

TRANSITIONAL CRIMINAL JUSTICE IN POST-COMMUNIST ROMANIA

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The present article² analyses the factors influencing the development of the criminal transitional justice in post-communist Romania. In this study, we shall approach the trials against communist dignitaries, responsible for crimes and abuses committed between 1945 and 1989, other than repressing the demonstrations leading to the fall of Ceausescu regime in December 1989. We find this type of trials particularly significant as far as dealing with the past is concerned, as it tackles with the injustices of the communist regime as a whole and not only with its traumatic end.

We find that, while the events of December 1989 were the object of numerous criminal trials (Mioc 2004, Stan 2008), the post-communist justice stood almost still concerning the political crimes and abuses committed along 45 years of dictatorship. Despite protests from civic organizations and victims associations, in Romania an official state policy regarding decommunization and punishing the political actors involved in repression was never implemented. From 1990 to date, only four indictments of crimes committed by members of the repressive apparatus were drawn, only two of which were finalized by verdicts of condemnation.

The hypothesis we set out is that the small number of trials concerning communist crimes in Romania was determined by the following factors: a) constraints related to the criminal law system; b) the nature of the Romanian communism; c) the general disinterest shown by the post-communist political class regarding dealing with the past; c) the chaotic activism of the civil society regarding the decommunization process.

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² This article is part of a larger research published in Romanian in 2009 (Grosescu & Ursachi, 2009).

In order to test this hypothesis we analyzed, on one hand, the documents of the trials and the legal framework in which they were conducted, and on the other hand, the public discourses held about the purpose, the development and the results of these criminal procedures. We have also conducted interviews with politicians, accused, victims, prosecutors, lawyers and judges taking part in these trials, as well as with historians and members of the militant civil society. We have also used communiqués, decisions and decrees published in the *Official Journal*, as well as articles from the Romanian press and memoirs of public figures.

1. A brief synopsis of the cases

Although the victims of Romanian communism are numbered in hundreds of thousands of arrested, deported or executed people, between 1990 and 2009 only four indictments laid by public prosecutors referred to crimes ordered or committed by communist dignitaries before December 1989. On the one hand, the state did not take action to investigate the killings or inhuman treatments committed in the interrogation cells of Securitate or in communist prisons. On the other hand, the complaints lodged with the prosecutor's office by the victims were investigated with a slowness equivalent to inaction. Certain criminal investigations were rapidly stopped due to the decease of incriminated persons, others were interrupted on grounds of claimed lack of evidence.

In 1993, the former Interior Minister in the Gheorghiu-Dej period, Alexandru Drăghici, and three Securitate officers were accused of instigation and aggravated murder. However, the accusations did not make reference to political crimes, but to the shooting, in 1954, of an individual having a personal conflict with Drăghici. Thus, the indictment act did not refer to the role that Drăghici had played in systematically repressing political opponents for almost 20 years, but only to an act of personal abuse, without relevance for the political repression by the communist regime (ACMAB, 1999). In 1992, when the investigations begun, Drăghici was already living in Hungary. The extradition request by the Romanian state was rejected by the Budapest government, on grounds that the statute of limitation for this crime had expired since 1969, even though according to the Romanian Criminal Code the crime could still be the object of a trial. All the accused have died before a sentence was pronounced.

In 1997, 8 Militia and Securitate officers including Alexandru Homoşteanu (the minister of Interior Affairs in the early 1980) and Tudor Postelnicu (the chief of the Securitate in the early 1980s), were convicted for executing, without a legal order, 2 young persons who, in 1981, kidnapped a bus with passengers and asked for passports and 10.000 dollars in order to get out of the country (AICCCJ, 1998). The two persons were executed in the woods without any trial. The convictions in this case (named “The Bus case”) were significant especially by the importance of the positions held in the communist state by those involved in the trial. A former Interior minister, a chief of Securitate and local leaders of the Militia and of the political police received sentences of over 10 years of imprisonment. However, the accused benefited from a general amnesty from 1988, the time due was cut in half and all were freed for health reasons before the end of the punishment. The trial did not involve any of the institutions of the communist state, neither the former Securitate, nor the former Militia, nor the Ministry of Interior being called forth in the trial as responsible parties under the civil law. The final sentence has put into light the manner in which certain officers of these institutions occasionally transgressed communist legal order, without underlining the systematic violations of the socialist laws by the regime’s own repressive structures (Grosescu & Ursachi, 2009, p. 189).

In 2002, two Militia officers were convicted for murdering, in 1983, the political dissident Gheorghe Ursu, who was placed under arrest in a prison in Bucharest (APMICCCJ, 2000). Although the dissident’s death was ordered by the political police, no Securitate officer was prosecuted. This case was the only trial referring to political crimes in Romania where condemnation sentences were pronounced. This success was due primarily to the efforts of the family members, as well as to the militant spirit of civic organizations such as the Group for Social Dialogue or Academia Civica. Hundreds of articles referring to the Ursu case were published in the Romanian and international press between 1990 and 2004, and many public debates about the case presented it as “the emblematic case of the trial of communism” in Romania. However, the investigation could not include the structures of Securitate, neither did it establish the hierarchical chain of responsibility. Similarly, the indictment act and the sentence did not condemn the Militia or the Securitate as responsible under the civil law, even if these repressive institutions had ordered and allowed the killing of the dissident. The investigation was limited to establishing the guilt of two Militia officers who directly ordered the crime (Grosescu & Ursachi, 2009, p. 193).

In 2000, colonel Gheorghe Crăciun, chief of one of the hardest political prisons of 1950s Romania – the Aiud prison – was brought before in Court for aggravated murder (ACMAB, 2000). The accusations referred to the deaths of 216 political prisoners, tortured or starved during detention in Aiud. For the first time in the Romanian transitional justice, in the indictment act the facts were correlated with the communist state policy regarding political opponents. The indictment act underlined in this sense that the treatment applied to political prisoners was of such nature that it contained „the premises of causing” an „extermination system”, and „the principle of solidarity of silence” regarding crimes and abuses against regime opponents „appeared to be a general rule”. The testimonies of prison officers called as witnesses attested to the fact that „an extermination regime was instituted in the political penitentiaries, which was approved and tolerated by the top of the hierarchy of the communist state” (ACMAB, 2000, p. 334). Colonel Crăciun deceased shortly after the beginning of the trial. Nevertheless, even in the absence of a judgment, the significance of the indictment act was important, as the accusations addressed for the first time the direct implication of the communist state in the extermination of the political prisoners. The crimes of Aiud were not presented as a personal abuse of the commander, but as a state policy, ordered and coordinated by the superior leadership of the communist party and of the Securitate (Grosescu & Ursachi, 2009, p. 194).

With these, the Romanian justice has closed, so far, its dealing with the past of communist repression. Neither the number, nor the contents of these trials could bring a wider understanding of the nature of this repression and of where responsibilities lie. This small number of trials dealing with the communist crimes has multiple causes, of a juridical, historical and political nature.

2. The Nature of the Romanian Communism

Imposed in 1945 by Soviet political intervention and military occupation, the Romanian communist regime has known several stages of development. Consolidated in the 1950s by brutal methods of eliminating political adversaries, the Romanian communism was based in those first years on a police system openly using violent repression to counteract any form of opposition towards the Party and its policies. The regime proceeded to hundreds of thousands of

arrests, deportations, internments in forced labor camps or summary executions. Between 1945 and 1958, the Bucharest leadership was under a strong Soviet influence, Moscow dictating the political and economical organization as well as practices for consolidating power. Once Soviet occupation troupes retired in 1958, the Romanian Communist Party constructed yet another legitimacy, based on gradual promotion of national communism. In 1964, the pardon of the great majority of political detainees marked the end of the visible repression. Forced labor camps were closed and numerous intellectuals were rehabilitated (Tismăneanu, 2005; Ionescu, 1964 ; Deletant, 1997).

After 1965, once Nicolae Ceaușescu succeeded Gheorghiu Dej, the national communist line was reinforced and accompanied by certain reforms, granting more freedom of expression, condemned Stalinist practices from the Dej era and lead to a certain economic liberalization. Efforts to improve the image of Romania abroad included renouncement to the terror measures applied until 1964 or hiding them from public eye. Despite the respect for the rule of law that the regime tried to demonstrate internationally, violent practices continued between 1965 and 1989, without equaling however the excesses of the Dej era.

Thus, massive repression against political adversaries took place mostly in the 1950s. Most of those responsible for the crimes and numerous victims were deceased after 1990, which lead to the ceasing of criminal investigations. Lacking witnesses and wide access to archives, numerous cases could not unite the elements necessary to prove that a crime was committed. As far as the repression under the Ceaușescu regime was concerned, the abuses had become less flagrant, above all because the population had internalized the mechanisms of terror, but also because the communist regime was searching a dialogue with Western democracies. At the same time, starting 1965, in Romania the violation of human rights by state organisms was hidden even in the secret documents of the responsible institutions, and political prosecutions were most of the times camouflaged behind accusations of ordinary criminal acts. The absence of clear and impersonal procedures in the decision-making process at the top of the regime, as well as the will to hide the abuses from the international community have made that the orders were transmitted by informal channels and become contingent to the cliques and clans functioning in the system (Offe 1992, p. 18). Thus, establishing the true sender of the orders becomes very difficult.

3. Legal constraints related to condemning communist crimes

From a juridical perspective, the trials made against former communist dignitaries in Romania after 1990 used as a legal framework the Criminal Codes valid at the time of the facts, according to the principle *nulle crimen sine lege*. The investigation of the various cases and their judgment in court were confronted in this context with a number of difficulties of a juridical order, the major obstacles being: 1) the amnesty of certain crimes by presidential decree emitted at the end of Ceaușescu regime; 2) the statute of limitation; 3) the difficulty to frame these crimes and abuses as imprescriptible crimes as defined by the socialist Criminal Code.

3.1. Amnesty decrees

During the communist regime, the political repression materialized in numerous crimes and abuses, among which the most serious were: killings, torture, inhuman treatments, illegal detention, forced labor, abusive arrest etc. all these crimes were sanctioned *de jure* in the socialist Criminal Codes. In January 1988, Nicolae Ceaușescu gave an amnesty for all crimes punished of up to 10 years imprisonment (Romania's Official Journal, 1988). In this category were numbered most political crimes and abuses committed by the regime: torture or bad treatments, serious bodily harm, abusive imprisonment, correspondence privacy violation, home privacy violation. None of these facts could thus be condemned if it was committed before January 1988. The presidential decree also reduced in half the punishments of more than 10 years imprisonment. The punishment for homicide, for example, was reduced from 20 to 10 years imprisonment.

Thus in 1990, at the fall of communism, the only crimes that could still be punished were those committed after January 1988, except killings and imprescriptible crimes. The annulment of the 1988 amnesty was officially required only in 2006, in the Final Report of the Presidential Commission of Analysis of the Communist Dictatorship in Romania³, without results. The decree emitted by Nicolae Ceaușescu remains valid to the day of the writing of this study, in 2010.

³ The Presidential Commission of Analysis of the Communist Dictatorship in Romania was constituted in the spring of 2006 by the President Traian Băsescu, with the mission to produce a report on the political repression of the communist regime. Based on this report, President Băsescu condemned the communist regime as illegitimate and criminal in a solemn declaration in the Romanian Parliament.

3.2. Statute of limitation

Another juridical barrier to the judgment of the communist political crimes is the expiry of the statute of limitation for these acts. In the socialist Criminal Code, the criminal responsibility was removed after 15 years for murder, after 8 years for torture, after 3 years for bad treatments or for abusive arrest and inquiry. Thus, if an act of torture, for example, had been committed in 1950 and no criminal investigation was conducted for 8 years on the case, the guilty person could not be judged for it starting 1959. In these conditions, even in the absence of the 1988 amnesty, after the fall of communism the Prosecutor's Office could incriminate only killings committed after 1975, acts of torture committed after 1982 or abusive inquiries committed after 1987. Most crimes of communism committed in the 1950s could not, at any rate, be the object of a trial in 1990.

However, according to socialist Criminal Codes, the statute of limitation could be suspended if the criminal investigation had been obstructed for various reasons (The Romanian Criminal Code, 1968, art. 128, p. 65). In an indictment act drawn in 1993, the prosecutors in charge with investigating cases of killings and torture committed in the 1950s by communist officials evoked this possibility of suspending the statute of limitation. Their argument was based on the fact that, throughout the whole duration of the communist regime, the members of the state and Party apparatus had a privileged status before the law, their political position offering them actual impunity (ACMAB, 1999, p. 223). Accepted as legally valid by the court, this suspension of the statute of limitation created a precedent, by stating that for the abuses committed by communist leaders the statute of limitation should have started in December 22, 1989, when their political function no longer protected them. The way was thus opened for judging killing cases, be they committed in the Ceaușescu or the Gheorghiu Dej period⁴.

Thus, in Romania the statute of limitation could be suspended for the entire period of the communist regime. The effects of the 1988 amnesty limited though the possibilities to judge crimes committed before that year, others than homicide. After 2005, even this crime could no

⁴ If the 1988 amnesty would have been annulled, crimes such as applying bad treatments, abusive inquiry, imposition of forced labor, violation of correspondence could have been judged until 1993. acts of torture could have been object of investigations until 1998.

longer be object of criminal investigations. The only possibility left was to frame communist crimes in the category of imprescriptible crimes.

3.3. Imprescriptible crimes

The term “imprescriptible crime” was first introduced in Romanian jurisprudence by the Criminal Code in force since January 1, 1969, and referred to crimes considered extremely grave, for which criminal responsibility could never be removed (Romanian Criminal Code, 1968, art. 128, p. 65). Those crimes were the *genocide* and the *war crimes*. Though in 1968 Romania had signed the *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity* (ONU Resolution nr. 2391 – XXII – of November 26, 1968), the crimes against humanity were not introduced in the socialist Criminal Code, because they referred among others⁵ to “persecutions on political grounds”, which could have applied to most crimes committed at the time by the dictatorial regimes, including the communist regime. Also, the Convention stipulated the imprescriptibility of these crimes, “irrespective of the date when they were committed” (ONU Resolution nr. 2391 – XXII – of November 26, 1968, art. 1), and could aim, for instance, crimes committed in the 1950s. This clause was accepted by the ONU and the signatories of the Convention, including Romania, because it was considered that the defense of human rights and the punishment of war crimes and of crimes against humanity were more important than the principle of non-retroactivity.

Thus, framing the communist crimes in the category of imprescriptible crimes as defined by the socialist Criminal Code is problematic. Committed during peace time, the summary executions, acts of torture or deportations cannot be legally considered “war crimes”. They do not correspond either to the definition of “genocide”, since they did not aim to “exterminate an ethnic, racial or religious group”, but rather the elimination of the political opponents of the regime, a group that is not protected by the definition of genocide.

⁵ „The assassination, extermination, reducing to slavery, deportation or any inhuman act committed against a civil population, in war time or in peace time, or **persecutions on political grounds** [underlined by authors], racial or religious grounds – irrespective if they are or not violations of the internal law of the country in which they were committed”. *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity*. ONU Resolution nr. 2391 – XXII – of November 26, 1968), Art. 1, al. B. ; the Statute of the International Military Tribunal – London Convention of August 8, 1945, Art. 6, al. C.

The only possibility to legally characterize these crimes as being imprescriptible would have been to transpose in the Romanian Criminal Code the integral definition of the *crimes against humanity*, a category inexistent in Romanian law. This did not happen, despite the legal obligation of states to adapt the national law to the international treaties, according to the *Vienna Convention of 1969 regarding the law of treaties*⁶.

The question of introducing crimes against humanity in the Criminal Code was not tackled with until mid-2000s. In 2007, the Institute for the Investigation of Communist Crimes in Romania⁷ solicited the Ministry of Justice to fully integrate in the national Criminal Code the *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity*. IICCR required both the sanctioning of the crimes against humanity and the introduction of the provision “imprescriptible irrespective of the date when they were committed” (AIICCR, 2008, pp. 1-2). The Ministry of Justice rejected however the Institute’s demand, by motivating that it would violate the principle of non-retroactivity of the law. What was rejected was not only the idea of judging these crime irrespective of when they were committed, but also the possibility of judging them starting from 1969, the year of the ratification of the Convention by the Romanian state. To date, thus, the juridical framing of the communist crimes in the category of imprescriptible crimes has proved impossible.

4. Civic and political actors towards the trials of communism

Beyond juridical constraints, the failure of court condemnation of communist crimes can be also explained by the attitude of the various political parties and civic actors towards this question, both from the perspective of their discourse as from the perspective of concrete actions.

Since 1990, civic organizations like the Group for Social Dialogue or the Civic Academy systematically militated in the press for the opening of a “trial of communism”. This was invoked, however, in a generic fashion, without further details on what such a trial would entail.

⁶ The Vienna Convention regarding the law of treaties, ratified by Romania on May 23, 1969, made the following provision (art.27): „Internal law and respecting treaties: One party cannot invoke the dispositions of its internal law to justify the non-execution of a treaty”.

⁷ The Institute for the Investigation of Communist Crimes in Romania (IICCR) was created under government aegis in December 2005, to investigate and seize the justice institutions about the political crimes and abuses committed during the communist regime.

The arguments usually mobilized had a globalizing character, based rather on syntagms like “the red Holocaust”, “communist genocide” or “the crimes of the red plague” than on precise cases. An intellectual trial of communism took place in publications like *Revista 22*, *România Liberă*, *Dreptatea* etc. The articles underlined the totalitarian character of the ideology and of the regime, by “using the memory of the abuses as a central argument for a condemnation without nuances” (Gussi, 2007, p. 374). However, even if these groups denounced the extermination, torturing, abusive imprisonment of hundreds of thousands of victims, the juridical action they actually undertook was almost non-existent. These groups were preoccupied neither by modifying the Criminal Code after 1989, nor by the abrogation of the 1988 amnesty, nor by filing judicial complaints, their systematic revolt towards the failure of the “trial of communism” remaining at a discursive level (Grosescu 2007, p. 190). Coming mostly out of the humanist intellectuality, the members of these organizations preferred to militate for a global condemnation of communism rather than concrete judicial actions. This political activism did however prove its utility in cases such as the one of the engineer Gheorghe Ursu, where the constant pressures exerted along the years – by articles, debates, petitions – have allowed the case to stay on the public agenda and ultimately lead to the punishing of the guilty (Grosescu & Ursachi, pp. 196 – 197).

The associations of victims filed only two collective complaints with the prosecutor’s office, in 1991 and 1998 respectively. Other demands for investigation were individual or signed by two or three persons, without being backed by an organization. Most of these complaints had rather a character of a general denunciation, accompanied by lists of victims (many times impossible to identify), without proof and without incriminating named persons. Lack of confidence in the capacity of the institutions of the post-communist state to punish these crimes, and continuities between the old and the new regime – both at an institutional level and at an elite level – were invoked as main arguments to justify such lack of mobilization (Dumitrescu, 2003).

Another explanatory factor for the lack of mobilization can be the heterogeneity of the associations of former political prisoners. These persons came from different political groups and from different generations. Ideological conflicts appeared between former political prisoners originating from the former extreme right movement and those originating from the historical parties, and ultimately led to the scission in the mid-1990s of the Association of Former Political

Prisoners and to the creation of a new association: the Romanian Association of the Former Political Prisoners and Anticommunist Fighters. The dialogue between these two organisms became very difficult, as they act separately and sometimes even compete. Within the two organizations gradually appeared internal conflicts caused by the collaboration of certain members with the former political police. These associations of victims did not succeed to coalesce into one unitary voice and to campaign together for the condemnation of the crimes of communism (Grosescu & Ursachi, pp. 196 – 197).

Finally, the activist initiatives, be they individual or coming from associations, have systematically stroke against obstacles raised by the post-communist state. In a first phase, the conversion of the nomenklatura affected the decommunization process. Originating in the very system that was supposed to be judged, the communist elites (regrouped in the National Salvation Front) that took power after 1989 preferred a discourse of “national reconciliation”, often invoking the Spanish model of forgetting the past. For example, for Ion Iliescu – ancient deputy member of the Political Executive Committee of the Party in the 1970s, marginalized by Ceaușescu in the 1980s and elected president of post-communist Romania in 1990, 1992 and 2000 – a “trial of communism” was useless, the fall of Nicolae Ceaușescu representing an exemplary event of the condemnation of the old regime: “The greatest trial of communism was the revolution itself. What more is there to say?”, declared the former chief of state in 2005 (Iliescu, 2005). The discourse of the great majority of the post-communist political parties (created and lead by the ancient nomenklatura) granted an implicit amnesty to the individual responsibility of the communist leaders, either by evoking a national collective responsibility for the instauration and perpetuation of the regime, or by explicitly rehabilitating the communist regime, presented as a form of progress and modernization.

In their turn, the historical political parties (the National Christian Democrat Peasant Party – PNTCD – and the National Liberal Party –PNL) re-created in 1990 after 40 years of interdiction, have focused their election campaigns in 1990, 1992 and 1996 on the necessity of decommunization and on the opposition towards the continuity of the old communist elites in the public life. Originating in the group of the former political prisoners, many of the leaders of these parties were directly interested in the punishment of the crimes and abuses of the regime. In the context of the “ambiguous silence” on the past maintained by the state institutions between 1990

and 1996, the historical parties have used the argument of the necessity of a “trial of communism” in order to demarcate themselves from political adversaries. At the same time, these parties have perpetuated the “confusion between the condemnation of the past and the condemnation of the former communists that still ruled the country”. Thus, their rhetoric towards the “trial of communism” was almost always “implicitly and sometimes explicitly oriented against Ion Iliescu” (Gussi, 2007, p. 374).

Once arrived in power, however, the interest of these parties regarding the “trials of communism” diminished. The state still did not take action regarding crimes and abuses committed by the old regime, and the investigations continued with the same slowness. The only successes registered in this field were the indictment acts in the case of the two Militia officers directly responsible for the death of Gheorghe Ursu, the indictment act in the case of colonel Crăciun, and the condemnations in *The Bus* case. However, these measures did not have the amplitude that the electorate of PNTCD and PNL had hoped.

On the one hand, starting with 1996 and until 2000, between these parties and their governing partner, the Democratic Party (PD), one of the inheritors of the National salvation Front, appeared conflicts regarding the dealing with the recent past. PNTCD and PNL sustained, at least at a discursive level, the necessity of a rapid decommunization, PD opposed such policies (criminal procedures or measures of lustration) in the name of national reconciliation. On the other hand, the necessity of implementing economic reforms has placed the problems of decommunization at the periphery of public agenda (Gussi, 2007, pp. 449-451). While the public interest of most Romanians was not concentrated on this issue, but rather on the economic crisis, the historical parties have diluted their anticommunist discourse and replaced it with other themes that could have brought a surplus of political capital. The political stake of the “trials of communism” has become quite small, and therefore the attention of the historical parties on this aspect gradually diminished until disappearance.

Conclusions

The Romanian transitional justice referring to communist crimes was limited to a small number of trials that did not have the capacity to fully show the individual and institutional responsibility for the state crimes committed between 1945 and 1989. The four indictment acts

and the two sentences pronounced have presented the cases as occasional violations of socialist legality, without succeeding to show the systematic nature of the state violence along the four decades of communism. The reasons for this state of affairs were multiple.

First of all, the nature of the old regime fundamentally influences the way that the dictatorial past is being dealt with. The longevity of the East European communism, and of the Romanian one in particular, represented a determinant factor of the measure in which the crimes of the past could be judged. The abuses of relatively shorter regimes, like the Nazism or the military dictatorships in the Southern Cone that lasted less than a generation, can be more easily condemned than those of a long-lasting regime, like the communist one that lasted 45 years in Eastern Europe. The most serious crimes of communism took place during the massive repressions of the 1950s. Or, the difficulties to investigate crimes committed decades ago are evident, both from a juridical point of view (the status of limitation being expired) as from a practical point of view. Authors as well as witnesses and victims are difficult to bring before courts of law, for reasons of biological order.

Similarly, respecting the principle *nulle crimen sine lege* imposed different juridical constraints that blocked the sanctioning of those responsible for the communist political crimes. The amnesty emitted by Nicolae Ceaușescu in 1988, the expiry of the statutes of limitation and the absence from the Romanian Criminal Codes of the category “crimes against humanity” were the main such constraints. Ignoring the international conventions on the imprescriptibility of crimes against humanity signed by Romania has closed this way of attack, which could potentially underline the political character of the crimes committed.

Beyond the historical and juridical reasons, however, the absence of judicial action was due also to the weak mobilization of the repression victims. Their individual and collective activism was limited. The complaints filed demanding investigations were few and far between. Internal divisions of the victims’ associations on political criteria also stopped the unification of their actions. The members of these civic organizations preferred a global activism against communism instead of focusing on judicial action, which would have involved an expertise and a juridical culture that these persons did not have. A singular case in the Romanian landscape, the exemplary dedication of the son of the engineer Gheorghe Ursu to the punishment of the

guilty for his father’s killing has shown the role that the mobilization of victims, of their families and of the civil society could have in starting criminal investigations.

Not in the least, while the political power was taken over in 1989 by a party formed and lead by former nomenklatura members, the political will to bring to court members of the repressive apparatus was minimal. At the same time, even if at the beginning of the 1990s the historical center-right parties militated for such trials, once in power in 1996 their interest in such policies strongly decreased. Thus, in Romania, the political discourse on the crimes of the communist regime was intensely used for acquiring legitimacy, without ever becoming concrete action.

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