desperate offers of 'full disclosure and collaboration' made by some of the defendants sentenced to death (positively E. Cristescu and possibly R. Lecca). The reasons behind the clemency showed to General C. Pantazi remain unclear and controversial to this very day.

Consequently, Secretary Pătrășcanu presented his written recommendation to the King on May 31, proposing the rejection of the four petitions for clemency filed by Marshal Antonescu, M. Antonescu, General C. Vasiliu and Gh. Alexianu 'for superior reasons of state' and the commuting to life imprisonment for the three petitions filed by General C. Pantazi, R. Lecca and E. Cristescu⁶¹. To dispel any doubts about the will of the cabinet and the Communist Party, Prime-Minister Groza met with the King on the morning of June 1, claiming that Secretary Pătrășcanu's recommendations concerning the execution of the four defendants had the support of the ACC. Burton Berry, the U.S. representative in the ACC, was received in an audience at the Royal Palace on June 1 and was told that the King, faced with the pressure coming from both his cabinet and the ACC, had little choice but 'to follow Government recommendations'⁶².

⁶⁰Hanegariu, ed., *Proba bumerangului*. 'Declarație semnată de Lucrețiu Pătrășcanu' (July 18,1951), 70- 71.

⁶¹ Ciucă, ed., *Procesul Maresalului Antonescu*, Doc. no. 36 (1946, May 31), 2: 423.

⁶² Berry, *Romanian Diaries*, 417- 420.

6.7. The last act: the execution of sentences

In the meantime, the sentenced prisoners were anxiously waiting for a response to their appeals for a pardon in their Jilava prison cells. It was only on the afternoon of July 1, after one day of waiting, that the final answers arrived: three were positive (General C. Pantazi, R. Lecca and E. Cristescu) and four negative (Marshal I. Antonescu, M. Antonescu, General C.Z. Vasiliu and Gh. Alexianu). The seven prisoners, who had expected the worst, mustered all their courage and energy to prepare for the fate that awaited them: life imprisonment or imminent execution.

The relief felt by the three prisoners who had their death sentences commuted to life imprisonment was short-lived because the Communist authorities demanded their payment in full. Shortly after being transferred to other prisons (Aiud or Văcărești), they were subjected to lengthy interrogations by the new Communist Secret Police and forced to make full confessions about their wartime connections with foreign intelligence services. During the late 1940s and early 1950s, both E. Cristescu and R. Lecca were compelled to testify in court against the new regime's political enemies, such as the leaders of the National Peasant Party, the Zionist leaders and, in an ironic twist of fate, L. Pătrășcanu, the deposed Secretary of Justice who facilitated their pardon. Still, only R. Lecca would survive the rigors of the Communist prisons (E. Cristescu died in 1950 in Vacaresti Penitentiary and General C. Pantazi in Râmnicu Sărat Penitentiary in 1958). The former was released in 1964 under a general amnesty announced by the Communist regime, spending the remaining years of his life in freedom (he died in 1980)⁶³.

The four prisoners who did not have their death sentences commuted generally received the bad news with calm and courage, taking the little time left to prepare for the inevitable end. They

⁶³ Lecca, *Eu i-am salvat pe evreii*, 39- 40.

received the visits of family members and their defense council one last time on the afternoon of July 1. Marshal I. Antonescu received the visit of his wife, Maria, also a prisoner awaiting trial, that of his aging mother, Lita Baranga and that of his former legal defendant, C. Paraschivescu Bălăceanu, bidding his good-byes in a brave and dignified manner. Once the visits over, the prisoners were returned to their cells and fulfilled the last formalities. Thus, they were each visited around 16.15 by Alfred Petrescu, the prosecutor delegated to oversee the execution of the death sentences, who formally announced them that their appeals for a Royal pardon had been rejected and that the execution would take place on that very same day. They were granted their last requests (Marshal I. Antonescu asked not to be bound or blindfolded before the firing squad), offered the chance to say their farewells either in writing or in person to their few relatives allowed inside the prison walls and given last communion by the prison confessor⁶⁴.

At 18.00, the four prisoners were escorted by a squadron of 30 armed guards outside the Jilava prison to the nearby execution ground, a ravine known as ‘Valea Piersicilor’. The armed guardsmen took their firing position while the defendants were moved next to the four execution poles that had already been set in the ground. Except General C. Vasiliu, the other prisoners refused to be blindfolded and bound to the poles, choosing to look their executioners in the face as a last act of defiance⁶⁵. The four prisoners were shot dead under the watchful eyes of a small audience composed of the delegated magistrates, the pathologist and some government officials led by A. Bunaciu. The few journalists and cameramen invited to assist at the event were tasked with recording for posterity the ‘sad spectacle of the four executions’, which, according to one critical eyewitness account, represented ‘a rather sordid and bloody epilogue to the trial’⁶⁶.

⁶⁴ USHMM, RG-25.004M ‘Dosar penal Ion Antonescu proces’, folder no. 2, files 501- 503.

⁶⁵ USHMM, RG-25.004M ‘Dosar penal Ion Antonescu proces’, folder no. 2, file 504.

⁶⁶ Buzatu and Rotaru eds., *Stalin, Antonescu, Hitler*, Doc. no. 2 (1946, June 6), 2: 478.

6.8. Final remarks

Looking back to the course and outcome of the trial, it becomes obvious that there are no easy, clear-cut answers to the questions concerning whether justice was meted out by the court and the truth about the recent past had been uncovered. The record of the trial of the Antonescu group, just as the wartime record of the twenty-four men on the defendants' bench, was mixed.

In terms of achieving justice, if by that was meant that those found guilty should receive appropriate punishments according to clear procedural standards, the court proceedings did not meet all the due process requirements guaranteed by the existing legislation. The 'procedural deficiencies' of the pre-trial investigations were followed by 'the irregularities' present during the court hearings and appellate review, which cast doubts over the fairness of the verdict.

On the one hand, no actual 'equality of arms' between the prosecution and the defense was achieved because the Bucharest People's Court made only perfunctory efforts to establish parity between the two sides during the hearings. The public prosecutors enjoy clear advantages over the defense in respect to the amount of speaking time allocated or the number of witnesses called to bear testimony, and were also given wide latitude to use aggressive strategies in order to win the case. The panel of judges virtually turned a blind eye to the string of irregularities and incidents caused primarily by the misconduct of the prosecution: the introduction of misleading excerpts from state official records, the downplay of mitigating factors and the deliberate emphasis placed on aggravating circumstances, the intimidation of defense witnesses during cross-examination, the use of inflammatory allegations and biased assessments of an ideological nature during the closing argument and so forth. As for the language used, the plethora of abusive comments and unsavory characterizations were intended to present the defendants in the

most unfavorable light and thus, to ‘fan the flames of hostility’ against the 16 men in the docks.

On the other hand, the rejection of the appeals filed before the High Court of Justice and Cassation illustrate once more how unevenly were the proverbial scales of justice balanced. Not only did the special law for the punishment of war criminals placed restrictions upon appellate procedure in terms of competence and time allocated for review, but the Department of Justice also used its influence to deter the members of the High Court of Justice from making a full inquiry into the merits of the claims of unconstitutionality made by the appellants. Pronouncing its judgement in less than three days and strictly on the procedural aspects of the trial, the appellate court restricted its role to reviewing the decision of the first instance court only in respect to the correct application of the law and not to its actual soundness or fairness.

As for the uncovering of the truth about what had happened during the war, the results were ambivalent as well. On the positive side, the documentary record collected as part of the pretrial investigation was important due both to its sheer size and novelty. The thousands upon thousands of official state records, as well as scores of witness depositions provided a comprehensive and unprecedented perspective upon the war years, particularly General Antonescu’s rise to power, the inner workings of the dictatorial regime, the intricate relationship with Nazi Germany, the preparations for and participation to Operation Barbarossa, the planning and execution of the racial policies, as well as the events leading to the coup of August 23, 1944 and the Armistice.

On the negative side, the considerable potential of this vast material for establishing a detailed record of the history of Romania during the war was limited by the partiality, selectivity and vindictiveness of the historical narrative weaved by the prosecution. In the best Communist tradition, Marshal Antonescu was depicted as a ‘fascist, imperialist, despotic and chauvinistic’ leader, oppressor of the working class and peasantry and protector of the bourgeoisie and great

landowners. Thus, he was brought to power by a conspiracy of ‘the local reactionary circles’ and German fascist leaders with the purpose of turning the country into an Axis colony and prepare it for war. This monocausal explanation of the origin and aims of the Antonescu regime was not only partial in its unbridled glorification of the alleged heroism of the wartime Communist resistance movement or the peace-loving Soviet Union, but also highly selective, omitting any mention of the Ribbentrop-Molotov Pact of 1939 or Romanian territorial claims over Bessarabia.

In addition, the prosecution’s narrative was also prone to vindictiveness, granting little leniency to the aging Marshal for his political errors and discounting from the start the list of mitigating arguments raised in his defense by his councilors, witnesses and other defendants. In a sense, one can perceive behind the prosecution’s vindictiveness some of the key elements of the triumphalist Communist interpretation of the war years. According to this, the Antonescu regime was denounced both as traitorous and criminal, as well as illegitimate because it was established as a result of a coup and did not enjoyed any significant political or public support. The primary goal of such a narrative was to solidify the legitimacy claims of the new Groza government.

This public trial offered both sides the chance to present their own interpretations of the war and the prosecution’s narrative was clearly at odds with the one produced by the defense. The defendants, despite being at a clear disadvantage in respect to the available logistical and material resources and many of their arguments being no less partial and self-serving than those of the prosecution’s, managed to put together ‘a counter-narrative’ which aimed not only to refute the prosecution’s accusations, but also to defend the ideals, intentions and even ‘the great achievements’ of the wartime regime. Marshal Antonescu probably produced the fullest and most passionate pro domo argumentation during the hearings, stressing that his wartime regime was born not of conspiracy and treachery, but out of the national disaster of 1940, that he

assumed ‘the heavy mantle of power’ at the behest of King Carol II and the political parties, not the local fascist or Nazi Germany. Moreover, his alliance with the Axis was not dictated by ideological or personal commitment, but forced upon him by the changes in European balance of power and that the war against the Soviet Union was not one of aggression, but in response to previous Soviet border attacks and for the recovery of the lost provinces of Bessarabia and northern Bukovina. He even went as far as to claim that the protectorate of Transnistria, created after the victories against the Red Army in 1941, was ‘a well-administered province’ and the benefits reaped by the local population (obviously, not the persecuted ethnic minorities and the Soviet partisans) far exceeded the heavy costs and sacrifices imposed by the war. The claim that his regime had left the province or Transnistria a better place than it had found somehow strained credulity. His ideals had been noble and his intentions honorable, continued the aging Marshal, because all he did was not for his own benefit, but for ‘the greater good of the nation’.

The confrontation between these two opposite narratives managed to bring to light new insights into some controversial issues, such as Romania’s involvement in the Holocaust. Even though its criminal investigation was incomplete due, to a certain extent, to the lack of time and restricted access to German or Soviet wartime archives, the prosecution collected a sizable quantity of wartime official state records, police reports, witness testimonies and photographs, which documented the preparations and execution of state-sponsored persecutions against ethnic and religious minorities. Faced with the sheer amount of evidence, many defendants could no longer deny that these atrocities against the Jewish population, the Roma or the Innocentists occurred and their claims of total ignorance in or lack of responsibility over such issues began to sound less and less plausible. But it was not only the defendants’ reluctance to acknowledge involvement in or responsibility for the racial policies that hindered the investigation, but also

the prosecution's ideological bias. For instance, the public defenders devoted more of their energy to exposing the defendants' involvement in the perpetration of these atrocities as part of 'a fascist master-plan of world domination' and less to inferring their 'non-ideological motivations', such as greed, corruption, brutality or even recklessness.

The duel between the prosecution and the defense also revealed the didactic objectives associated with the court proceedings. Both sides attempted to create 'metanarratives' about the past that provided justifications for their own actions and decisions. On the one hand, the prosecution's discourse stressed on more than one occasion that the Romanian nation was the first to be 'betrayed' by the Antonescu regime and 'sacrificed' to the ambition of the Axis. This painful reminder about the sacrifices of the recent past contained a stern warning about the grave danger that fascism still posed for democracy and was intended, to a certain degree, to prevent the emergence of a glorious legend that had the potential to restore Marshal Antonescu to his former popularity. On the other hand, the defendants were determined to 'set the record straight' by creating a lasting record for the posterity that would stress their honor, patriotism and, above all else, self-sacrifice. With the country's territorial integrity and even own survival at stake, Marshal Antonescu claimed, the wartime regime had little choice during the war but to make a number of hard, necessary decision, dictated primarily by national interest.

Regardless of these new insights brought by the court hearings to light, the chances of disseminate them among the general population were greatly reduced by the Groza government's decision to restrict access to all trial records and to prevent their publication. As the next chapter will show, this political decision was partially due to the limited impact of the Communist propaganda campaign which accompanied 'the courtroom drama' throughout all its stages.

7. THE PROPAGANDISTIC DIMENSION OF THE TRIAL

7.1. Introduction

In a front-page editorial published on May 6, 1946, the Communist daily *Scântea* announced with great fanfare the beginning of the much-awaited ‘trial of the great national betrayal’. The trial was hailed as ‘the greatest of the century’ and this description, however exaggerated might appear today, was not without merit. As shown in the previous chapters, the trial of the Antonescu group represented the culminating point of the war crimes trial programme organized in postwar Romania and the publicity that it received in the local press inflamed and even mobilized into action certain segments of the local public opinion. The sustained media attention that it attracted and the public rallies that it occasioned suggest that the importance of this trial extended beyond the legal sphere and it served more than a mere retributive purpose.

The trial was covered by the entire mainstream press, but it was only in the Communist dailies that ‘the courtroom drama’ acquired a major rhetorical significance. The Party leadership was right in believing that the proceedings would provide the ideal medium for focusing the attention of the Romanian public opinion on the war crimes and political errors of the deposed ‘fascist’ rulers and contrasting them with the ‘benefits’ brought by the recent course of action pursued by the RCP. Announcing its complete support for the prosecution case, the Communist propaganda apparatus turned the trial into a carefully orchestrated form of media exploitation, which speculated every available opportunity to disparage the defendants as ‘fascists’ and to denigrate the traditional political leaders as their collaborators. The Communist press represented the main vehicle for the coverage of the proceedings and played the leading role in creating an

ignominious representation of the defendants and passing a severe judgement on them in ‘the court of public opinion’ well before the Bucharest People’s Court had reached a final verdict.

This chapter starts from the premise that the Communist trial coverage was heavily influenced by the Party doctrine and interpretation of the recent past, thus acquiring a blatant propagandistic dimension. The trial coverage suffered from the overwhelming influence of anti-fascist rhetoric and became the climax of an intense two-year anti-fascist propaganda campaign. The aim of this chapter is to prove that the Communist press used this trial as a pretext for the dissemination of a negative image of the defendants, intended to justify their conviction in light of their alleged responsibility for the misfortunes that had befallen Romania, as well as a medium for disparaging the ‘bourgeois’ politicians who had allegedly supported the Antonescu regime.

The analysis of the Communist press coverage of the trial will focus on the years 1945 and 1946, which witnessed the highest level of media attention on this topic. The research for this chapter included the examination of *Scântea* and *Romania Liberă*, the principal Communist periodicals of the time, for articles related to the trial published during the postwar years. A resulting total of around 200 pieces formed the core primary sources, providing a representative sample of the ‘trial by media’ of the Antonescu group in the pages of the two Communist dailies.

The chapter will be divided in four subsections: first, a preliminary discussion of the Soviet model of propaganda and censorship introduced in Romania after World War II; second, an overview of the main channels of disseminating the news on the trial, namely the Communist dailies *Scântea* and *Romania Liberă*; third, a content analysis of the articles covering the trial and surrounding issues; and fourth, an assessment of their estimated impact on the attitude of the general public and a representative selection of local public figures and foreign diplomats. Some final remarks will be presented in the end of the chapter in order to contextualize the findings.

7.2. Background: the adoption of a Soviet model of censorship and propaganda

Similar to the case of the Romanian judiciary, the RCP made attempts to bring the means of public communication under its control after the coup of August 23, 1944. This task seemed overwhelming at first due to its marginal position within the local media market, as well as the limited resources and qualified personnel available. In the interwar years, the Party leadership's blind dogmatism and obedience to Comintern's ever-changing directions made the task of adapting the general propaganda instructions sent from Moscow to the local conditions quite challenging¹. Apart from the limited appeal of its radical class-struggle, anti-national and pro-Soviet message among the general population, the Communist press was confronted with two difficulties that drastically limited its circulation: state-censorship, which drove it underground and forced it to appear clandestinely, and attacks from the far-right periodicals, which provoked an increase in its militant anti-fascist tone. These factors forced the small group of Communist journalist and sympathizers to choose between leading a sort of 'chameleonic existence' in an increasingly hostile society, a clandestine life on the margins of society or a self-imposed exile in the Soviet Union. Either way, all of them, notwithstanding their personal situation during the war, employed the alibi of 'the long years of Party struggle in illegality' to justify their violent postwar attacks in the Party press against the 'bourgeois' politicians and 'fascist' journalists.

The situation changed dramatically after the coup, when the RCP took advantage of the lifting of restrictions on the freedom of the press to reorganize its clandestine press and small network of agitators. The leading Party members, especially those who had fled the country during the war years and worked for the Romanian section of the Comintern in Moscow, had a firm grasp of the propaganda potential of the media. They were now in a position to put into

¹ Oana Ilie, *Propaganda politică. Tipologii și arii de manifestare* (Târgoviște: Editura Cetatea de Scaun, 2014), 111.

practice the lessons learned while in exile in the Soviet Union or even France, even though the situation they found in Romania after their return was less than promising. The Party could rely on only a handful of qualified journalists, the available printing equipment was scarce and outdated, the distribution network of the Party press paled in comparison with what was available to the right-wing parties, and the local audience, confused and worried about the unstable political situation, was suspicious of the Soviet declared intentions and the RCP's hollow promises². Even so, the Party had one key advantage: the Soviet political and logistic support, which proved decisive in the coming battle for the control of the public communication.

At an ideological level, the Soviet Union provided a tested model of political propaganda, created in the early years of the Bolsheviks' struggle for power by Lenin and perfected under Stalin. The Soviet Union was justly described as a 'propaganda state', given the crucial political role played by persuasion and mass mobilization strategies in the Bolsheviks projects to change Russian society³. Apart from coercive means, the Bolsheviks employed various persuasion techniques to influence a mass audience, which they grouped under the headings of 'agitation' (the spread of a single idea to a mass of people, usually by speech) and 'propaganda' (the spread of several ideas to a small target group, usually by writing). Lenin expanded on these notions in 1901- 1902, stating that the task of the revolutionary press was not only to indoctrinate the masses, but also to organize them in order to mobilize popular support for the Party's cause⁴. He had the chance to put his ideas into practice after October 1917, when the Agitprop (the Agitation and Propaganda Section of the Party's Central Committee) was created in 1920 in order to supervise the content of official information, distribute various propaganda materials in

² Mioara Anton, *Propagandă și război: 1941- 1944* (București: Editura Tritonic, 2007), 144- 152.

³ Peter Kenez, *The Birth of the Propaganda State. Soviets Methods of Mass Mobilization, 1917- 1929* (New York: Cambridge University Press, 1985), 1-2.

⁴ Vladimir I. Lenin, 'What's to be done? Burning Questions of our Movement' in *Collected Works*, trans. Joe Finenberg and George Hanna, ed. Victor Jerome (Moscow: Foreign Languages Publishing House, 1961), 5: 521.

the provinces, guide the political education of Party members and agitate the masses⁵.

In order to change the general attitude of the Romanian population towards the Party, the Agitprop increased the distribution of its official newspaper, *Pravda*, and initiated in the 1920s a series of propaganda campaigns in the countryside, which represented the Party as the source of all wisdom and glorified its projects aiming to construct the new socialist society and the new man. To describe all the details of these propaganda activities would fall outside the scope of this study. However, two things need to be stressed: first, the Communist agitators used pioneering propaganda methods, such as ‘agit-trains’ and ‘agit-ships’ that brought posters, leaflets, short films and theatre plays to the peasants and soldiers, thus heralding the birth of a new technique of mass persuasion⁶; second, the apparent success of these campaigns came not only from the organizational strength of the Agitprop or the effectiveness of the methods of persuasion used, but also from the Party’s ability to isolate Romanian public opinion from external sources of information that could well undermine its messages. Thus, propaganda operated in tandem with a growing Party-controlled censorship apparatus, centralized from 1922 under Glavlit (the General Directorate for Press and Literature). The new structure controlled the circulation of printed materials and imposed the Party line on all forms of cultural and artistic manifestations. Hence, political indoctrination was raised to the level of state policy and received full state support⁷.

At the logistic level, the Soviet Union lent practical assistance to the satellite RCP with the organization of propaganda activities. Prior to August 1944, this assistance was indirect (channeled primarily via Comintern) and manifested itself in two areas. The first one was the training of future cadres for the local Communist propaganda apparatus in the Soviet Union. A

⁵ Kenez, *Birth of the Propaganda State*, 122- 125.

⁶ Ibid., 58- 62.

⁷ Liliana Corobca, ‘Incursiune în cenzura sovietică (Glavlit), 1922- 1991’, *Arhivele Totalitarismului*, nr. 1 (2012): 14.

number of Communists born in Romania and forced to live in exile in the Soviet Union received theoretical training in the Comintern's International Lenin School (Iosif Chisinevski and Ana Pauker were the most significant among them) and gained practical knowledge of propaganda techniques by working for the Romanian language section of the Comintern's Radio Moscow and the Soviet-backed radio station *România liberă*. Leonte Răutu, Vasile Luca and other collaborators of these radio stations broadcasting in Romanian from Soviet territory formed in the 1940s the so-called Moscow bureau of the RCP, led by the well-known activist Ana Pauker.

The second area was the distribution of specific propaganda materials in Romania, aiming to change the Soviet Union's negative image and create an international movement of public opinion sympathetic to its cause. The first set of materials were focused on the antifascist movement, initiated in the 1930s as a response to the rise of fascist movements across Europe. Comintern's decision to encourage the formation of Communist-led antifascist popular after 1936 turned antifascism into a key propaganda theme that aimed to change the image of Communists from dangerous agitators and conspirators to champions of liberty⁸. The second set of propaganda materials was related to the martyrdom of the Soviet population in the war years. The main thrust of this propaganda effort was the mobilization of the Soviet public opinion in the war effort against the Axis invaders (the Great Patriotic War for the liberation of the Motherland and the eradication of fascism). This campaign also targeted the Axis troops fighting on the Eastern front, including Romanian soldiers. By condemning the unprovoked Axis attack on the peaceful Soviet Union and the extreme brutality of the Nazi occupation troops, the Soviet media aimed to undermine the morale of the enemy troops and instill a certain 'fear of retribution'⁹. The RCP's illegal press echoed these Soviet campaigns and, while their impact on the Romanian

⁸ Mihail E. Ionescu, *Puterea cuvîntului. Propaganda mișcării de rezistență din România (1940- 1944)* (București: Editura Științifică și Enciclopedică, 1984), 53- 77.

⁹ Anton, *Propagandă și război*, 326- 338.

public opinion was limited at the time, they provided a number of themes that would be used after August 23, 1944 to justify the Party's firm antifascist and pro-Soviet stance.

After August 23, 1944, the Soviet assistance took more direct forms and was channeled in new directions, such as the transfer of Soviet personnel to Romania to oversee the activity of the RCP's apparatus of propaganda and censorship or the local distribution of Soviet propaganda materials. Contrary to the previous interwar years, Soviet propaganda could be now distributed unhindered on Romanian territory. Most of the Soviet materials printed in the years 1944- 1945 dealt with war-related issues, ranging from the heroic Soviet resistance in face of the Hitlerite aggression to the liberating role of the Soviet Army in the former Axis satellites. The theme of the sufferings of the local civilian population at the hands of the Axis troops received substantial space in the Soviet war propaganda, being used primarily to denounce the oppressive and inhumane Hitlerite administration in the temporary occupied Soviet territories¹⁰. After 22 June 1941, the Soviet media began to report the Nazi atrocities committed in the Soviet and Polish territories. In this context, some Soviet writers of Jewish origin, such as Ilya Ehrenburg and Vassily Grossman, members in the Extraordinary State Commission, wrote ample pieces on the plight of the local Jewish population, some of which were translated into Romanian¹¹. Still, the Soviet official reports rarely stressed anti-Semitic measures, choosing to obscure the ethnic identities of Holocaust victims in an effort to focus attention on the systematic mass-murder of the more generic 'common Soviet citizens' who had strongly opposed the 'fascist invaders'¹².

¹⁰ Karel C. Berghoff, *'Motherland in Danger!'* Soviet Propaganda during World War II (Cambridge, Massachusetts and London: Harvard University Press, 2012), 116- 133.

¹¹ Ilya Ehrenburg and Vasilii Grossman, eds., *Cartea neagră asupra uciderilor mișelești ale evreilor de către fasciștii germani în timpul războiului dela 1941- 1945, în regiunile ocupate în Uniunea Sovietică și în lagărele de exterminare de pe teritoriul Poloniei*, trans. R. Donici, vol. 1 (București: Editura Institutului Român de Documentare, 1945); Vasilii Grossman, *Iadul de la Treblinka*, trans. Leonid Rebeja (București: Editura 'Cartea Rusă' sub îngrijirea A.R.L.U.S., 1945).

¹² Berghoff, *'Motherland in Danger!'*, 150- 151.

Benefiting from the massive ideological and logistic assistance from the Soviet Union, the RCP' began to reorganize its small propaganda apparatus in late 1944. The Party leaders, well aware of the urgent need to expand its local structures and increase the level of political education of its cadres, took a number of urgent measures in respect to 'propaganda work'. First, Iosif Chisinevski was appointed as the new head of the Agitprop and was charged with recruiting qualified staff for the new Agitprop sub-departments supervising the activity of the central and regional Party press. One of the first measures was to resume, on September 21 1944, the publication of *Scântea*, the official Party newspaper, tasked with informing, educating and, most importantly, mobilizing public opinion in support of the Communist cause and against the Party's 'ever-growing and restless enemies'. Steps were also taken to strengthen the Party's mass organizations, such as *Apărarea Patriotică* and *Uniunea Patrioților*, which used their humanitarian initiatives (providing assistance to war orphans and widows) as a front for spreading Communist propaganda and organizing anti-fascist rallies. In addition, several Party schools were opened starting with 1945 in order to train a new generation of Party agitators¹³.

The impact of these measures on the activity of the Agitprop was not immediate; in fact, it would take the Party years to recover from the decades of suppression and overcome its personnel limitations. In late 1944, the Party press could hardly compete in terms of daily circulation and popularity with the 'bourgeois' newspapers, which had established reputations and experienced journalists in their employment. To even the scales, the local Communists used the same politically expedient measure as the Bolsheviks did after October 1917, namely they reinstated censorship¹⁴. One of the first measures of the Groza government was to create the Department of Propaganda, which imposed strict restrictions on the content and circulation of

¹³ Ilie, *Propaganda politică*, 64- 68.

¹⁴ Denize and Măță, *România comunistă*, 102- 103.

non-Communist press under the pretext of suppressing ‘fascist and Hitlerite propaganda’. The Communists were not actually treading on new ground, as state-imposed censorship had quite a long history in Romanian political life¹⁵. What was new for the period 1945- 1947 was the obvious fact that institutionalized censorship operated at two levels: supra-national (the ACC censorship bureau) and national (the Romanian Department of Propaganda and Agitprop).

The supra-national censorship institution was established shortly after September 12, 1944, when Romania signed the Armistice Agreement with the Allies. Under the pretext that local fascist organizations hostile to the United Nations needed to be eradicated, the Soviet Union added two provisions to the Armistice Agreement that severely curtailed the freedom of the press in Romania. Thus, Article 15 stipulated that all local fascist or any other type of organization spreading hostile propaganda against the United Nations, especially the Soviet Union, had to be dissolved, while Article 16 enabled the A.C.C. to monitor and control the printing, importation and distribution of all periodical and non-periodical literature in Romania ¹⁶.

In fact, the Soviet-controlled A.C.C. was given the authority to establish a censorship bureau in Bucharest, with subsidiaries in every Romanian city, with discretionary powers over deciding who was a fascist journalist liable for profession exclusion or criminal prosecution and which publications were pro-fascist. This bureau monitored the content of every major local newspaper, since the Soviet censors had to issue a ‘ready-for-print’ authorization for every press article dealing with political issues (preventive censorship) and had the power to withdraw from circulation an already printed article or newspaper that brought harm to the cause of the United Nations or attacked in any manner the Soviet Union (a posteriori censorship)¹⁷.

¹⁵ Mihaela Teodor, *Anatomia cenzurii. Comunizarea presei din România, 1944- 1947* (Târgoviște: Editura Cetatea de Scaun, 2012), 24- 25.

¹⁶ *Monitorul Oficial*, year 112, no. 219, part I (September 22, 1944): 6373.

¹⁷ Teodor, *Anatomia cenzurii*, 47- 52.

The activity of this censorship bureau between October 1944 and September 1947 left little doubt about the Soviet intentions to impose a strict and politically partisan control over local public communications. The means employed to control the circulation of the Romania press were strict, ranging from suspending a local newspaper and confiscating all its issues to branding its editors as ‘fascists’. The bureau also resorted to more discrete means, such as monopolizing the distribution of news from the frontline to local press agencies. These control measures were enforced in a partisan manner, supporting not only the glorification of the Allied (Soviet) war effort, but also the efforts of the RCP to seize and maintain power.¹⁸

This supra-national ACC censorship bureau operated in tandem with the new Department of Propaganda, created by the Groza government in March 1945 and ran by Party members. The Department, headed by the Communist Petre Constantinescu- Iași, was given discretionary powers to eradicate all forms of ‘fascist and Hitlerite propaganda’ (censorship) and to spread ‘democratic’ (actually Communist) messages among the general population (propaganda). To achieve these aims, the Communist recovered several coercive institutional practices introduced by the wartime dictatorial regimes and added their own specific ideological set of messages¹⁹.

The attempts made by the non-Communist press to counter-act these measures were not very successful because the Department of Propaganda had at its disposal a vast array of mechanisms for intimidation and control. Two the them were the most effective: the restriction of access to all media professions through the Communist-controlled press syndicate that had the power to exclude from its ranks all those suspected of fascist sympathies and the control of the distribution of newsprint quota to every major daily in Romania through the aforementioned press syndicate, which could impose severe limitations on the circulation of ‘undemocratic’ and

¹⁸ Tiberiu Troncotă, *Propagandă și cenzură în România comunistă* (București: Editura Tritonic, 2006), 24.

¹⁹ Teodor, *Anatomia cenzurii*, 59- 61.

‘fascist-sympathizing’ periodicals²⁰. In the able hands of the Department of Propaganda, the practice of censoring the non-Communist press under the pretext of banning ‘fascist articles’ became an expedient means to suppress ‘unsanctioned channels of information’ and consolidate the official outlets through which the new regime communicated and justified its recent policies.

7.3. The propaganda channels

The propaganda campaigns initiated by the Party from late 1944 to late 1946 were generally focused less on indoctrinating the Romanian population and more on immediate objectives, such as increasing the popularity of the Party among the mainstream population and glorifying the Allied (Soviet) war effort. The Agitprop devoted significant efforts to increase the Party’s mass support either by popularizing the opportunistic political reforms introduced by the Groza government, such as the land reform in 1945 or the adoption of universal suffrage in 1946, or by vilifying the Party’s rivals by associating Communism with ‘anti-fascism’ and labelling all those who denounced the Party’s tactics or opposed the new regime as ‘fascist supporters’. All these propaganda efforts directed towards legitimating the Party’s meteoric rise to power presented a number of common features, such as the direct involvement of Agitprop in the mobilization of all available media outlets in order to turn the general instructions received from the Party into propagandistic messages ready to be distributed to a wide audience.

The propaganda campaign targeting the war criminals, which reached its dramatic climax during the trial of May 1946, was no exception from this pattern. In a bold attempt to capitalize on the growing anti-fascist popular attitude, the RCP transformed the purging of the state

²⁰ Ibid., 171- 183.

administration and the prosecution of war criminals into a key point on its political program, charging the Agitprop with ‘preparing the ground’ by triggering a general wave of popular hostilities against the suspects awaiting trial. The Party general line on the media campaign against war criminals was discussed in the spring of 1945, in a meeting of the Central Committee of the Party, which was also attended by Iosif Chișinevski. It was decided there that the Party newspapers needed to coordinate their efforts in order to praise the recently-adopted war crime legislation, vilify the suspected war criminals and unmask their bourgeois supporters²¹.

The Agitprop devoted significant resources to putting these general instructions into practice and used every medium of mass communication at its disposal to disseminate the messages of this propaganda campaign. Print media, mainly newspapers and brochures, played the most important role, despite the limited level of illiteracy among the rural population. The Party dailies *Scântea* and *România liberă* spearheaded the campaign against war criminals, dedicating ample space in their pages to these trials (this will be discussed in detail in the next subsection). Next came the brochures, printed in Romania or in the Soviet Union, which vilified the suspects awaiting trial as ‘fascists’ and ‘Hitlerite warmongers’²², defended the Party’s reasoning for holding such trials in Romania²³ or popularized some notorious trials²⁴. Most of them represented printed versions of speeches delivered during public conferences, retaining the militant Party tone and the vigorous anti-fascist orientation.

In an effort to reach those population segments who could not gain access to the Party press, the Agitprop used the national radio network to broadcast conferences on the topic of war

²¹ Ilie, *Propaganda politică*, 161.

²² Constantin Țiulescu, *Marii criminali de război vinovați de dezastrul țării și susținătorii lor* (București: Comisia Locală a Sindicatelor Unite, 1946).

²³ Pătrășcanu, *Legea criminalilor de război*, 103- 106.

²⁴ *Actul de acuzare, rechizitoriile și replica acuzatorilor publici în procesul primului lot de criminali de război*, (București: Editura Apărării Patriotice, 1945); *Procesul marii trădări naționale*.

crimes trials and to announce the latest news concerning the court proceedings. The silver screen was also given a place in this campaign and the proceedings of the trial of the Antonescu group were recorded on film (the influence of the Soviet film-makers of the time was quite visible, although their Romanian counterparts were still far from mastering their techniques). Thus, the Agitprop recognized the potential of radio and film to reach a wider audience with on-the-spot reports of dramatic events such as trials. Still, the shortage of the available household radio receivers limited the impact of these means of communication over the rural population²⁵.

As a side note, the RCP organized screenings of Soviet newsreel and montages on the trials of war criminals in the liberated Soviet territories. Such screenings took place in Bucharest and other Romanian cities and some of the participants recorded their observations concerning the various methods used to produce powerful rhetorical effects and embed strong propaganda messages in these films. One such participant was Jean Mouton, the director of the French Institute in Bucharest, who wrote the followings in his private diary on June 3, 1945:

Three days ago, at the Inter- Allied Club, I watched some Soviet films about the Yalta Conference, the trial of Kharkov [...] The trial of Kharkov was staged as a [theatre] play so that it would show the perfect equity that operates in Russia. The nomination of the panel of judges, the nomination of the defense council..., the examination of the defendants, [were] all done without the slightest hesitation, like they had been following a script. The defendants' main argument (repeated by the defense councilors) was that they committed the crimes not out of their free will, but because they were ordered to. The four defendants look absent-minded and talk as if they were not interested in what they were saying. They look like insects stung by other insects and thus, could no longer react. Then, we see them hanged in a square in Kharkov. Images which can make your hair curl...²⁶

The Communist and Party affiliated mass organizations were used by the Agitprop to carry out 'agitation work', using simple slogans and posters to bring the propaganda messages to the masses and mobilize them into action. Organizations such as *Apărarea Patriotică* ('The Patriotic

²⁵ Ilie, *Propaganda politică*, 59.

²⁶ Jean Mouton, *Jurnal. România, 1939- 1946* (București: Editura Vivaldi, 2008), 122.

Defense') used their humanitarian aid campaign for war victims (mainly invalids, widows and orphans) to attract public sympathy and organize large meetings in support of the punishment of those considered responsible for having started the war, i.e. the war criminals. These rallies were reported extensively in the Communist press and hailed as 'spontaneous' manifestations of hostility towards war criminals²⁷. In fact, most were organized by a well-trained group of Party activists and fellow-travelers and failed to attract the large crowds that were usually reported in the Communist dailies. But what these Party organizations lacked in popularity they typically compensated for in field coordination and intimidation tactics, thus managing to put increasing pressure on the Romanian judiciary in order to expedite the court proceedings and impose more severe sentences on the defendants. By reporting on this staged rallies, the Communist press intended to convince the Romanian public opinion there was a strong and massive popular movement behind the demands for swift and severe retribution against the war criminals.

The Party press, as mentioned above, became the predominant media vehicle for disseminating Communist propaganda. After the coup of August 23, 1944 and the lifting of the interdiction on the far-left press, the Agitprop took a number of steps for addressing its most pressing needs of the now legal Communist newspapers, which resumed their activity in September 1944. The shortage of printing equipment and qualified staff was at the top of the list and the Party had no scruples in resorting to expedient measures. Thus, in the confusion that followed the coup, the Soviet troops seized the offices and printing equipment of the newspaper *Curentul*, formerly owned by Pamfil Șeicaru, and transferred them to the Communist daily *Scântea*. The Party enlisted the services of a number of opportunistic or 'compromised' left-wing journalistic, eager to occupy a safe place in the Party ranks in hope of reaping great rewards

²⁷ Olimpiu Matichescu, 'Din activitatea *Apărării patriotice* sub conducerea P.C.R. în perioada 9 mai 1945 - ianuarie 1948', *Studii. Revista de istorie* 18, no. 2 (1965): 399- 400.

afterwards and skillfully maneuvered through the Communist-controlled press syndicate (*Sindicatul Tipografilor* in Romanian) to allocate higher quotas of newsprint to leftist dailies²⁸. These measures led to visible growth in terms of circulation, but it would be only with the help of the censorship apparatus that the Party press would impose itself on the Romanian market.

România liberă was the first of the Communist dailies to resume activity after August 23, 1944. Founded in January 1943 as an underground organ of the RCP-affiliated Union of Patriots, the paper appeared clandestinely in Bucharest, denouncing Romania's ill-fated alliance with the Axis and issuing calls to armed resistance against the military dictatorship. After the coup, the daily presented itself as the organ of the National Council of the Democratic and Social Unity Front, but in fact it was one of RPC's most vocal media outlets. Its initial editorial board consisted of a hand of leftist and Communist intellectuals, grouped around Pătrășcanu. But after the latter's nomination in the Sănătescu cabinet, the Party appointed a new editorial board in September 1944, headed by Grigore Preoteasa²⁹, a capable Agitprop member with a university degree and promising Party cadre, and seconded by the seasoned journalist Nicolae Bellu³⁰.

In order to increase the quality of the editorial staff, Preoteasa attracted a number of leftist writers and poets sympathetic to the Communist cause and enlisted their talent to promote the Party line. The special sections dedicated to the cultural- artistic life in the capital and the almost

²⁸ Teodor, *Anatomia cenzurii*, 205.

²⁹ Grigore Preoteasa (1915-1957) was a Communist activist, journalist and high-ranking member of the Party nomenclature. He studied Philology at the University of Bucharest in the 1930s and joined the Communist Youth Movement in the early 1930s. Preoteasa was imprisoned several times before and during World War II. After the coup of August 23, 1944, he became the new editor in chief of the newspaper *România liberă* (1944- 1946). As a member of Gheorghiu-Dej's entourage, he was quickly promoted to key positions, such as Secretary of Foreign Affairs (1955- 1957), member in the Central Committee of the RCP and the Politburo in 1955, and head of the Communist Propaganda Section in 1957. He died tragically in 1957 in a plane crash in Moscow. For further details, see Florica Dobre, *Membrii C.C. ai P.C.R., 1945- 1989. Dicționar* (București: Editura Enciclopedică, 2004), 490.

³⁰ Nicolae Bellu (1916- 1997) was born as Bellu Schor in a Jewish family in Brăila and became a member of the Agitprop in the interwar years. After August 1944, he worked as editor at *România liberă* and became deputy editor-in-chief, then full editor-in-chief after G. Preoteasa's departure in 1946. He ran the newspaper until the 1950s, when he was promoted as Director of the State Board for Film Industry (1953). Afterwards, he became a professor of Romanian Literature and Journalism at the Party Academy 'Ștefan Gheorghiu' in Bucharest. For further details, see Nicolae Bellu, *De la stânga politică la stânga culturală*, ed. Vasile Morar (București: Editura Paideia, 2005).

half page of commercial advertisements gave the paper a superficial likeness to mainstream political press. Writers such as Zaharia Stancu³¹ contributed several feature articles to *România liberă* on topics such as the war crimes trials and were skillful in their appeal to the readers. Even if the language of these articles was less violent and their analysis seemed more careful, Stancu's attitude towards the responsibility of the accused war criminals was as inflexible as the Party's.

Contrary to *România liberă*, which tried to maintain the appearance of being 'an independent, democratic newspaper', *Scântea* presented itself from the start as the official organ of the RCP, voicing its ideological and political message. The first issue appeared in Bucharest in August 1931, being published clandestinely until September 1940, when it was closed down by the authorities. It resumed activity a week after the coup of August 23, 1944, after the Party secured a suitable location for the new editorial board, headed by Miron Constantinescu³², a devoted Agitprop member with a doctoral degree, but modest journalistic experience. He was seconded by the more skilled Silviu Brucan³³, who became senior editor and was charged with

³¹ Zaharia Stancu (1902- 1974) was a Romanian poet and writer who studied Literature and Philosophy at the University of Bucharest in the early 1930s and made his debut in the press in 1921. Imprisoned during the war for his antifascist attitude, he became a Communist fellow-traveler after August 23, 1944. As a press secretary of the Democratic Parties Front, he became a regular contributor at *România liberă*. After 1946, his career was on the rise: director of the National Theater in Bucharest (1946- 1952, 1959- 1969), president of the Society of Romanian Writers (since 1947, with interruptions until 1974), member in the Great National Assembly (1946) and other important positions. His cooptation into the Party ranks was postponed until 1964, due to some lingering suspicions regarding his collaboration with the former Romanian Secret Services (Siguranta Statului) during the interwar years. In the end, his troubled past was whitewashed and the new regime popularized his work (particularly his novels *Jocul cu moartea*, *Desculț* and *Pădure nebună*) as an outstanding example of the new 'peasant realism' literary trend. For further details, see Eugen Simion, *Scritori români de azi* (Chișinău: Editura Litera, 2002), 2: 3- 48.

³² Miron Constantinescu (1917- 1974) was a Communist journalist, sociologist, university professor and high-ranking member of the Party nomenclature. Born in Bessarabia, he studied at the University of Bucharest (BA and PhD in Philosophy) and joined the Communist ranks in 1935. Due to his involvement in the Agitprop campaigns, he was imprisoned between 1941- 1944. After August 1944, he became editor in chief of *Scântea* (1944- 1946). He occupied key position within the Party hierarchy (member of the Politburo between 1945- 1957) and state administration (head of State Planning Committee, 1949- 1955; vice-president of the Council of Ministers, 1954- 1957; Secretary of Education 1956- 1957) until 1957, when he launched a failed attempt at destalinization and was marginalized from political life by Gheorghiu-Dej. After 1965, he was rehabilitated by Nicolae Ceaușescu and reinstated in some of his former political functions (Secretary of Education, 1969- 1970; head of the National Economic Council between 1972- 1974). For further details, see Dobre, *Membrii C.C. ai P.C.R.*, 175- 177.

³³ Silviu Brucan (1916- 2006) was a Communist journalist and member of the Party nomenclature. Born Saul Bruckner in a Jewish family in Bucharest, he joined the ranks of the Party in the 1930s and was active in the illegal

editing the draft articles of the junior collaborators. As Brucan candidly recollects in his memoirs, the daily had to work under difficult conditions at first, with only a small, untrained editorial staff and a poor distribution network³⁴. As a result, the first issues of *Scântea* were printed in poor conditions, its articles were too dogmatic and slavishly followed the Soviet press.

Tasked by the Agitprop to transform the former illegal newspaper into a true mass propagandist and organizer, the editorial board hired new journalists, such as Nestor Ignat and Nicolae Moraru, improved the layout of the paper and quality of the articles, devoted more space to feature articles written by field journalists on workers' and peasants' life and worked on expanding the distribution network³⁵. With the help of the censorship apparatus, the newspaper significantly increased its daily circulation to 120 000 printed copies in late 1944, 170 000 in 1945, 300 000 in 1946 and 420 000 in 1947³⁶. However, this growth in the circulation was not accompanied by a similar increase in readership or an improvement in the quality of the articles.

Comparing the two dailies, the striking similarities in format, content and style confirm that both editorial teams operated in accordance with Agitprop's instructions. Both dailies had usually four pages (six or eight on special anniversary editions), organized their editorials, feature articles and columns in a similar thematic fashion (domestic policy, workers' page, foreign affairs etc.) and slavishly quoted from the RCP's resolutions and the Soviet press on every occasion. The few resemblances with the mainstream political press of the time are

Party press. After the coup of August 23, 1944, he served as chief editor of *Scântea*, where he wrote violent articles against all those opposing the Party. A dedicated Stalinist and member of Gheorghiu-Dej's inner circle, he was appointed ambassador to the United States (1955- 1959) and ambassador to the United Nations (1959-1962). He later served as head of Romania's national television network. After Ceaușescu's rise to power in 1965, Brucan was marginalized from political life and turned into an 'Old Guard' critic of the national Communist regime in the late 1980s, which led to his house arrest in 1987 and exclusion from Party ranks. After the fall of the Ceaușescu regime in 1989, he became one of the leaders of the National Salvation Front, the new political force that assumed power. He withdrew from political life in early 1990, dedicating his remaining years to writing incisive press articles and pieces of political commentary. For further details, see Radu Ioanid, ed., *Dosarul Brucan. Documente ale Direcției a III-a Constraspionaj a Departamentului Securității Statului (1987- 1989)* (Iași: Polirom, 2008), 9- 34.

³⁴ Silviu Brucan, *Generația irosită. Memorii*, (București: Editura Univers & Calistrat Hogaș, 1992), 49-50.

³⁵ Ibid., 50.

³⁶ Ilie, *Propaganda politică*, 34.

superficial and represent mere concessions to the prevailing press production standards. In fact, Communist dailies embodied a new type of press, which went beyond informing and entertaining citizens, and actually aimed to indoctrinate and organize them into action³⁷.

Their editorial content of the aforementioned dailies was under the control of Agitprop and directly reflected the Party's public position on a number of topics. Most of the articles printed on topical issues such as the war crimes trials were militant in tone and partisan in their attitude, tending less to inform the public about the course of events and more to convey the Party's dogmatic interpretations on the public prosecutors' commendable conduct in the courtroom and the defendants' undeniable guilt. In addition, there was a constant reference to the Soviet position, usually expressed through the medium of the Soviet press, on all matters related to the prosecution of war criminals in Romania. The analysis of a selection of the articles from *Scântea* and *România liberă* reporting on the trial of May 1946 in the remaining sections of this chapter will hopefully exemplify the nature of the Communist coverage of war crime trials.

7.4. The propagandistic message

7.4.1. Purpose

Having established that the Communist press coverage of the trial of May 1946 was, in fact, a propaganda campaign orchestrated by a centralized structure (the Agitprop), which used the Party periodicals as agents to disseminate its message, it is now time to turn to the purpose of this complex propagandistic effort. As with most Communist propaganda campaigns, the one

³⁷ Denize and Măță, *România comunistă*, 103- 104.

focusing on the trial fulfilled at least three interrelated purposes. First, it aimed to convince the Romanian population to adopt the Communist partisan beliefs and hostile attitude towards the defendants in the docks, in particular, and their alleged former ‘bourgeois’ partisans, in general. The Communists made no secret of their deep hostility towards the members of the deposed Antonescu regime now on trial, whom the Party press vilified as the personification of ‘fascism, Hitlerism and militarism’ and consequently, blamed for having established the military dictatorship or the disastrous alliance with the Axis and for the catastrophic costs of the anti-Soviet campaign³⁸. The deposed leaders were not the only target of this campaign. Iuliu Maniu and Dinu Brătianu, the leaders of the two main opposition parties, came also under the concentrated fire of the Party press and were unmasked as ‘anti-democratic, fascist fellow-travelers’ on account of their alleged collaboration with the Antonescu regime. The legitimization of the Party’s claims to rule were at stake in both cases. The denigration of the deposed wartime leaders, who no longer posed a real political danger, justified the salutary effects of the coup of August 23, 1944 and reinforced the Party’s plan of making Marshal Antonescu a scapegoat for the country’s current disastrous situation. As for Maniu and Brătianu, the Party’s last active political opponents, their vilification as Marshal Antonescu’s ‘crypto-fascists’ allies further stressed their obsolete, reactionary character (scorned as ‘historical parties’) and frustrated their preparations for the parliamentary elections for late 1946³⁹.

The second purpose of the campaign was to induce the population to engage in certain patterns of behavior that would ascertain the Party’s increasing popular support. This was achieved by staging Communist-led popular demonstrations in support of the stern punishment of the defendants. It is unclear whether the staged rallies attracted such a massive popular

³⁸ See ‘Călăul Antonescu și banda sa în fața Justiției populare’, *Scânteia*, year 3, no. 515 (May 4, 1946): 1.

³⁹ See Miron Constantinescu’s front-page editorial ‘Complicii’, *Scânteia*, year 3, no. 524 (May 16, 1946): 1.

participation as boasted by the Communist press. These rallies also helped channel the popular hostility towards the accused and offered the perfect opportunity for *Scântea* and *România libera* to praise the Party for responding to the popular demand for swift retribution against war criminals. Seen in such a positive light, the image of the Party as the vanguard of the masses, at least in the pages of the Communist press, acquired more substance⁴⁰.

The third purpose was to counter all the messages coming from the non-Communist press, particularly the National-Peasant and Liberal Parties dailies, which voiced certain reservations towards the Indictment and vigorously defended I. Maniu and D. Brătianu against the allegations of collaborations levelled against them. The hesitations to fully condemn all the defendants in the docks (a few of them had been affiliated with the traditional political parties) and the attempts to rebuke the wild accusations made against the venerable leaders of the National Peasant and the National Liberal Parties provided *Scântea* with the pretext to lash out at the opposition dailies and to brand them as ‘reactionary’ and ‘anti-democratic’. These attacks only increased in violence as the RCP consolidated its hold on power after November 1946 and dropped all pretense of seeking to collaborate with the right-wing forces in the reconstruction of the country.

7.4.2. Content

Given its important role on the Party’s agenda, it is no wonder that the trial occasioned a massive response in the Communist press. As with other highly publicized war crimes trials, the Communist press covered all stages of the trial of the Antonescu group, from the pre-trial procedure to the formal reading of the guilty verdict, reaching its climax in the week when the death sentences were carried out. The following subsection will analyze the most important news

⁴⁰ See, for instance, ‘Întregul popor cere pedeapsa capitală pentru criminali’, *Scântea*, year 3, no. 526 (May 18, 1946): 1.

and feature articles, editorials, columns, interviews, letters from readers, annotated trial transcripts and other type of press articles printed in *Scânteia* and *România liberă* reporting on the trial. These pieces will be examined from a chronological and thematic perspective in order to better capture the evolution in tone and attitude of the Communist press coverage.

One of the first allusion to a possible trial of Marshal Antonescu appeared in the Communist press in late 1944, in the context of the debates surrounding the adoption of the legislation for the punishing of war crimes. Miron Constantinescu⁴¹ and Gheorghe Preoteasa⁴² made direct reference to the responsibility of the former political leaders for the country's present disastrous situation and called for their arrest in several front-page editorials that voiced both their own opinions and the Party's. These critical editorials were accompanied by international news reports that contrasted Romania's slow progress in developing a war crimes programme with the swift prosecution of war criminals in Bulgaria⁴³ and France⁴⁴. Their goal was to incite the Sănătescu governments to take immediate legal action and to praise the Bulgarian Communists for the role played in the organization of these trials.

The initial stage of the Communist press coverage of the trial of the Antonescu group began in January 1945, when the first pieces of the war crimes legislation were adopted by the Rădescu government. The Communist dailies praised highly the Party's contribution, through the good offices of Secretary Pătrășcanu, to the adoption of the new laws for the punishment of war criminals, which were reproduced almost in full in the pages of *Scânteia*. Pătrășcanu's influential position granted him plenty of opportunities to comment upon the new laws and present his view of what the incoming trials were supposed to achieve. His speech, dated January 24, 1944 and

⁴¹ See, for instance, his front-page editorial 'Lupii în libertate', *Scânteia*, year 1, no. 96 (December 30, 1944): 1.

⁴² See, for example, 'Război dușmanului fascist intern', *România liberă*, year 2, no. 26 (September 10, 1944): 1.

⁴³ 'Actul de acuzare în procesul criminalilor de război din Bulgaria', *Scânteia*, year 1, no. 94 (December 24, 1944): 4.

⁴⁴ See M. Florescu, 'Procesul Pétain la Paris', *Scânteia*, year 2, no. 283 (July 25, 1945): 4.

reproduced with great fanfare in the pages of *Scânteia* and other dailies, provides a strong and persuasive defense of the government policy on war crimes trials and many of his explanations were often quoted in the press order to justify the goals of the forthcoming trials to the readers:

[...] The issue of war criminals also needs to be considered as an issue of general interest and the entire population needs to participate in their unmasking, apprehension and punishment. The sanctioning of these war criminals represents not just a judiciary act, but also a political process. We need to show to the worlds that our people has taken decisive steps towards democratizing the country and has abandoned any trace of clemency towards the instruments of Hitlerism [...]⁴⁵.

The Communist press expressed strong support for the new People's Courts and generally echoed Pătrășcanu's arguments, but its rhetoric followed a more violent line. *România liberă* hosted a column entitled *Portrays of traitors*, which 'unmasked' a long list of politicians, journalists or professors as 'crypto-fascist' or 'wartime collaborators' (some had held positions in the Antonescu regime)⁴⁶. In each issue, the columnists made caustic remarks about the stained past of the person in question, demanding his removal from public life and arrest. *Scânteia* also inaugurated a column in early 1945 dedicated to the activity of the People's Courts, which provided detailed news about each current criminal investigation and ongoing trial⁴⁷. The columnists displayed a strong bias against the defendants and spared no insult to denounce their crimes. Though, after the stir caused by the first war crimes trials had passed, they settled down to presenting an almost routine synopsis of the compelling evidence presented by the prosecution and the heinous crimes perpetrated by the defendants, while deriding the mitigating factors presented by the defense. Both columns served as a prelude to later, and harsher attacks on the defendants in the dock, anticipating the media frenzy created by the court hearings in May 1946.

⁴⁵ 'The Conference held by Comrade Lucrețiu Pătrășcanu', *Scânteia*, year 2, no. 180 (March 27, 1945): 2.

⁴⁶ The first contribution to this column was printed in *România liberă*, year 2, no. 42 (September 26, 1944): 3.

⁴⁷ The first contribution to this column was printed in *Scânteia*, year 2, no. 155 (March 2, 1945): 5.

The second stage overlapped to a large extent with the pre-trial procedures that were initiated in April 1946. The press sought to satisfy the public's curiosity about the coming trial by turning its attention to the prosecutorial team handling the case against the Antonescu group. *Scântea* printed interviews with some of the lead public prosecutors involved in the case, such as Dumitru Săracu, intended to reassure public opinion that the trial preparations were well under way and 'no stone was left unturned' in the course of the investigation. The interviewees, all Party members, harbored no doubt about the guilt of the defendants and claimed that the role of the Bucharest People's Court was to disclose and document the full magnitude of the heinous crimes perpetrated by the defendants, thus dispensing justice to victims and 'setting the record straight' for the posterity. The speech delivered by prosecutor Săracu in May 1945 made this very clear:

The People's Court will bring justice. Justice for our deceived, plundered and deprived of the lives of thousands of its sons led to die in a war completely foreign of our conscience and purpose, by way of imposing severe and just punishments on all those guilty so that the seed of such monsters would be forever rooted out. [...] The Romanian people embraces just one slogan as he witnesses the commencement of the activity of the People's Tribunal: 'Death to all war criminals!'⁴⁸

The Communist dailies also began to generate additional dramatic stories surrounding the criminal charges, dedicating more space to the atrocities perpetrated by the Romanian troops in the Soviet occupied territories during the war. This was a deliberate attempt to remind readers of the heavy toll that the German-Romanian 'military adventure' in the East took on the martyred Ukraine and the postwar 'leniency' showed by the victorious Soviet Union⁴⁹. Apart from these war crimes and crimes against peace, the defenders were blamed for betraying the nation and persecuting those who opposed the wartime 'fascist dictatorship'. Provocative editorials printed in *Scântea* in the days before the trial sought to arouse the hatred of the population against the

⁴⁸ Dumitru Săracu, 'Tribunalul Poporului va face dreptate', *Scântea*, year 2, no. 233 (May 15, 1945): 3.

⁴⁹ See, for example, Ilya Ehrenburg's article, 'Dreptatea' in *Scântea*, year 1, no. 8 (September 29, 1944): 2.

‘fascist-Hitlerite clique’ who used to rule the country by presenting Marshal Antonescu and the rest of the defendants as ‘the Quislings and henchmen of the Romanian people’, who planned their ill-fated political and military decisions years before the start of the war and made life-and-death decisions with a total disregard of the potential losses of human lives and material costs:

[...] The inquiries conducted by the public prosecutors and the interrogation of the traitor Antonescu did not reveal events unknown to the Romanian people. These events prove that the betrayal of our country and the plunging of the nation in a criminal war HAD BEEN LONG PREMEDITATED by the henchman who used to hide his evil grin behind patriotic slogans. [...] The holy hatred of the Romanian people demands now that judgment shall be passed on the great national betrayal and expresses its confidence that the People’s Court will pass a severe sentence.⁵⁰

The third stage coincided with the actual trial proceedings (May 6 -17 1946) and witnessed a massive upsurge in both quantity and vehemence. The two Communist dailies provided daily updates on the progress of the trial, advertising it as the peak of the long series of postwar war crimes trials and garnishing it with all the dramatic trappings of ‘the trial of the century’. Inflammatory front-page editorials played an important role in setting the general direction and tone of the trial coverage, sparing no insult to scorn the defendants in the dock and the ill-fated decision that they took while in power. Behind the violent language seeking to increase the moral repulsion and almost visceral hate for the defenders, these opinion pieces reflect a very punitive sense of justice, which denies any presumption of innocence, refutes all evidence of mitigating factors and, above all else, calls for the exemplary punishment of the defendants.⁵¹

The articles that actually covered the trial proceedings generally followed the same accusatory tone, albeit less violent and adopted the format of annotated trial transcripts. Both *Scânteia* and *România liberă* sent reporters to the court to record the statements of the key

⁵⁰ ‘Ce a scos la iveală anchetarea lui Antonescu?’, *Scânteia*, year 3, no. 516 (May 5, 1946): 1.

⁵¹ Nicolae Moraru, ‘În preajma judecării criminalilor de război’, *Scânteia*, year 2, no. 218 (May 6, 1945): 1.

defendants, witnesses and prosecutors. The articles that these reporters produced, covering the daily progress of the trial, incorporate large passages from the unofficial transcripts taken on-the-spot and punctuated them with editorial comments that reflected the authors' first impressions on the appearance and behavior of the courtroom actors. The tendency to transform the proceedings into a 'courtroom drama', in which the defenders were cast in the role of the great villains, become visible from the first lines. This coverage expressed little interest in the legal foundation of the defense case, embracing from the start the same punitive sense of justice as the editorials and expressing a deep hatred of the defendants in the docks. The interest that they displayed for each defendant went as far as noticing their reactions when they were first brought before the court and the Bill of Indictment was read to them. Pieces such as 'The first day of the trial of the great betrayal' made acid remarks about the defendants, stressing how they had fallen from their days of glory, retaining only a measure of their arrogance, cynicism or servility:

[...] The reading of the Bill of Indictment begins. The massive bill, comprising 200 pages drafted with impartiality on the basis of witness examinations, facts and documents by the public prosecutors Stoican, Dobrian and Dumitru Săracu, weighs as heavy as a funeral stone on the defendants. Ion Antonescu adopted a martial, defying attitude. He stares vacantly and covers his face whenever the film and photo cameras focus on him. Right beside him, Ică Antonescu has a haggard face and a wild look. The others react differently. Some, like Traian Brăileanu, sit very still with their eyes closed. Eugen Cristescu grins cynically whenever his name mentioned in the Bill of Indictment. Besides Lecca, a repulsing and decaying figure, Cristescu embodies the vilest of all brutish servants, ready to cynically execute the most abject orders. As the reading of the Bill of Indictment continues, the criminals from the docks display signs of irritability and impatience.⁵²

This tenor, simultaneously dismissive of the defendants and supportive of the prosecution's efforts, dominated the press coverage throughout the trial. After the theatrical presentation of the opening day of the trial, the progress of the prosecution's case was followed closely. Ample space was dedicated to the description of the documentary evidence

⁵² 'Ziua întâi a procesului marei trădări', *Scânteia*, year 3, no. 518 (May 8, 1946): 1- 2.

incriminating the defendants and how the witnesses' testimonies corroborated it. The showing of the film footage documenting the horrors of the camps in Transnistria, and the testimony of the survivors of the deportations represent some of the most dramatic moments of the proceedings, skillfully orchestrated by the prosecution so as to 'kindle the fires of righteous indignation' among the audience. The defense's case receives only a limited coverage and the defendants' arguments are usually quoted in an abridged and distorted way, so that the ample evidence of aggravating factors presented by the prosecution would not be challenged. The press coverage focused on the narrative of guilt, thus reinforcing the demands for punitive justice. As an article dated May 6 stated, the defendants were all traitors to the Romania nation: 'Antonescu and his accomplices raised this betrayal to the rank of state policy. Policy which ultimately identified itself with international fascism, the enemy of the entire humanity's welfare.'⁵³

Another type of articles that received substantial coverage in the Communist press were the popular outbursts of hostility against the defendants. These were either individual, in the form of passionate letters sent to the Party newspapers by 'concerned citizens' expressing rightful indignation against the crimes of the defendants, or collective, in the form of 'spontaneous rallies' staged by the Party mass organizations to drum up support for the conviction of the defendants. The printing of the readers' letters was a practice adopted from the Soviet press and was used less for gauging popular mood and more for shaping public attitudes. It is unclear whether these letters truly voiced their authors' private opinions, given that the Party press set their topics and edited their content in order to send a specific message. As for the popular demonstrations, they were anything but spontaneous; they were prepared by the Agitprop and popularized by the Party press to create the illusion that there was consensus between the Party

⁵³ Al. C. Constantinescu, 'Procesul politicii de trădare națională', *România liberă*, year 3, no. 532 (May 6, 1946): 1.

line and the interests of the people. Since Marshal Antonescu's guilt was clear from the outset, these rallies demanded the same thing, that is the exemplary punishment of the defendants:

Just before the reading of the sentence that will end a historical period soaked in blood and crimes, large groups of workers, intellectuals and plowmen around the country, gathered in factories, plants, classrooms, laboratories and villages, demand a severe sentence for the guilty defendants'⁵⁴

The fourth stage of the Communist press coverage coincided with the final phases of the proceedings, i.e. the sentencing and the imposition of the punishment. The propaganda campaign reached its climax on the final day of the trial, when the presiding judge read the verdict which sentenced the main defendants to death. Communist reporters avidly recorded the reactions and last pleas of the defendants, rejoicing as they fell silent, with their composure almost lost. An editorial dated May 19 1946 described the reactions of each defendant as the court read their respective harsh verdicts: 'Ică Antonescu froze and fixed his gaze on the ground, while Pantazi's eyes are glazed and cold as death. [...] The presiding judge finished reading the verdicts and the sentence of the People's Tribunal was greeted with a loud round of applause.'⁵⁵ The same newspapers met with satisfaction the rejection of the appeals lodged by the defendants and displayed a rather morbid fascination with the execution on June 1 1946 of the four main defendants, whose sentence was not commuted to life imprisonment⁵⁶.

Front-page editorials expressed total agreement with the sentence, dismissing any doubts about the legality of the trial or the severity of the verdicts. For instance, the piece 'They have received their deserved punishment' claimed the death sentences received favorable reactions abroad, especially in the Soviet press, and were acclaimed as a firm commitment of the Groza

⁵⁴ 'Moarte criminalilor de război!', *Scânteia*, year 3, no. 523 (May 15, 1946): 1.

⁵⁵ Victor Rusu, 'Ultima ședință a procesului', *Scânteia*, year 3, no. 527 (May 19, 1946): 3.

⁵⁶ 'Eri, la orele 19 la Jilava, Ion și Mihai Antonescu, Piki Vasiliu și Alexianu au fost executați', *Scânteia*, year 3, no. 539 (June 3, 1946): 1.

government to fulfill the Armistice provisions to the letter. It also praised the prosecutors for their zeal and due diligence, the People's Tribunal for its harsh, but just verdicts and the citizens who wrote letters to the newspapers demanding the death sentence for their 'civic-mindedness':

The execution of the main leaders of the deposed fascist regime in Romania, which conspired and committed the most dishonorable act of national treason in our history, was greeted by the Romanian public opinion with deep and legitimate satisfaction. [...] This is why the punishment of the major war criminals acquires the value of an act of genuine civic responsibility, which only a people deeply aware of its liberty and with a high sense of national honor could carry it on'⁵⁷

Another important set of articles were the pieces published in *Pravda* or *Izvestia*, which expressed support for 'the dedication showed by the Romanian authorities' in dealing decisively with the local war criminals. The opinion of the Soviet Union on the progress of the prosecution of the local war criminals had been reported in the Party press, either to put pressure on the Sănătescu and Rădescu transitional governments to accelerate the prosecution of war criminals (prior to March 6 1945) or to praise the new Groza government for expediting proceedings and achieving such a high conviction rate of local war criminals (after March 6 1945). One article printed in *Izvestia* and translated into the pages of *Scântea* expresses the Soviet support for the exemplary punishment meted out by 'the Bucharest People's Tribunal to the Antonescu's clique, who bears clear responsibility for the crimes perpetrated in Romanian and in Soviet territory.'⁵⁸

At the close of the trial, the Communist press coverage took a new, somewhat predictable turn and began exposing, in a typical 'Stalinist unmasking', Iuliu Maniu and other members of his National Peasants Party as Marshal Antonescu's wartime collaborators and the Iron Guard's duplicitous allies. For the Party press, Maniu symbolized the epitome of the capitalist

⁵⁷ *Scântea*, year 3, no. 540 (June 5, 1946): 1.

⁵⁸ 'Un comentariu al ziarului *Izvestia* asupra procesului clicei antonesciene', *Scântea*, year 3, no. 526 (May 18, 1946): 1.

parliamentary democracy, false in its equalitarian claims and reactionary when it came to protecting its financial interests, which had run its course in the interwar years and became obsolete after the war. This was the tone of the initial attacks dating from late 1944, when several articles against Maniu were printed in *Scântea* about his alleged ‘reactionary’ political views and his ‘obstructive’ opposition to the RCP’s proposals for radical reforms⁵⁹. After March 1945, these attacks intensified and the Party press began to hurl more serious accusations against him. He was branded as a ‘wartime collaborator’ on account of the limited support that he initially offered to the Antonescu regime and as an Iron Guard ‘duplicitous ally’ based on the non-aggression electoral pact that Maniu signed with the Iron Guard in 1937 and his ill-fated decision to allow some former Legionary members to join the ranks of his party in 1945⁶⁰.

I. Maniu’s testimony during the trial attracted significant media attention and proved to be a turning point. The Party press quoted I. Maniu’s long testimony in an innacurate and selective manner in order to give the impression that the aging political leader reluctantly admitted to having supported the rise of the Legionary Movement and the establishment of the Antonescu regime. These wild accusations were summarized in a front-page editorial printed in *Scântea*:

In a 6-hour long deposition, Maniu attempted to save the war criminals. Before the People’s Court, the head of the National Peasants Party declared the followings: he supported from the beginning Antonescu’s criminal regime; he made the Iron Guard a legal political movement; he did not oppose the brake-up of the alliance with the invading Nazis; he had no knowledge of the act of August 23, 1944.’⁶¹

The National Peasants newspapers disavowed these articles as slander and tried to provide the public with a more accurate record and plausible interpretation of Maniu’s testimony. It was

⁵⁹ Pavel Chirtoaca, ‘Statul țărănist, o manevră diversionistă’, *Scântea*, year 1, no. 44 (November 3, 1944): 1.

⁶⁰ See Miron Constantinescu ‘Dela Hitler la Maniu’, *Scântea*, year 1, no. 71 (December 1, 1944): 1.

⁶¹ ‘Maniu încearcă să-i salveze pe criminalii de război’, *Scântea*, year 3, no. 522 (May 13, 1946): 1.

to no avail, because the Communist press speculated Maniu's gesture of good-will towards the defendants (he shook the hands of Titus Dragoș, Mihai and Ion Antonescu after he ended his testimony), and presented it as a sign that the aging political leader had colluded all along with the defendants. The Communist dailies blew this small, yet bold gesture out of proportions and Maniu's alleged self-incriminating testimony exposed him to a new wave of violent attacks. The tone was set by Miron Constantinescu, who published a series of editorials exposing Iuliu Maniu and Dinu Brătianu as 'duplicitous traitors and Hitlerites agents' and condemning both the National Peasants and the National Liberal Parties as 'the true inheritors of Antonescu' dictatorial regime⁶². Silviu Brucan expresses the same point, but in a more sardonic tone, branding the two leaders as 'the Pharisees of democracy' and comparing them to political chameleons who change their color so as to blend in with the new regimes, but stay true to their lifelong greed and ambition⁶³. In the end, it was Constantinescu who disclosed the true goal of these attacks, namely tarnishing Maniu's and Brătianu's reputations in the wake of the elections:

[...] Now, after the People's Tribunal has sentenced the two Antonescus and their clique and the latter would have to face the execution squad, their life-long accomplices are the ones standing today to be judged by the people. And the popular masses judge them today in light of their own testimonials. And the verdict will be read when they will cast their ballots! ⁶⁴

7.4.3. *Main themes*

After reviewing the evolution of the press articles discussing or reporting on the trial of May 1946, the analysis will turn now to the way in which the Party press tried to frame public discussion on the court proceedings from its own ideological and political perspective. This was achieved by associating the trial of the Antonescu group with several larger propaganda themes

⁶² 'Complicii, partea a doua', *Scânteia*, year 3, no. 526 (May 18, 1946): 1.

⁶³ 'Fariseii democrației', *Scânteia*, year 3, no. 531 (May 24, 1946): 1.

⁶⁴ 'Complicii, partea a treia', *Scânteia*, year 3, no. 528 (May 20, 1946): 1.

that carried a strong militant message in the Communist press. One such theme was anti-fascism, an overarching concept that carried a strong message with it. The Communist dailies presented all members of the Antonescu regime as the very personification of fascism, which they associated with the suppression of democratic rights, brutal and systematic persecutions, and ultimately, the waging of aggressive war. In parallel, they projected a heroic image of the Party as the key political force spearheading the popular struggle for democracy and peace, waged against the tyranny, violence and destruction brought on by fascism. After August 23, 1944, the call to ‘stem the tide of fascism’, either by ‘rooting out’ the last remains of the Iron Guard or Marshal Antonescu’s alleged followers in the country or by supporting the ‘Soviet heroic war effort against the Axis’, became the Communist rallying call. Thus, the war crimes trials in postwar Romania were seen as the last domestic phase of this global anti-fascist crusade⁶⁵.

Another propaganda theme that received special attention during the trial was the so-called ‘criminal nature’ of the Antonescu regime. The story of Romania’s participation in Operation Barbarossa provided a rich material for the Communist propaganda to exploit. The long list of crimes perpetrated by the Romanian troops in the occupied Soviet territories was widely reported in the Communist press in order to arouse popular feelings of utter indignation against the criminal policies adopted by the Antonescu regime. Though most of the stories on these atrocities were based on undeniable facts and the reaction they tried to elicit was legitimate, they were, in reality, ideologically driven towards substantiating the dark image of fascist regimes as tyrannical, destructive and belligerent by nature, as opposed to the democratic, progressive and peaceful Soviet Union. A telling example of the image of the bloodthirsty fascism bent on achieving world domination through war in disregard of the most elementary principles of humanity is Ernest Fisher’s series of nine articles printed in *Scântea* during July 4 - 15, 1945.

⁶⁵ See Silviu Brucan, ‘Osândirea fascismului la moarte’, *Scântea*, year 2, no. 191 (April 7, 1945): 1.

These articles present ‘the demented and criminal’ theory of Arian racial superiority as the ideological drive behind the brutal crimes perpetrated by ‘the savage fascist hordes’⁶⁶

The third theme associated with the trial coverage was the plight of the victims of the Antonescu regime. In the able hands of the Party journalists, the stories of the unspeakable horrors collected from the front line, the occupied Soviet territories or the Romanian internment camps became a rich material for the so-called ‘atrocities propaganda’ to exploit. Shocking tales of acts of savagery perpetrated by Romanian soldiers in the occupied Soviet territories served to give more weight to the idea of the wartime martyrdom of the Soviet Union. Articles such of those penned by Ilya Ehrenburg vividly describe the sufferance of the Soviet prisoners of war and civilian population in occupied Ukraine, blaming ‘Romanian Hitlerites’ for the heavy death toll⁶⁷. This line was quickly emulated in the pages of *Scântea*, which attempted to surround the sufferings of ‘the Romanian patriots’ at the hands of the ‘local Hitlerite’ with a similar aura of martyrdom. The same Antonescu regime had oppressed the ‘Soviet and the Romanian patriots alike’, claimed the Communist press, and the two ‘victimized nations’, joined in their sufferings inflicted by the ‘Hitlerites’, should naturally join forces in the worldwide fight against Fascism.

Sadly, this apologetic use of stories of collective martyrdom left little room for reporting on the wartime persecutions against the ethnic minorities in Romania. The tragic stories surrounding the fate of the Jewish and Roma deportees to Transnistria received only a limited coverage in the pages of *Scântea*. The language used in these articles was both ‘elliptical and ambiguous’ due to the tendency to discretely play down the ethnic-religious dimension of the persecutions and to emphasize their political and ideological aspects. As a result, many of the civilian war casualties

⁶⁶ Ernst Fischer, ‘Teoria rasială a fascismului, partea I’, *Scântea*, year 2, no. 265 (July 4, 1945): 2.

⁶⁷ Ilya Ehrenburg, ‘Dreptatea’, *Scântea*, year 1, no. 8 (September 29, 1944): 2.

were described as ‘partisans and political prisoners’ rather than victims of racial persecution⁶⁸.

As the trials of war criminals drew nearer in the spring of 1945, the Party press steadily shifted focus from the sufferings of the victims to the sadism of the perpetrators, turning the wickedness and depravity of the defendants in the dock into a key theme in the trial coverage. The proceeding provided the Communist press with a golden opportunity to draw portraits (usually unflattering caricatures) of the war criminals based on their posture, reactions and depositions in the courtroom. Party journalists embraced this task with unrestrained enthusiasm, depicting the main defendants as old, frightened men, mere shadows of their former selves, who still retained a trace of their past arrogance, but were now desperately clinging to the hope of avoiding an inglorious end. Naturally, the press turned its attention to Marshal Antonescu, seen as a ‘fallen idol’ showing signs of old age and severe fatigue, but still expressing ‘an arrogant lack of remorse’ for his crimes. Florica Şelmaru’s article provides many colorful comments:

‘For the first time since the trial began, Ion Antonescu looks very pale. For the first time, he can’t control his facial expression: his cheeks are sunk in gloom, his mouth is slightly gaping. He fancied himself as a new Alexander Macedon, a new Caesar, a new Napoleon, leading conquering armies. Regardless of any costs. For the posterity, he had adopted a martial air and an authoritarian manner. Now, before history and the people judging him, he reveals his true, treacherous face.’⁶⁹

This image of the defendants’ depravity was intended to persuade public opinion of the moral strength of the Allied war effort against the Axis forces and the justness of the vindictive postwar policy of prosecuting war criminals. But the Communist press cast a wider net in its hunt for the culprits for the country’s disastrous situation and added the theme of the duplicitous nature of wartime collaborators to the trial coverage. Maniu’s and Brătianu’s testimonies at the trial were deliberately misrepresented as elaborate lies and diabolical schemes, part of the plots

⁶⁸ ‘Atrocitățile germanilor’, *Scânteia*, year 1, no. 4 (September 24, 1944): 4.

⁶⁹ ‘Procesul marilor criminali de război’, *România liberă*, year 3, no. 538 (May 15, 1946): 1.

of ‘the Hitlerite fifth column’ to spread anti-governmental propaganda and incite acts of sabotage. These slanderous fabrications acted as a ready-made justification for the Party’s inability to deal effectively with the pressing social and economic problems of the postwar years. Just as Marshal Antonescu was deemed responsible for the disasters that befall the country during the war, Iuliu Maniu and Dinu Brătianu, the alleged leaders from the shadows of the fifth column, were to blame for the privations that the Romanians had to endure in the postwar years. Thus, it was only natural for Miron Constantinescu to present the two leaders of the opposition parties as ‘the true inheritors of the Antonescu dictatorial regime’.⁷⁰

Finally, the importance of the prosecution team in unmasking the wickedness of the defendants represented another important theme in the Communist press coverage. Public prosecutors, especially Vasile Stoican, figured prominently in several news articles, which printed his photograph and turned him into the very symbol of the new People’s Justice in Romania. Their opening addresses and closing arguments attracted significant attention because they acted, according to the Party press, like a kind of resonance box that channeled and amplified the emotions of the audience in the courtroom. A front-page editorial signed by Nestor Ignat lyrically described this prosecutor- audience relation by arguing that ‘in the public prosecutor’s voice, filled with emotion, resonated the righteous anger of the Romanian population, betrayed and slaughtered by Antonescu and the clique that supported him’.⁷¹ This and many other articles penned by fervent Communist journalists left little doubt about the desire to convey the impression that the Romanian public opinion fully supported the guilty verdict.

⁷⁰ Miron Constantinescu, ‘Complicii- a doua parte’, *Scânteia*, year 3, no. 526 (May 18, 1946): 1.

⁷¹ Nestor Ignat, ‘Scene dramatice la Tribunalul Poporului. Poporul acuză!’, *Scânteia*, year 3, no. 523 (May 15, 1946): 1.

7.4.4. *Language*

The manipulation of language was an important instrument in the arsenal of the Party press, employed with great skill to persuade the population to adopt the Party line, which called for swift retribution against war criminals, and to reject all alternative interpretations of the recent events. This deliberate and systematic distortion of the meaning of words in order to misrepresent reality has been widely used throughout the Party press and other mediums voicing the Party's ideology and came to be known as 'newspeak', 'doublespeak' or 'langue du bois' (in Romanian *limba de lemn*). Its main function was to serve as a vehicle for spreading the Party ideology and to impose the specific representations and models of the Communist worldview on the population⁷². In the case of the press coverage of the trial of May 1946, this manipulation of language aimed to spread a reductionist, Manichaeian version of the proceedings, which glorified the conduct of the prosecution in the courtroom and vilified the defendants as a group ('clique').

This vilification process in the press was not done randomly, but in a calculated manner, using violent phrasing in the established Communist jargon that was intended to elicit specific emotional reaction from the readers. 'Name-calling' or 'naming and shaming' played a major role in this strategy because it associated the defendants with various negative symbols in order to induce the public to condemn them without examining first the validity of these associations. Apart from being a clear indicators of the deep hostility of the Party press, the abusive labels that were attached to the defendants were intended to provoke reactions of derision, enmity, disgust or fear among the public and turn the defendants into 'hate figures' or grotesque caricatures.

A first category of labels intended to degrade the defendants to the level of common criminals ('scoundrels', 'gangsters', 'thugs') in the service of Nazi Germany ('Hitler's lackeys',

⁷² Françoise Thom, *Limba de lemn*, trans. Mona Antohi (București: Editura Humanitas, 2005), 134.

‘servants’ and ‘executioners’), who betrayed the country to satisfy their own ambition and greed (‘Gestapo agents’ ‘traitors’ and ‘spies’). By using such strong language, the Party press intended to arouse a strong patriotic response from the population and convince it to rally under the slogan ‘Death to all fascists!’ A second category of labels aimed to dehumanize the defendants by portraying them as subhuman or animal-like (‘blood-thirsty beasts’, ‘vermin’ or ‘vipers’). The metaphors of the Red Army hunting down fascists like wild animals were common in the Party press rhetoric. For instance, Silviu Brucan compared local fascists to bloodthirsty beasts that had been mortally wounded by the Soviet soldiers and needed to be put down⁷³, while Miron Constantinescu compares fascist journalists to ‘dangerous vipers’ who had once supported the ‘fascist jackals’ and now needed to be slayed⁷⁴. A third category of labels resorted to the vocabulary of medical pathology, using terms indiscriminately to describe the defendants’ appearance and behavior (‘paranoid’, ‘maniacs’, ‘hysterics’). Articles such as Florica Șelmaru’s covering the ‘courtroom drama’ took a keen interest in describing the defendant’s conduct and intentionally mistook their fatigue and oddities with telling signs of their ‘degenerate nature’⁷⁵.

The list of abusive labels could go on for pages; although repetitive and not very original, these labels were repeatedly used to sketch reductionist and depersonalized portraits of Marshal Antonescu and the other defendants, intended to provoke both contempt and revulsion. Similar to crude yet recognizable caricatures, these portraits tended to collapse all the defendants to a single ‘stereotypical war criminal’, deprived of any legal rights or even full humanity on account of the lack of visible remorse for his wartime crimes. The violent invective against the defendants, penned by Alexandra Sidorovici (a public prosecutor and Silviu Brucan’s wife), is quite telling:

⁷³ ‘Osândirea fascismului la moarte, partea a II-a’, *Scântea*, year 2, no. 191 (April 7, 1945): 1.

⁷⁴ ‘Viperele’, *Scântea*, year 2, no. 238 (May 31, 1945): 1.

⁷⁵ ‘Prima zi a procesului Antonescu’, *România liberă*, year 3, no. 533 (8 May, 1946): 1.

[...] We, women, looking with sorrow and pain at the accused in the docks, the docks of shame in which the chief assassins are sitting, have the right and duty- more than anybody else- to accuse them. We accuse you, Ion Antonescu, of selling our country and trampling all over our national pride, bowing down to the invader that overrun our country twice in the last decades. We accuse you of handing over all national resources- the wealth of our people and the legacy of our children- to Hitler's Germans, flattered that they turned you into a new Führer. We accuse you of having darkened our days and laid waste to our homes by taking our dear ones to spill their blood on foreign soil, overrun by your German masters and the most loathsome Romanian prey ravens. Our sisters lived in those lands. We accuse you for the massacre of the women and children in Odessa, in Ukraine, for all that mothers in those lands had to endure to desperately shelter their children or cheat their hunger. [...] That was your crusade, Ion Antonescu! [...] ⁷⁶

7.4.5. *Estimated impact*

Evaluating the impact of a propaganda campaign on a group as vast as an entire nation presents a number of challenges. The lack of reliable national opinion polls and the detrimental influence of censorship certainly adds to the difficulty of assessing the long-term effects of the Communist propaganda associated with the trial of May 1946, making elusive any attempt at generalization. Still, some preliminary estimates concerning the short-term, localized impact of this massive propaganda campaign on certain social and professional categories can be provided.

The first impression in studying the press coverage of the time is that the topic of the trial managed to capture the attention of large segments of the Romanian population and produced strong emotional reactions from almost every social and professional category. Or at least, this is the impression that the Communist press intended to convey by publishing scores of cables sent to the Bucharest People's Tribunal postal address or the daily *Scântea* by groups of workers from the major factories, villagers (ploughmen) from all four corners of the country, local women's and veteran's organizations, members of professional and trade associations and so forth. They all expressed, in various forms, the same fervent desire for the severe punishment of the defendants in the docks and their 'bourgeois' collaborators still at large. By reproducing a

⁷⁶ 'De ce acuzăm', *România liberă*, year 3, no. 539 (May 16, 1946): 1.

selection of these cables, the Party press wanted to convey to the general readers the sense that the entire Romanian population was united in its hostility against the ‘fascist’ defendants and completely supportive of the verdict passed by the panel of people’s judges on May 17, 1946.

This virtual flood of cables that swamped the mailboxes of the Bucharest People’s Tribunal and the daily *Scântea* were not actually mass-scale forgeries (the original copies are still available)⁷⁷, but not exactly candid in their content. These dispatches, in their vast majority, were not spontaneous, ad-hoc manifestations of joy at the news of the guilty sentences passed by the court, but, in fact, the expression of the resolution adopted by an organized group, such as a syndicate or other type of professional association, convened under the aegis of a Communist agitation cell, anti-fascist organization or Party-controlled syndicate with the express purpose of condemning fascism and war criminals. Most of the time, these groups spoke in one loud and collective voice, which borrowed heavily from the anti-fascist slogans circulated by the Party propaganda. Here is a telling cable sent by the syndicate of the railway workers from Galați:

‘We, the railway workers from Galați, reunited in an extraordinary meeting on Saturday May 18, 1946, ask the People’s Tribunal and the Government presided by Petre Groza to impose the death sentence with no right to appeal for the war criminals already sentenced [by the court], as well as their moral supporters, Maniu and Brătianu.

These [two] reactionaries collaborated with and supported the regime of terror [established by Marshal Antonescu] with the money squeezed from the hard labor of the Romanian people and with their so-called ‘technicians’ in order to send more than 600,000 Romanian citizens to their death. Thus, they belong today in the same docks as the defendants [in the trial of the Antonescu group], whom they had supported and encouraged. Today, the Romanian people asks no other punishment for these undertakers of the people [in original, ‘ciocli ai poporului’] that the same death punishment meted out on the war criminals⁷⁸.

To convey this impression of a ‘common front’ united in its hostility against the defendants in the docks, the Party mass organizations, such as *Apărarea Patriotică*, staged anti-fascist rallies

⁷⁷ USHMM, RG-25.004M ‘Dosar penal Ion Antonescu proces’, folder no. 3, files 705- 1037.

⁷⁸ USHMM, RG-25.004M ‘Dosar penal Ion Antonescu proces’, folder no. 3, file 1036.

during and after the trial in the form of collective outbursts of popular anger directed towards ‘the Antonescu clique’. The participants to the rally marched in public places and in front of the venues where the trials were held in Bucharest or in Cluj, carrying banners with anti-fascist messages and shouting abuse at the defendants. Although they failed to attract the massive popular participation envisaged by the Party leadership, these staged rallies left a deeply negative impression on some foreign contemporary observers⁷⁹ and managed to intimidate or harass the defendants’ last few supporters, relatives or defense witnesses present during the hearings⁸⁰.

The reaction of the Romanian officer corps at the news of Marshal Antonescu’s sentence to death and execution serve to illustrate the gap between the estimated and actual impact of the propaganda campaign associated with the trial. The military elites have been directly affected by the large-scale purgings initiated by the Groza government, which were intended, among other things, to secure the compliance of the commanding officers of military units with the policies adopted by the new regime. To assess the general attitude towards Marshal Antonescu, the former commander-in-chief of the Army, the Propaganda Bureau affiliated to the Romanian General Staff organized meetings in every major military unit in May 1946 to have the officers express their solidarity with the guilty verdict rendered by the Bucharest Peoples’ Court. These meetings did not actually achieve their intended purpose because most of the gathered officers, unless forced to say otherwise by their superiors or the ‘political commissars’ present, kept silent or disapproved the guilty verdict⁸¹. Alarmed more by the perceived lack of loyalty than by the ‘breach of discipline’, the Groza government pressed the General Staff to impose disciplinary measures against the obstinate officers, which only enforced the atmosphere of intimidation⁸².

⁷⁹ See, for instance, Schuyler, *Misiune dificilă*, 325- 326.

⁸⁰ Verenca, *Administrația civilă română*, 273- 275.

⁸¹ Ciucă, ed., *Procesul Mareșalului Antonescu*, Doc. no. 53 (1946, June 3), 2: 445- 447.

⁸² Victor Bădescu, ‘Onoarea ofițerilor de marină’, *Magazin Istoric* 12/231 (December 1993): 65.

The causes of this setback were discussed in a Party meeting held behind closed door with the former public prosecutors in March 1947. During this meeting, Teohari Georgescu, a leading Party figure, expressed disapproval towards the manner in which the cases against war criminals were handled and the low rate of convictions of the People's Courts. When the discussion moved to the issue of popular support for the trial of May 1946, 'Comrade' Georgescu stated that the general population did not express solidarity with the anti-fascist rallies staged by the Communists due to the inadequate resources allocated to the logistical preparations and the failure of the Party press to push forward the idea of a 'fascist plot' forming to undermine and the new 'democratic regime'. Had the Party press printed more alarmist reports about the defendants' intention to collude with other 'reactionary elements' to overthrow the current government by violent means, the general population would probably have been more receptive to the Communist appeals⁸³.

Apart from the Romanian officer corps, the non-Communist political elites represented another group who displayed serious reserves towards the Communist propaganda associated with the trial of May 1946. Some members of the political opposition, who felt that they were deliberately targeted by the hostile Communist dailies and disparaged as 'wartime collaborators', made efforts to distance themselves from the defendants and carefully avoided to voice any public criticism of the verdict pronounced by the People's Court. There are reasons to believe that I. Maniu, turned into a scapegoat by the Communist press after he testified in court, pursued such a course because he suspected that he was under close surveillance and did not want to further aggravate the Communist Party. In one of the internal meetings of his National Peasants Party, which was being secretly recorded by the Romanian Special Intelligence Service, Maniu expressed no surprise at the fact that Marshal Antonescu was found guilty on all counts and sentenced to death. The outcome of the trial had been established beforehand, he argued; still, it

⁸³ Andreescu, Năstase and Varga, eds., *Evreii din România*, Doc. no 110 (1947, March 27), 324.

was unsure whether the Communists would hastily execute the sentenced defendants or would allow King Mihai to offer them a pardon and commute their sentence to life imprisonment⁸⁴.

However, other members of the National Peasants Party felt compelled to come to the defense of their longtime political leader and criticized the collective accusations leveled by the public prosecutors during the court hearings against the leaders of the ‘historical parties’ or even the entire ‘traditional political class’. Nicolae Carandino, the director of the National Peasant daily *Dreptatea*, wrote a series of articles on the trial in which he denounced as unfounded and unjust the accusation of collaboration leveled by the prosecution against the defense witnesses and the ensuing attacks in the Communist press. He exposed some of the most noticeable missteps in the prosecution case and the orchestrated outbursts of anti-fascist hostility from the audience, condemning the relegation of this trial to the position of a propaganda instrument used for turning the defense witnesses into convenient scapegoats and disparaging political rivals⁸⁵.

Other Romanian political personalities expressed a similar level of dissatisfaction with the direction taken by the court hearings, but not in public. In their private papers and diaries, they offer the reader a strikingly different, albeit more personal, account of the proceedings, in which they denounce the validity of the charges presented in the Indictment, the strategy adopted by the prosecution and the severity of the sentence. Political personalities such as Raoul Bossy, a distinguished Romanian diplomat residing in Switzerland, who had no sympathy for Marshal Antonescu, critiqued the prosecutions’ efforts to impose political goals on the judicial process and to distort the facts in order to aggravate the gravity of the criminal charges, concluding that

⁸⁴ Ioan Scurtu, ed., *România. Viața politică în documente. 1946* (București: Arhivele Statului din Romania, 1996), Doc. no. 44. (1946, May 25), 220.

⁸⁵ Nicolae Carandino, ‘Procesul, partea a II-a’ in *Rezistența - prima condiție a victoriei: articole politice apărute în "Dreptatea" (1944-1947)*, ed. Paul Lăzărescu (București: Editura Fundației PRO, 2000), 223- 224.

‘they [Ion Antonescu and the other defendants] may have erred, but traitors they were not’.⁸⁶

The retired General Sănătescu, who played a key role in the coup of August 23, 1944 and had little sympathy as well for Marshal Antonescu, displayed a marked skepticism regarding the course that the trial took in the hands of the public prosecutors. In his diary, he condemned the biased manner in which the prosecution framed the charges against the defendants and led the witness cross-examinations, and how the presiding judge expedited the whole proceedings. He argued that ‘there is a great haste to finish the proceedings and the debates took less time than with other trials, although the present one is of capital importance and frowned upon the ‘spontaneous’ (in fact, orchestrated) hostile reactions of the audience towards the defendants’⁸⁷.

Most criticism, however, focused on the severity of the sentence pronounced by the People’s Court. Some contemporary observers found the death sentence to be rather excessive and disproved of the government’s decision of preventing the King from granting a royal pardon to all defendants. In his diary, General Sănătescu notes the followings in his diary entry dated May 17, 1946: ‘[Today], the sentence was pronounced. Marshal Antonescu, Mihai Antonescu, General Vasiliu, General Pantazi, Radu Lecca, Eugen Cristescu and Gheorghe Alexianu received the death sentence. [...] Most of the defendant are definitely not guilty of these charges.’⁸⁸

The reactions of the foreign diplomats assigned to Bucharest in 1946 are equally interesting to analyze on account of their refreshing and purportedly more objective perspective on the trial of the Antonescu group. Burton Berry, the American political representative to Bucharest, followed the unfolding of the courtroom drama and rightfully predicted that all defendants would be found guilty in order to give satisfaction to the Soviet Union and the local Communists. He proved to be a well-informed observer of the secret political negotiations between all the political

⁸⁶ Bossy, *Recollections of a Romanian Diplomat*, 2: 468.

⁸⁷ Sănătescu, *Jurnal*, 224.

⁸⁸ *Ibid.*, 225.

actors with an interest in influencing the course of this war crimes trial (the Groza government, the Communist Party, King Mihai and the ACC representatives). Of great interest is his subtle observation regarding the recent shift in the public mood concerning the fate of the defendants:

Whereas [one] year or more ago, [the] country would have solidly favored execution of all 16 defendants, [the] temperament of people has changed in favor of leniency. Moreover, [the] much publicized Maniu handshake, instead of acting to his discredit, has confirmed [the] people's opinion that [the two] Antonescus are not so bad after all.⁸⁹

General Schuyler also recorded his impressions of the proceedings, in which he showed sympathy towards Marshal Antonescu's brave attitude in court and frowned upon the 'backstage maneuvers' initiated by the Communist authorities to secure the guilty verdict and compromise the leaders of the traditional parties. Here is an excerpt from his diary entry dated May 19 1946:

The trial of the two Antonescus and their ministers has been unfolding before the Bucharest People's Court for two weeks. Taken at face value, the government has made significant efforts to ensure that these trials appear fair. In reality, it is quite easy to notice that the actual sentencing of Marshal Antonescu's ministers represents a matter of secondary importance and the main goal of these trials is to implicate the leaders of the National Peasant and Liberal parties in the war initiated by Romania against Russia. Ion Antonescu was the central character. He showed immense courage and great honesty. I believe he told the truth during the hearings. He openly stated that he had discussed certain aspects of his war plans with Maniu and Bratianu, but the two refused to cooperate with his regime or to associate themselves with the belligerent policy. Ion Antonescu appears to be fearless. He appears to know that he had already been sentenced and adopted the attitude by which history would remember him as a strong man, faithful to his own convictions. Not the same thing can be said about his other [former collaborators and] ministers, especially Mihai Antonescu. His testimony clearly proves that he had been carefully instructed beforehand and he knew that his main task during the hearings was to testify in such a manner as to compromise as much as possible Maniu and Bratianu [...]⁹⁰

General Schuyler generally concurs with his Burton Berry's views on the recent surge of popular sympathy towards the defendants, explaining it as the direct consequence of Marshal

⁸⁹ Berry, *Romanian Diaries*, 405.

⁹⁰ Schuyler, *Misiune dificilă*, 325- 326.

Antonescu's defiant stance in court. He noted that the news of Marshal Antonescu's execution on June 1, 1946 came as a shock to the population of Bucharest because it was widely believed that the prosecution had failed to substantiate any of the charges brought against the defendants and the only thing it actually managed to prove was that the defendants 'had lost the war'⁹¹.

Jean-Paul Boncour, the French diplomatic envoy to Bucharest at the time of the trial, voiced similar criticism towards the manner in which the Groza government handled the trial and noticed the failure of the Communist propaganda campaign to destroy the last remnants of popular sympathy for the fallen *Conducător*. He followed closely the court hearings and sent a brief, yet informative analysis on the origins of this recent wave of sympathy towards the aged Marshal in one of his diplomatic cables forwarded to his superiors in Paris dated May 18, 1946:

The death sentence [passed on] Marshal Antonescu and some of his [former] cabinet ministers corresponds neither to Prime Minister Groza's stated intentions, nor the sentiments of the Romanian public opinion. According to Secretary Pătrășcanu's own testimony, this trial came too late: had it taken place immediately after the liberation of the country [by the coup of August 23, 1944], it would have galvanized the dissatisfaction of the masses against the manner in which the former *Conducător* had sent some many young soldiers to their death or captivity in the remoteness of the Russian steppes; this feeling is today replaced by the irritation caused by the Soviet military occupation and the servility shown by the Groza-Tătăărăscu government towards Moscow. The Antonescu trial proved a failure, particularly for the propaganda [campaign] of the National Democratic Front⁹².

A much more dramatic description of this recent wave of popular sympathy is found in Reuben H. Markham's first-hand account of the court hearings. This intrepid American journalist was positively impressed by the defiant stance adopted by Marshal Antonescu before the People's Court and left a vivid account of the defendant's last words in court. Despite his rather apologetic tone and exaggerations for dramatic effect, his astute first-hand observations about the

⁹¹ Ibid., 335.

⁹² Mihai-Dimitrie Sturdza, 'Documente noi în legătură cu procesul și moartea mareșalului Antonescu', in *Rușii, masonii, Mareșalul și alte răspântii ale istoriografiei românești* (București: Editura Compania, 2013), 340.

reactions elicited from the audience by the aging Marshal's testimony in court deserve attention:

In 1946 Ion Antonescu, who had been held by the Russians for almost two years, appeared in the room of a people's court as a rat in a trap being prepared for drowning. The Rumanian nation felt he was being tried by Russia, whose army was occupying the country. They saw that the judges were dupes of Russia and that the two Communist prosecutors were fanatical agents of Russia. A large proportion of the journalists in the court room, most of whom were non-Rumanians, were militantly in the service of Russia and ostentatiously hostile to the helpless Marshal. They vociferously cheered when he was condemned to death by the Communist-led court responsible to Communist Minister Lucretiu [sic!] Pătrășcanu. Most Rumanians at that moment felt they were in the Russian trap, along with the Marshal, and that it was they who were being tried, derided, condemned.

Antonescu conducted himself calmly and with dignity; he looked Russia straight in the eye and refused to apologize for fighting against her. He even repeated that he had fought to win. Many Rumanians felt his bearing symbolized their self-respect, and were grateful for such a symbol. They couldn't help but rejoice when they saw a Rumanian stand under a Russian gallows and calmly defy Russia.⁹³

Certainly, Reuben Markham was not the only one disagreeing with the death sentence and there were several other Romanian observers who hesitated to accept the Communist rhetoric concerning the fairness of the verdict of the People's Court. It is not clear what moved them to adopt such a stance: perhaps their shared spirit of comradeship with the fallen *Conducator*, their compassion for the aging Marshal who once led them to victory or simply skepticism towards the ever-present Communist propaganda that portrayed the defendants as 'immoral criminals'. Grigore Gafencu, a Romanian diplomat living in exile in France at the time of the trial, offered a lucid analysis of the reasons behind this sudden change of heart towards the defendants. He noted in his diary how the politically-charged atmosphere surrounding the proceedings turned the once-hated Marshal Antonescu into a symbol of Romania's plight under Soviet occupation. The Communist propaganda was bound to have 'a backlash effect', he said, thus prompting the Romanians to identify emotionally with the defendants in the docks and project their feelings of national frustration and humiliation on them. Thus, the recent upsurge in sympathy for Marshal

⁹³ Markham, *Rumania under the Soviet yoke*, 156.

Antonescu was not for the man himself, but for the idea that he came to represent: a humiliated national thrown at the mercy of the conquering Soviet Union, which now sought to disguise its ‘desire for vengeance and lust for power’ through the means offered by ‘a travesty of justice’:

[...] Radio Bucharest announced today that Marshal Antonescu, Ică Antonescu and four [sic!] other former dignitaries were ‘executed’. A Royal pardon, therefore, could not be granted. The Russians demanded their death in exchange for ‘liberty’. I wish this were not the sign of the unleashing of a dreadful, criminal ordeal.

The Marshal’s sins have been somewhat atoned by the current regime’s abuses and the deadly menace that the Soviets represent for the country. The events that followed after his demise has laid a veil of forgetfulness over the ill-fated campaign he waged against Russia, as well as over the blind fierceness with which he threw himself into Hitler’s arms. Yesterday still deemed guilty, today the Marshal falls like a martyr of the Romanian cause, because Romania knows today no other menace than Russia. A legend will be born around his name which will soften the judgment of history. His death, the result of the vengeful anger of Romania’s neighboring empire, will make him sympathetic in the eyes of a population who feels extremely threatened by this empire⁹⁴.

7.5. Final remarks

The aim of this chapter was to prove that the Communist periodical coverage of the trial of the Antonescu group had acquired a clear propagandistic dimension. This was achieved by analyzing a significant and representative selection of articles published in *Scînteia* and *România liberă* covering this trial from the perspective of their purpose, actual content, language employed and discernible impact. The result that slowly, yet clearly emerged was that the Communist periodical coverage of the trial was part of a propaganda effort which encapsulated the main features of the propaganda campaigns initiated by the Agitprop in the immediate postwar years. The violent press attacks against the defendants in the docks were massive (all means of mass communication controlled by the Party was put to good use), systematic (they used the same specious arguments penned in a common strong, offensive language, which

⁹⁴ Buzatu, ed., *România cu și fără Antonescu*, 338.

denoted coordination from the top), unidirectional (they reflected a punitive sense of justice, demanding the harsh punishment of the defendants and refuting from the start the presumption of innocence) and, above all else, politically-oriented (these press attacks also vilified the Antonescu regime and its former bourgeois supporters as ‘fascists, Hitlerites and war mongers’).

As with most political trials, the prosecution of the Antonescu group fulfilled a clear didactic function, which the Party press fully conveyed to its readers. The trial, with its theatrical opening speeches, dramatic witness testimony and climaxing sentencing, sought to educate the Romanian public on the considerable ‘threat’ that fascist still posed, in general, and the wanton destruction brought on by the Antonescu regime, seen as the epitome of fascism in Romania, in particular. By vilifying the deposed Antonescu regime and its alleged former ‘bourgeois’ supporters, the trial also served to bolster the political legitimacy of the Party. Praised as the champion of the anti-fascist crusade, the Party had every right to rule the country, as it allegedly freed the country from ‘the tyranny’ of the Antonescu regime by the coup of August 23, 1944 and promoted the cause of liberty and democracy by mobilizing the resources of the Romanian nation in the relentless war against Nazi Germany and its domestic ‘fascist’ supporters.

One distinct feature of the Communist propaganda campaign associated with the trial was the new direction that it took during the last days of the court hearings, immediately after the Iuliu Maniu gave his lengthy deposition. Maniu’s prudent attitude in court and public show of sympathy towards the defendants in the docks were used as pretexts by the Communist press for denouncing the aged political leader as Marshal Antonescu’s ‘crypto-fascist’ collaborator. In the pages of the Communist dailies, the systematic attacks against the high-ranking members of the deposed Antonescu regime became increasingly intertwined with the denunciation of Maniu and the rest of his party colleagues as ‘dangerous reactionaries’, thus signaling the commencement of

a new and more aggressive stage in the defamation campaign against the ‘historical parties’ that would soon reach its peak during the parliamentary elections of November 1946. This obvious overlapping between the vilification of the defendants and the denigration of the ‘traditional political parties’ in the pages of the same Communist dailies further reinforces the idea of the Communist intention to ‘instrumentalize’ the trial of May 1946 in pursuit of their electoral goals.

The influence of the press coverage of the trial remains difficult to evaluate and requires a more in-depth examination of contemporary reactions to the court proceedings. However, this propaganda campaign made a lasting impact in at least one aspect: the language that was used to describe the defendants in the docks. The steady stream of crude invectives, derogative labels and unfair comparisons used to draw the dehumanized, stereotypical portray of the war criminals represents a prelude to later, harsher attacks against all those who oppose the Party line. It can be said that the violence of the language used anticipated, to a large degree, the grotesque, vindictive and violent collective depiction of the future ‘class enemies’ of the RCP.

8. CONCLUSIONS

This dissertation was set out to explore the background, course and immediate implications of arguably the greatest war crimes trial in the history of Romania, i.e. the trial of the Antonescu group. This central event in the country's postwar history and its annals of jurisprudence was examined from the perspective of a political trial by situating the court proceedings in the political context of the immediate postwar years and connecting the critical legal issues they raised with some of the most salient political and ideological issues of the period. The arguments were structured into four sections: the agitated political context in which the trial took place (the early Cold War rivalries and negotiations which had set the stage for this event between August 1944 and May 1946); the involvement of political factors in its planning and preparation largely for self-serving reasons (the special measures adopted by the Romanian transitional governments to establish the novel legal framework and judiciary mechanisms for the prosecution of the defendants); the deviations from the established legal norms and procedures during the course of the court proceedings (pre-trial, trial and post-trial stages); and the extralegal functions that the trial ultimately fulfilled in the able hands of the local Communist press (it became a core theme in the aggressive anti-Fascist propaganda campaign). This dissertation has also sought to suggest plausible explanations regarding the discernible motives behind and extent of the involvement of domestic and international political actors in the 'instrumentalization' of the court proceedings.

The main findings of this dissertation, summarized at the end of each chapter, indicate that the categorization of the trial of the Antonescu group as a political trial has proven to be both analytically useful and historically accurate. To put it in a nutshell, this trial was situated at the

intersection of postwar law, Allied diplomacy and Romanian politics. Inevitably, it became as much about justice as it was about politics due to the high profile of the defendants, the nature of the crimes under review and, above all, the tense transitional political context in which it took place. It included from its inception the precondition that paved the way to its transformation into a highly politicized ‘judicial affair’, i.e. discretionary governmental supervision and intervention in its planning, preparation and organization. Hence, the overall design of this trial was the result of a complex series of political decisions adopted or, at least, influenced by the Soviet Union and its local protégé, the Romanian Communist Party between August 1944 and May 1946.

In terms of analytical framework, the concept of political trial has revealed its usefulness by providing new insight into the manner in which the trial of May 1946 became entangled in the web of political calculations and was manipulated in order to advance the political interests of the two political actors mentioned above. From what can be gleaned from the scarce available primary sources, the Soviet authorities probably chose legal retribution instead of the summary execution of the members of the Antonescu group due to a constellation of political and propagandistic interests which arose, in part, in response to the rapid changes in the postwar setting. As discussed in chapter 4 of this dissertation, Soviet interests behind securing custody of the Antonescu group in late August 1944 went beyond the immediate objectives of seeking swift retribution against or extracting information from senior military leaders, such as Marshal Antonescu, considered responsible for the preparation and execution of Operation Barbarossa. In fact, the selective prosecution of high-ranking Axis military leaders in the form of carefully prepared and highly mediatized trials was likely to yield important political and propagandistic results, both for the image of the Soviet Union and that of its satellite local Communist Parties.

Marshal Antonescu apparently held high value both as potential defendant or witness in either a domestic or international war crimes trial and the Soviet authorities exploited both scenarios to gain maximum benefits. First of all, the custody of the Antonescu group offered important political leverage over the transitional Romanian governments because it afforded the Soviet authorities direct control over the timetable of the Romanian war crimes trial programme. As mentioned in chapter 2, the Soviet representatives in the ACC repeatedly criticized the slow progress of the efforts made by the transitional Romanian governments to punish suspected war criminals and delayed the transfer of the high-ranking Romanian war prisoners to Bucharest until April 1946, when it was considered that the Groza government had a firm grip on the situation. Secondly, Marshal Antonescu represented a valuable witness for the Soviet prosecution team at Nuremberg and his testimony on the nature of the German-Romanian wartime collaboration was introduced during the trial hearings to give more weight to the charge of Nazi conspiracy to launch a war of aggression and plunder against the peaceful Soviet Union. In both situations, Marshal Antonescu's deposition would serve, in the able hands of the Soviet or local Communist press, as a vehicle for disseminating the notion of 'the wartime martyrdom' of the Soviet Union and other themes of the propaganda campaign associated with 'the Great Patriotic War'.

The interests of the Romanian Communist Party in the trial of the Antonescu group closely aligned with the Soviet ones in terms of exerting pressure upon the Romanian transitional governments and drumming up support for the anti-Fascist propaganda campaign, but did not completely overlap. The Communist Party realized the political and propagandistic potential of the trial and spared no effort when it came to transforming it into a medium for advancing its own partisan policies and political interests. In respect to state policies, the trial became a central part of the larger Communist programme for prosecuting war criminals, which included, among

its preliminary administrative measures, the purging of almost every public sector in Romania. The purgings introduced by new the Groza government after March 1945, discussed in chapter 3, were carried out in a partisan manner by the local Communists in order to eliminate hostile or unreliable civil servants from positions of power and discourage potential resistance by creating an atmosphere of insecurity and instability in the ranks of the public administration. As for political interests, the Party leaders saw the trial of May 1946 as more than a legal instrument for exacting retribution upon its former adversaries, now fallen from power. In fact, it served as a propaganda vehicle through which to delegitimize the Antonescu regime as ‘fascist and traitorous’ and to denigrate the anti-Communist leaders, I. Maniu and D. Brătianu, as Marshal Antonescu’s ‘fascist collaborators’. The Communist press coverage associated with this trial, examined in chapter 8, made concerted efforts to glorify the criminal prosecution of the Antonescu group as the very epitome of its victory against Fascism and to circulate a judicially endorsed interpretation of the recent past, which sanctioned the overturn of the Antonescu dictatorship and reinforced the tenuous legitimacy claims of the successor Communist regime.

As for the historical analysis, this dissertation has examined the means used by these two political actors to directly influence or discretely steer the course of the trial of May 1946. The archival documents examined in this dissertation have brought to light new information, which expanded or even challenged some of the existing assumption and interpretations on the extent of the Soviet and Communist involvement in the trial. From the beginning, a distinction should be made between the legal and illegal means to which these two political actors resorted to when it came to this trial. Political supervision represented a common characteristic of war crimes trials in ‘liberated Europe’ in the wake of World War II, particularly where a new regime had assumed power by violent means. Such was also the case of Romania after the coup of August 23, 1944.

The Armistice Convention of September 12, 1944 and the postwar legal provisions adopted by Romania conferred significant authority to the Soviet Union and, respectively, the Romanian transitional governments in all matters related to the preparation and organization of the local war crimes trial programme. In fact, the task of apprehending and prosecuting suspected war criminals was intended to take the form of a joint Romanian – Allied effort and the supervision of political factors extended beyond the mere application of the law. However, the Communist authorities, following indications received from Moscow, abused this newfound authority and used it in a discretionary manner to infringe upon the independence of the judiciary and unduly influence the course or even the final outcome of the local war crimes trials. In a sense, the fact that the justice system became a place where political interests clashed was hardly the fault of the courts, given that the new Groza government has politicized almost all sectors of public life.

The scant available primary sources seem to indicate that Moscow generally resorted to indirect means to steer the course trial of May 1946 in the direction of a ‘guilty verdict’. With the exception of the initial arrest stage, when the new Sănătescu government was coerced to have the arrested members of the Antonescu group transferred into the custody of the Red Army and then, extradited to the Soviet Union, the Soviet authorities refrained from using direct means of intervention in order to maintain the illusion that the trial was ‘a Romanian affair’. After the members of the Antonescu group were transferred back to Bucharest in April 1946, Moscow relied on the Soviet staff of the ACC, particularly the political councilors, to discretely guide the activity of the local Department of Justice or the Bucharest People’s Court. This ‘comradely guidance’ extended to almost every stage of the trial of May 1946, from the official approval of the preliminary lists of defendants, which arguably fell within the competence of the ACC, to the unofficial sanctioning of the verdicts passed by the courts. The public prosecutors handling the

trial of the Antonescu group met repeatedly with these Soviet councilors, under the pretext of petitioning for Soviet logistic support. In fact, they were looking not only for copies of captured German and Romanian archival documents and film footage, but also Soviet validation of their recent decision and advice regarding how to handle the legal case against the Antonescu group.

The local Communist authorities were directly involved in almost every stage of the trial and the Department of Justice resorted to every available means, including the manipulation of the elections of the panel judges, administrative coercion and political pressure, to influence the court proceedings. The maneuvers used by Secretary Pătrășcanu to achieve this purpose fell both within and outside of the law. The appointment of politically loyal, yet legally untrained public prosecutors, such as V. Săracu, or junior, inexperienced panel judges, such as Al. Voitinovici, were questionable, but well within his attributions. Still, the manipulation of the selection of the panel of people's judges, the intimidation of some potential defense witnesses via intermediaries and the striking of last-minute secret plea agreements with some of the defendants preparing to take the stand, promising them leniency in exchange for damaging Iuliu Maniu's credibility before the court were both dishonest and unlawful. The pressures Secretary Pătrășcanu exerted first upon the magistrates of the High Court of Justice in order to reject the appeals lodged by the defendants found guilty and then upon King Mihai to prevent the said defendants from receiving a Royal pardon leave little doubt as to the lengths he went to secure a 'guilty verdict'. As he himself later confessed under interrogation, he was only following the indications received from Moscow and the Party leadership, but the choices concerning the 'disciplining' of public prosecutors and the oversight of the conduct of the People's Court ultimately rested with him¹.

Having said that, it would be inaccurate to perceive the trial of May 1946 only through the narrow lens of political manipulation and governmental interference. In fact, like in most cases

¹ Hanegariu, ed., *Proba bumerangului*, 'Declarație' (1951, May 7), 64- 65.

of political justice, this trial addressed simultaneously a political and a legal agenda. The latter, although obscured at times by political controversies or government machinations, was of equally great importance and hence, was devoted constant attention almost throughout this entire dissertation. First, the special Romanian legislation defining the nature of war crimes and the jurisdiction of the People's Courts was discussed in chapter 3 in an effort to demonstrate that the legal innovations embedded in the new Law no. 312 of 1945 were introduced in response both to the unprecedented nature of the war crimes, as well as the postwar transitional political situation. This legislation, adopted under the influence of political factors, provided the basic requirements of due process, but was retroactive in nature and granted the Department of Justice very broad discretion in the nomination of public prosecutors and judges presiding the People's Courts.

Second, the preparations for the trial, discussed in chapter 4, revealed that the public prosecutors directly appointed by Secretary Pătrășcanu played a pivotal role in the pre-trial criminal investigation, the interrogation of the defendants or witnesses and the preparation of the legal case against the Antonescu group. Entrusting such discretionary powers in the hands of politically-appointed special prosecutors did expedite proceedings, but also presented the risk of politicizing them to the extreme. Clearly, logistical difficulties and time pressure were, in part, responsible for the derogations made to the due process requirements by the public prosecutors handling the case. Yet, the role of partisan politics cannot be ignored and the 'deviations' from the established pre-trial procedures cast a long shadow upon their professional competence or integrity and raised the question whether their loyalty lay primarily with the state or the Party.

Third, the main stages of the trial (the reading of the indictment, the examination of the defendants, the witness testimonies, the closing arguments, the reading of the verdict and the subsequent appeals) were analyzed in chapters 5 and 6 in order to gain insight into the process by

which the court reached its major decisions. Taken at face value, the court offered the defendants most of the basic requirements of due process typical for a criminal trial in Romania (the rights to be represented in court by a legal councilor of their choice, to cross-examine the witnesses of the prosecution, to introduce their own witnesses and evidence, to appeal the court's decisions and so forth). A closer examination showed that, although every procedure was covered by the provisions of the existing law, the defendants' rights to a fair trial were not fully and adequately protected because the procedural regime of the court did not ensure the defense equality of arms with the prosecution. The fact that the court granted less time and less leniency to the defense case only encouraged the partiality and vindictive conduct of the prosecution during the hearings, which pushed court rules to their limits.

The defense, although at a clear disadvantage, did not hesitate to point to the many inconsistencies in the prosecution's case and challenged not only the credibility of some witnesses or the soundness of the evidence introduced in court, but also the legal basis of the Indictment. As a general rule, the chosen defense lawyers were more proactive than the court-appointed counsel when it came to arguing that the prosecution had failed to prove their clients guilty beyond a reasonable doubt. But despite the vigorous defense mounted by each defendant, the court tended to dismiss their arguments of superior orders, military necessity and the like as 'self-serving and spurious'. The panel of judges followed the public prosecution's sentencing recommendations and imposed severe sentences in the verdict read on May 17, which branded the former members of the wartime regime as 'fascists' and 'traitors' and saddled them with the exclusive responsibility for the country's current economic predicament. In a certain sense, the Bucharest People's Court had passed a severe sentence not only on the alleged criminal actions of the 24 defendants, but also on the entire history of the controversial Antonescu regime.

The findings of this dissertation have direct implications in respect to the two main bodies of literature addressing the topic of the trial of the Antonescu group. First of all, they challenge the interpretation of the trial as a ‘postwar travesty of justice’, similar to the infamous Soviet show trials, supported by the Romanian revisionist studies. The political nature of the trial is not really at issue here, nor is the detrimental impact upon the independence and impartiality of the proceedings of the undue political pressures and government machination, the bias of the panel judges, the misconduct of the public prosecutors or the unfair depiction of the defendants in the hostile Communist press. Disagreement arises, however, when it comes to the classification of the trial of May 1946 as a ‘show trials’ based on the above-mentioned criteria. In line with R. Christenson’s taxonomy, this dissertation argues that not all political trials may assume the form of show trials. Court proceedings suspected of political manipulation can take the form of either ‘proper’ political trials (trials of dissenters or deposed regimes), which involve political agendas and extra-judicial partisan interference, but are still considered as within the rule of law or the form of ‘show trials’, the most extreme category of politicized justice, during which political expediency and ideological objectives may supersede, partly or entirely, the rule of law².

The systematic analysis of the deficiencies and merits of the trial of the Antonescu group throughout this dissertation has proven that the legal aspects of the trial did not constitute a mere façade and the hearings did not degenerate into a pre-arranged show trial. Clearly, the charges of court partiality and prosecutorial misconduct frequently associated with this trial should not be easily dismissed. Nonetheless, equally difficult to dismiss is the fact that the legal case against the defendants was completely without merit. The complex nature of this case makes it indeed

² Christenson, *Political Trials*, 8.

difficult to draw a clear line between ‘criminal’ and ‘political’ offenses in the prosecution’s case. Still, the 24 defendants were not simply ‘scapegoats’ put on trial because the postwar regime had decided to criminalize their political errors or vilify the far-right ideologies they came to typify. They were brought before the Bucharest People’s Court also on account of their direct or indirect involvement or responsibility, while in positions of power, in the planning and implementation of large-scale crimes, which the prosecution tried to prove, more or less convincing, as having been motivated, in whole or in part, by their ideological convictions or political agendas.

In addition, the Indictment, vulnerable as it may be to criticism in respect to the broad (and one-sided) interpretation of the war crimes legislation and the harsh language it used, was neither baseless, nor legally unfounded, since it resorted to ample (yet debatable) evidence in support of the criminal charges and was within the limits of the existing (yet retroactive) criminal law. Although the trial has been designed for ‘maximal media exposure’ and acquired a distinct ‘theatrical flair’ due to all the camera flashing and filming equipment whirring, it did not include a full-fledged farcical element because the defendants did not offer full admissions of guilt similar to the spectacular public confessions which individualized the Soviet show trials of the late 1930s. In fact, the hearings took the form of ‘courtroom drama’ rather than ‘a legal farce’, during which the prosecution tried to present, with more or less success, the decisions taken by the deposed regime and the mindset of the wartime leaders fallen from power in the darkest tones. The court proceedings did not follow a linear trajectory, while the prosecution was neither completely in control, nor entirely successful in demonstrating the defendants’ alleged guilt for the significant wartime destructions and large-scale atrocities. Also, the defense, although placed at a disadvantage, was able to present exculpatory evidence and arguments, while the defendants could not only openly challenge the prosecution’s case, but also presented their side of the story.

Apart from these issues with the historical and legal interpretation, the categorization of the trial of the Antonescu group as a show trial also presents a number of methodological limitations. The main drawbacks of the dominant focus upon the abusive political manipulation of the court proceedings are its narrow perspective and lack of nuance, deriving from the strong tendency to collapse political trials and show trials into a single, ill-defined category of ‘partisan justice’. This one-sided interpretation implicitly dismisses as specious and legally unsound the Indictment and evidence presented by the prosecution, while claiming that the court hearings were more about discrediting the defendants than discovering the truth or imparting justice. In short, this interpretation draws attention to the government machinations or violations of the defendants’ due process rights by the partisan prosecution and away from the examination of the actual soundness of the evidence introduced in court or the legal validity of the indictment. In doing so, it manages to obscure a vital legal aspect of the courtroom proceedings and enforces the strong, yet not conclusively proven view, according to which such vitiated proceedings could only have led to unjust, punitive sentences. As opposed to this, the ‘political trial’ interpretation proposed by the present dissertation set out to explore the contradictions and paradoxes of this trial in a less normative manner. It focuses less on proving or disproving the validity of the verdict passed by the Bucharest People’s Court and more on the functions that the trial fulfilled in an attempt to find a balanced interpretation of the interplay between the political and legal agendas of the trial.

Secondly, the findings of this dissertation expand and refine some of the interpretations of the growing body of ‘Holocaust-centered’ interpretation of the trial of the Antonescu group, briefly discussed in chapter 1. This interpretation essentially posits that this major war crimes trial, despite the undue political interference and some noticeable procedural flaws, had a legal basis and the guilty verdicts passed by the Bucharest People’s Court in May 1946 had merit. The

present dissertation generally agrees with this viewpoint, but, at the same time, brings evidence supporting some more nuanced positions regarding the nature of the criminal charges and the representation of the Holocaust in the courtroom. On the one hand, the trial of May 1946 was the central event of the war crimes programme in Romania, but also acquired the traits of a trial of a deposed regime on account of the ‘hybrid nature’ of the Indictment. Formally included in the group of major war criminals, the members of the Antonescu group were prosecuted not only for war crimes and crimes against humanity, but also for high treason and collaboration with the enemy (this was the essence of the first count, clumsily formulated as ‘responsibility for the country’s disaster’). Thus, according to this first count, the high profile of the defendants, the historical context in which it took place and some of the legal dilemma that it raised, the trial of the Antonescu group can also be included in the category of ‘trials of deposed regime’ or, as O. Kirchheimer labelled it, ‘trials by *fiat* by the successor regime’³. This dual nature of the trial added a new level of complexity (and controversy) to the trial because the public prosecutors, in their efforts to prove that there was a ‘criminal fascist masterplan’ connecting all the elements of the case, were not always able to dispel the confusion between the overlapping counts of indictment or avoid getting tangled in endless debates with the defense about the intricacies of ‘political necessity in times of war’. The inevitable result of the prosecution’s attempts to justify the country’s present disastrous situation as the direct and exclusive result of the political errors of the deposed wartime regime was that the hearings quickly became mired in the quicksand of wartime politics and diplomacy. Consequently, the second count of war crimes and crimes against humanity did not receive the full attention that it was originally supposed to.

On the other hand, this selective representation of the Holocaust during the hearings needs to be contextualized in the postwar historical setting because the trial was as much about the

³ Kirchheimer, *Political Justice*, 313- 314.

recent past as it was about the present situation. The political factors who planned and prepared the trial of May 1946 were driven by the desire to mete out punishment for the heinous crimes perpetrated during the war, as well as the disastrous political or military decisions which led to the country's postwar predicament. Apart from the emphasis placed upon 'political crimes' rather than war crimes or crimes against humanity cited above, the public prosecutors handling the case constantly shifted the primary responsibility for these crimes on those who took the main political and military decision between 1940 and 1944. This approach gave more credence to the 'criminal masterplan' thesis, but at the cost of lessening the significance of the low-key bureaucrats, Gendarmes or Army officers in the perpetration of these atrocities, who claimed that they had only followed superior orders. After 1946, many of the cases of such 'minor war criminals' were transferred to the jurisdiction of regular military tribunals, which did not prosecute them with the same resolve or on a similar large scale as the ad-hoc People's Court seated in Bucharest and Cluj had done with 'the major war criminals' between 1945- 1946.

In all fairness, the prosecution's decision to focus on the principal decision makers was driven not only by opportunism and political calculations, but also by time constraints, logistical limitations and the precarious state of the evidence. Due to the shortages of qualified staff and available resources, compromises had to be made in order to meet the deadlines imposed by the ACC in respect to the timetable of the war crimes trials. Moreover, many of the incriminating administrative and military documents had been destroyed or were missing, while the collection of survivors' testimonies proceeded at a slow pace. Still, further research is required in order to clarify the degree to which political calculations, opportunism or time pressures influenced the war crimes trial programme during the immediate postwar years.

Examining a topic of such magnitude, which easily lends itself to diametrically opposed interpretations, almost inevitably requires to condense the background information or to simplify complex issues while attempting to bring into focus topics that one finds personally intriguing and significant. As it was mentioned in the introduction, a number of ‘exclusionary decisions’ had to be made in order to focus the line of investigation on the political and ideological nature of the trial.

Taking the analysis of the trial of the Antonescu group a step further and discussing its theoretical implications, it can be inferred that this monographic study, though limited in scope, has a number of broader implications for the study of political trials in general. In the attempt to determine the most suitable theoretical framework for the analysis of the trial of May 1946, this dissertation has explored the controversial issues of defining the actual nature of political justice and categorizing the various expressions it may take. The critical discussion around the concepts of ‘political trial’ and ‘show trial’ has led to the conclusion that distinguishing between the two concepts was more analytically useful, not to mention historically accurate than collapsing them into an ill-defined notion of ‘partisan political justice’, as most Romanian revisionist historians did in their studies. The concept of ‘show trial’ has been applied to the trial of the Antonescu group neither in an innocent, nor critical manner in the Romanian historiography after 1989. Conversely, the notion of ‘political trial’ has been problematized and refined by historians and political scientists in their comparative studies on the politics of retribution in postwar Europe, yet few were focused on the Romanian case due to the limited access to the complete trial records in a language of international circulation. This dissertation has attempted to bridge this

gap by building its line of argumentation around the inclusion of the trial of May 1946 in the category of political trials, in the hope that this case-study will contribute to the refining of the existing understanding of the history of political trials in postwar ‘liberated’ Europe.

Summing up, this dissertation has explored the long and tortuous path taken by the postwar Romanian government to bring Marshal Antonescu and his former collaborators to justice. The trial occurred in May 1946, after two long years of privations, failed hopes and looming threats, in a tense atmosphere unfavorable to meting out impartial justice. Under the influence of the Groza Communist government, the proceedings took the form of a ‘courtroom drama’, which addressed as many legal questions, moral dilemma and political issues as it left unanswered. Although it came to exemplify the disruptive influence of the early Cold War tensions in the administration of justice in postwar Romania, it should be kept in mind that this trial, despite its shortcomings, also represented one of the first systematic attempts to publicly expose the full horror of the large-scale crimes perpetrated during the war and punish those considered responsible. The trial of Marshal Antonescu and his former collaborators might not have produced the most objective or comprehensive narrative about the history of Romania during World War II, but it represented a point of departure for asking those difficult, yet unavoidable questions about the failed ambitions, political errors and war crimes of the Antonescu regime.

9. EPILOGUE

‘History will judge me!’ used to repeat Marshal Antonescu during the court proceedings that sealed his fate in May 1946. In a certain sense, he was right to think that the judgement rendered by the Bucharest People’s Court will not withstand the proverbial test of time. Still, his words acquired a more concrete meaning only after the fall of the Communist regime, when the abrupt end of ideological censorship and the gradual opening of previously classified archives to the general public encouraged a growing number of scholars and ‘commentators of all stripes’ to attempt to restore the truth about Marshal Antonescu’s life and career. The general tendency to overcompensate for the shortcomings of the defunct Party historiography by portraying Marshal Antonescu in a more positive light raised a new set of questions and controversies over his merits and failures as *Conducător*¹ and quickly transformed the debates surrounding the trial of May 1946 into a virtual battlefield of historical, political and even ideological conflict between various historians, public personalities and ‘interest groups’ residing in or outside Romania².

The legal initiatives to have the guilty verdict rendered by the Bucharest People’s Court in May 1946 formally annulled represented a clear sign that the drive to posthumously rehabilitate Marshal Antonescu had gained considerable momentum. Emerging in a context when it was possible to discuss freely the merits and faults of the postwar war crimes trials, these initiatives were neither isolated, nor ‘nostalgic’. In fact, they were supported by various interest groups, all embracing the larger revisionist rhetoric of the need to restore Marshal Antonescu to his proper place in the annals of history and rehabilitate his name in the court of justice, but each driven by individual reasons. Three such initiatives attracted the most media attention and controversy.

¹ Deletant, *Hitler’s Forgotten Ally*, 4- 5.

² Chioveanu, ‘The Authoritarian Temptation’, 74- 77.

The first one was launched by ‘Liga Pro Mareșal Antonescu’ (The Pro-Marshall Antonescu League), established in 1990 by a group of former Army and World War II veterans who believed that they could defend the honor of the Romanian Army and remove the stigma associated with its ill-fated participation in Operation Barbarossa in 1941 by having Marshal Antonescu’s name rehabilitated. This organization filed a formal petition of appeal to the Public Prosecutor’s Office in September 1992, demanding the judicial rehabilitation of the last marshal of Romania³. As the Public Prosecutor’s Office was examining the petition, General Ioan Dan, one of the members of the team assigned to review the Antonescu case files, voiced his positive personal impressions on Marshal Antonescu in a press interview published in February 1993. Later that year, the same Ioan Dan published his revisionist monograph on the trial of May 1946. The author’s favorable attitude towards Marshal Antonescu’s rehabilitation sparked international protests, which eventually brought the procedure of judicial review to an abrupt end⁴.

A similar initiative was sponsored by the members of the rival organization ‘Liga Mareșal Ion Antonescu’ (The Marshal Ion Antonescu League), established in 1991. Petre Țurlea, a revisionist historian and Member of Parliament with ties to this association, achieved sudden notoriety in June 1991 when he proposed the observance of a minute of silence in memory of Marshal Antonescu in the Romanian Parliament⁵. He did not stop here and in 1993, he filed the first in a long series of petitions to the Public Prosecutor’s Office demanding the initiation of an appeal for annulment (‘recurs în anulare’ in Romanian)⁶ of the verdict rendered by the Bucharest People’s Court on May 17, 1946. He challenged the said verdict on a number of grounds,

³ William Totok, ‘Cultul lui Antonescu și reabilitarea criminalilor de război’, in *Holocaust la periferie. Persecutarea și nimicirea evreilor în România și Transnistria în 1940- 1944*, ed. Wolfgang Benz and Brigitte Mihok (Chișinău: Editura Cartier, 2010), 304- 305.

⁴ For further details, see ‘Chapter 1. Introduction’ of the present dissertation, 17.

⁵ Michael Shafir, ‘Romania’s tortuous road to facing collaboration’, in *Collaboration with the Nazis: Public Discourse After the Holocaust*, ed. Roni Stauber (London and New York: Routledge, 2001), 255.

⁶ Țurlea, *Ion Antonescu între extrema dreaptă*, 429 -430.

including the unconstitutional nature of *Law no. 312* of April 21 1945, the illegality of the decisions of the Bucharest People's Court, the undue political pressure exerted by the local Communists and the Soviet-dominated ACC over the court proceedings and the disproportionate nature of the sentences. His appeals, however, have failed to achieve the much-desired result.

The situation changed in 1998, when Șerban Alexianu, the son of the convicted ex-governor of Transnistria, Gheorghe Alexianu, filed an appeal for review ('cerere de revizuire' in Romanian) to the Bucharest Court of Appeals against the verdict rendered by the Bucharest People's Court on May 17, 1946. Arguing that the trial of the Antonescu group represented 'a grave judicial error', Șerban Alexianu claimed in his appeal that he had new evidence to prove that his father was not actually guilty of the charges he was indicted of in 1946. In essence, he challenged the first count of 'responsibility for the country's disaster' by making reference to the Secret Protocol of the German–Soviet Non-aggression Pact of August 1939, which assigned Bessarabia to the Soviet sphere of influence and the ultimatum notes sent to Romania by the Soviet Union in June 1940, demanding the immediate evacuation of Bessarabia and northern Bukovina. These two documents, unknown to (or tacitly ignored by) the Bucharest People's Court in May 1946, allegedly proved that Romania was the victim, not the aggressor state in World War II and Marshal Antonescu's decision to involve the Romanian Army in the ill-fated Operation Barbarossa in 1941 was dictated not by his aggressive, pro-fascist attitude, but by 'legitimate defensive reasons'. In respect to the second count of 'war crimes', the appellant made reference to additional documents supposedly attesting that his father, as a civilian governor with limited authority in Transnistria⁷, had no direct influence over the situation of the Jewish and Roma deportees and hence, was wrongfully held responsible for their tragic fate. In addition, G.

⁷ Alexianu, *Gheorghe Alexianu, monografie*, 267- 279.

Alexianu had purportedly been absolved of all war crimes charges by a Soviet tribunal in 1945⁸.

The appeal was initially rejected by the Bucharest Court of Appeals as unfounded, but Șerban Alexianu lodged another appeal, this time to the High Court of Cassation and Justice, which decided to overturn the initial decision and remanded the case to the lower appellate court for further action. In the end, the Bucharest Court of Appeals accepted Șerban Alexianu's appeal for review and partially acquitted the defendant Gheorghe Alexianu of 'responsibility for the country's disaster' (crimes against peace), but did not reverse the People's Court verdict in respect to war crimes and crimes against humanity. This partial acquittal pronounced in December 2006 was extended to all the other co-defendants, including Marshal Antonescu⁹.

The news of this judicial decision provoked a new wave of indignation outside Romania and prompted the Public Prosecutor's Office to appeal the decision of the Bucharest Court of Appeals before the High Court of Cassation and Justice in October 2007. After months of deliberations, the High Court decided to overturn the decision of the lower appellate court in May 2008 as unfounded, thus annulling the partial acquittal of Gheorghe Alexianu and the other co-defendants pronounced by the Bucharest Court of Appeals in December 2006¹⁰.

This judicial affair created an important precedent in Romanian jurisprudence, raising the question whether the last decision of the High Court of Cassation and Justice marked the 'inglorious end' of the drive to rehabilitate Marshal Antonescu in the court of law or just a temporary setback. As long as politics and law remain intertwined, nothing is certain in respect to the trial of the Antonescu group, except the fact that each and every 'judgement' rendered until now, either by a panel of judges or by scholars, has proven neither final, nor irrevocable.

⁸ Ibid., 361. The information according to which Gheorghe Alexianu was tried and acquitted by a Soviet tribunal in Odessa in 1945 is based primarily on hearsay and, although should not be dismissed out of hand, requires to be substantiated first. This information most likely was taken from Pantazi, *Soldat al mareșalului Ion Antonescu*, 49.

⁹ Alexianu, *Gheorghe Alexianu, monografie*, 356-360.

¹⁰ Totok, 'Cultul lui Antonescu', 318-319.

ANNEX. THE COMPLETE LIST OF MEMBERS OF THE ANTONESCU CABINETS

(September 4, 1940 – August 23, 1944)

The first Antonescu cabinet (September 4- 14, 1940)¹¹

President of the Council of Ministers and Secretary of National Defense	General Ion Antonescu* ¹²
Secretary of Foreign Affairs	Mihail Manoilescu
Secretary of Internal Affairs	General David Popescu*
Secretary of Justice	Ion V. Gruia
Secretary of the National Economy, Finance (ad-interim) and Agriculture and Royal Domains (ad-interim)	Gheorghe N. Leon
Secretary of Public Works and Communications	Ion Macovei
Secretary of Labor	Stan Ghițescu
Secretary of Health and Social Care	Victor Gomoiu
Secretary of National Education	Dumitru Caracostea
Secretary of National Cults and Arts	Radu Budișteanu
Secretary of National Propaganda	Nichifor Crainic
Undersecretary of State, the Department of Internal Affairs	Lt.-Colonel Alexandru Rioșanu
Undersecretary of State, the Department of Internal Affairs	Petre Logardi
Undersecretary of State for the Land Army, the Department of National Defense	General Constantin Pantazi*

¹¹ This list was compiled from the information included in Stelian Neagoe, *Istoria guvernelor României de la începuturi- 1859 și până în zilele noastre- 1999*, 2nd edition (București: Editura Machiavelli, 1999), 137- 147.

¹² Those cabinet members indicated by an asterisk were included on the list of defendants in the trial of May 1946.

Undersecretary of State for Army Ordnance, the Department of National Defense	General Gheorghe Dobre*
Undersecretary of State for the Air Forces and the Navy, the Department of National Defense	Colonel (<i>comandor</i>) Gheorghe Jienescu
Undersecretary of State, The Department of National Economy	Gheorghe Strat
Undersecretary of State for the Inventory of National Wealth, the Department of Finances	Vasile Noveanu
Undersecretary of State, the Department of Finances	Ion D. Enescu
Undersecretary of State, the Department of Finances	Augustin Bideanu
Undersecretary of State, the Department of Agriculture and Royal Domains	Petre Nemoianu
Undersecretary of State, the Department of Agriculture and Royal Domains	Dumitru Topciu
Undersecretary of State, the Department of National Education	Dumitru V. Țoni
Undersecretary of State, the Department of National Propaganda	Vasile Stoica

The second Antonescu cabinet (September 14, 1940 – January 24, 1941)

President of the Council of Ministers and <i>Conducător al Statului Român</i>	General Ion Antonescu*
Vice-President of the Council of Ministers And State Secretary	Horia Sima* (September 14, 1944 – January 21, 1941) Mihai Antonescu* (January 21–24, 1941)
Secretary of Foreign Affairs	Prince Mihail Sturdza* (September 14, 1944 – January 21, 1941)

Secretary of Foreign Affairs	General Ion Antonescu* (January 20 – 27, 1941)
Secretary of Internal Affairs	General Constantin Petrovicescu* (September 14, 1940 – January 20, 1941) General Dumitru Popescu* (January 20 – 27, 1941)
Secretary of Justice	Mihai Antonescu*
Secretary of National Defense	General Ion Antonescu*
Secretary of National Economy	Gheorghe N. Leon (September 14 – November 1940) Mircea Cancicov (November 10, 1940– January 27, 1941)
Secretary of Finances	George Cretzianu
Secretary of Agriculture and Royal Domains	Nicolae Mareș*
Secretary of Public Works and Communications	Pompiliu Nicolae (September 14 - October 23, 1940) Ion Protopopescu* (October 23, 1940– January 23, 1941)
Secretary of Labor and Social Care	Vasile Iașinschi*
Secretary of National Education, Religious Cults and Arts	Traian Brăileanu*
Secretary for the Coordination of the Economic General Headquarter	Lt.-Colonel Nicolae Dragomir
Undersecretary of State for the Press and Propaganda	Alexandru Constant
Undersecretary of State for Doctrinal Matters	Horia C. Cosmovici
Undersecretary of State for the Police, the Department of Internal Affairs	Lt.-Colonel Alexandru Rioșanu
Undersecretary of State for the Land Army, the Department of National Defense	General Constantin Pantazi*

Undersecretary of State for Army Ordnance, the Department of National Defense	General Gheorghe Dobre*
Undersecretary of State for the Air Forces and the Navy, the Department of National Defense	Colonel (<i>comandor</i>) Gheorghe Jienescu (September 14– October 17, 1940)
Undersecretary of State for the Air Forces the Department of National Defense	Colonel (<i>comandor</i>) Gheorghe Jienescu (October 17, 1940– January 24, 1941)
Undersecretary of State for the Navy the Department of National Defense	Rear Admiral Gheorghe E. Kolinski (October 17, 1940– January 24, 1941)
Undersecretary of State for Oil and Mining Exploitation, the Department of National Economy	Vasile Dimitriuc*
Undersecretary of State for the Colonization of the Displaced Population, the Department of Economy	Corneliu Georgescu*
Undersecretary of State for the Inventory of National Wealth, the Department of Finances	Ion Protopopescu*
Undersecretary of State the Department of Finances	Constantin Papanace*
Undersecretary of State for Agriculture and Animal Breeding, the Department of Economy	Petre Nemoianu (Sept. 14, 1940 – January 20, 1941) Aurelian Pană (January 20 – 27, 1941)

The third Antonescu cabinet (January 27, 1941- August 23, 1944)

President of the Council of Ministers <i>Conducător al Statului Român</i>	Generalul (promoted to the rank of and Marshal in 1941) Ion Antonescu*
Vice-President of the Council of Ministers	Mihai Antonescu* (June 21, 1941- August 23, 1944)
State Secretary	Mihai Antonescu* (January 27 – June 21, 1941)
Secretary of Foreign Affairs	General Ion Antonescu ad-interim* (January 23 – June 29, 1941)

	Mihai Antonescu* (June 29, 1941 – August 23, 1944)
Secretary of Internal Affairs	General Dumitru Popescu* (January 27, 1941 – August 23, 1944)
Secretary of Justice	Gheorghe Docan (January 27 – February 15, 1941) Constantin C. Stoicescu (February 15, 1941– August 14, 1942) Ion C. Marinescu* (August 14, 1942 - August 23, 1944)
Secretary of National Defense	General Iosif Iacobici (January 27 – September 22, 1941) Marshal Ion Antonescu ad-interim* (Sept. 22, 1941 – January 22, 1942) General Constantin Pantazi* (January 22, 1941 – August 23, 1944)
Secretary of National Economy	General Gheorghe Potopeanu (January 27 – May 26, 1941) Ion C. Marinescu* (May 26, 1941- August 14, 1942) Ion I. Fintescu (August 14, 1942– February 19, 1943) General Gheorghe Dobre* (February 19, 1943– August 23, 1944)
Secretary of Finances	General Nicolae N. Stoenescu (January 27, 1941– Sept. 25, 1942) Alexandru D. Neagu (September 25 1942- April 1, 1944) Gheron Netta (April 1 – August 23, 1944)
Secretary of Agriculture and Royal Domains	General Ion Sichitiu (January 27, 1941- March 19, 1942) Aurelian Pană (March 19, 1942 – July 3, 1943) Ion Marian (July 3, 1943- April 24, 1944) Petre Nemoianu (April 24- August 23, 1944)

Secretary of Communication and Public Works	General Grigore Georgescu (January 27- July 9, 1941) Constantin Bușilă* (July 9, 1941- August 5, 1943) Constantin Atta Constantinescu (October 6, 1943- August 23, 1944)
Secretary of Army Ordinance and War Production	General Gheorghe Dobre* (Sept. 16, 1942– August 23, 1944)
Secretary of Labor, Health and Social Care	Petre Tomescu* (January 27, 1941- August 23, 1944)
Secretary of National Education, Religious Cults and Arts	General Radu R. Rosetti (January 27 – November 11, 1941) Marshal Ion Antonescu ad-interim* (November 11- December 5, 1941) Ion Petrovici (December 5, 1941- August 23, 1944)
Secretary of National Propaganda	Nichifor Crainic (April 1 – May 26, 1941) Mihai Antonescu ad-interim* (May 26, 1941 – August 23, 1944)
Secretary for the Coordination of the Economic General Headquarter	Lt.-Colonel Nicolae Dragomir
Undersecretary of State for the Romanianization, Colonization and Inventory	General Eugen Zwiedineck (May 2 – December 6, 1941) Titus Dragoș* (December 6, 1941– November 6, 1943) Ovidiu Al. Vlădescu (Nov. 6 1943– August 23, 1944)
Undersecretary of State, the Department of Internal Affairs	General Ioan Popescu (February 4, 1941 – January 3, 1942) General Constantin Z. Vasiliu* (January 3, 1942- August 23, 1944)
Undersecretary of State for the Administration, the Department of Foreign Affairs	Petre Strihan (January 3, 1942- August 23, 1944)
Undersecretary of State for the Land Army, the Department of National Defense	General Constantin Pantazi* (January 27, 1941- January 22, 1942)

Undersecretary of State for Army Ordnance, the Department of National Defense	General Gheorghe Dobre* (January 27, 1941- September 16, 1942)
Undersecretary of State for the Air Forces and the Navy, the Department of National Defense	Colonel (<i>comandor</i>) Gheorghe Jienescu (January 27, 1941- August 23, 1944)
Undersecretary of State for the Navy the Department of National Defense	Rear Admiral Gheorghe E. Kolinski (January 27– April 4, 1941) Rear Admiral Nicolae Păiș (April 4 1941- February 19, 1943) General Nicolae Șova (February 19, 1943- August 23, 1944)
Undersecretary of State for Provisioning, the Department of National Economy	Toma Petre Ghițulescu (April 4 – May 26, 1941) Dimitrie D. Negel (April 4- May 26, 1941) General Constantin S. Constantin (November 18, 1941- April 20, 1943) General Ion Arbore (July 14, 1943- August 23, 1944)
Undersecretary of State for Oil and Mining Exploitation, the Department of National Economy	Vasile Dimitriuc* (January 27- May 26, 1941)
Undersecretary of State for Industry, Commerce and Mining, the Department of National Economy	Stavri Ghiolu (August 31, 1942- August 23, 1944)
Undersecretary of State for the Colonization of the Displaced Population, the Department of National Economy	General Eugen Zwiedineck (January 27- May 2, 1941)
Undersecretary of State, the Department of Finances	Mircea Vulcănescu (January 27, 1941- August 23, 1944)
Undersecretary of State, the Department of Agriculture and Royal Domains	Aurelian Pană (January 27, 1941- March 19, 1942)
Undersecretary of State, the Department of Labor, Health and Social Care	General Constantin G. Voiculescu (January 27- July 9, 1941) Constantin Dănulescu* (July 9, 1941- July 3, 1943)

	Ion D. Enescu (July 3, 1943- August 23, 1944)
Undersecretary of State, the Department of National Education, Religious Cults and Arts	Enric Oteteleşanu (January 27- December 4, 1941) Ion C. Petrescu (December 4, 1941- August 23, 1944)
Undersecretary of State for Religious Cults and Arts, the Department of National Education, Religious Cults and Arts	Ion Sandu (February 4, 1941- August 23, 1941)
Undersecretary of State for Education, the Department of National Education, Religious Cults and Arts	General Victor Iliescu (February 15, 1941- August 23, 1941)
Undersecretary of State, the Department of National Propaganda	Alexandru Marcu (December 4, 1941- August 23, 1944)

Note:

Several other high-ranking officials and Army officers participated in the wartime cabinet meetings: General Constantin Voiculescu, the governor of the province of Bessarabia, General Corneliu Calotescu, the governor of Bukovina, Gheorghe Alexianu, the civilian governor of Transnistria and Alexandru Ottulescu, the governor of the National Bank. Although they were not actual members of the wartime Antonescu cabinets, the aforementioned officials were frequently invited to take part in the general government meetings in order to discuss the recent political and military developments in the provinces they had been assigned to administer, as well as some of the general policies implemented by the Antonescu regime. As a result, these high-ranking officials had been directly or indirectly involved, in their official capacity, in the decision-making process within the Romanian government during World War II.

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