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TRIALS OF THE WAR CRIMINALS

General Considerations

The Fascist regime that ruled Romania between September 14, 1940, and August 23, 1944, was brought to justice in Bucharest in May 1946, and after a short trial, its principal leaders—Ion and Mihai Antonescu and two of their closest assistants—were executed, while others were sentenced to life imprisonment or long terms of detention. At that time, the trial’s verdicts seemed inevitable, as they indeed do today, derived inexorably from the defendants’ decisions and actions.

The People’s Tribunals functioned for a short time only. They were disbanded on June 28, 1946,¹ although some of the sentences were not pronounced until sometime later. Some 2,700 cases of suspected war criminals were examined by a commission formed of “public prosecutors,”² but only in about half of the examined cases did the commission find sufficient evidence to prosecute, and only 668 were sentenced, many *in absentia*.³ There were two tribunals, one in Bucharest and one in Cluj. It is worth mentioning that the Bucharest tribunal sentenced only 187 people.⁴ The rest were sentenced by the tribunal in Cluj. One must also note that, in general, harsher sentences were pronounced by the Cluj tribunal (set up on June 22,

¹ Marcel-Dumitru Ciucă, “Introducere” in *Procesul maresalului Antonescu* (Bucharest: Saeculum and Europa Nova, 1995-98), vol. 1: p. 33.

² The public prosecutors were named by communist Minister of Justice Lucretiu Pătrășcanu and most, if not all of them were loyal party members, some of whom were also Jews. The complete list included lawyers Avram Bunaciu (who would inherit Patrascanu’s post in 1948), Ion Raiciu, Vasile Stoican, M.Mayo, Constantin Vicol, Stroe Botez, Ion I. Ioan, Petre Grozdea, Mihail Popilian, Constantin Mocanu and H. Leibovici; magistrates Ion Pora and Stefan Ralescu; civil servant Camil Surdu; and workers Alexandru Draghici (who would become Interior Minister in 1952) and Dumitru Saracu (a former waiter at Bucharest’s luxurious Capsa restaurant. See Hary Kuller, *Evreii în România anilor 1944-1949: Evenimente, documente, comentarii* (Bucharest: Hasefer, 2002), p. 356.

³ The list of those sentenced by the People’s Tribunal in Bucharest and Cluj, with a short and strikingly apologetic introduction, is to be found in Cristina Păușan, “Justiția populară și criminalii de război,” *Arhivele totalitarismului*, vol. 7, no. 1-2, 1999, pp. 150-165. The total provided by Păușan (657) is apparently slightly incomplete.

⁴ See Zoltan Tibori Szabo, “The Transylvanian Jewry during the Postwar Period, 1945-1948,” in *East European Perspectives*, vol. 6, at www.rferl.org/eepreport/. See also the highly-interesting document recording the minutes of a March 27, 1947, meeting between Communist Party officials and former public prosecutors who were members of the party. Among participants were Justice Minister Pătrășcanu (according to whom “some 200” people had been sentenced for war crimes), Interior Minister Teohari Georgescu, Alexandru Drăghici and Avram Bunaciu (see *supra*, note 2), alongside prosecutors Alexandra Sidorovici, Dumitru Săracu, Vasile Stoican and Lepădăescu [first name unknown]. See Andreea Andreescu, Lucian Năstase, and Andreea Varga, eds., *Evreii din România (1945-1965)*

1945) than those passed by the tribunal in Bucharest. At the latter, Avram Bunaciu (see note 2) acted as chief public prosecutor⁵ and Justice Nicolae Matei presided over the court. There was an obvious reason for the difference: the Cluj tribunal mostly judged crimes committed by the Hungarian authorities and their local collaborators in Northern Transylvania rather than atrocities perpetrated by Romanians under the rule of Marshal Antonescu.

Out of the 481 cases on which the Cluj People's Tribunal and its successors ruled, it passed the capital sentence on 100 people and 163 sentences of life imprisonment. Of those sentenced, 370 were Hungarian, 83 were German, 26 were Romanian, and two were Jewish.⁶ The Cluj People's Tribunal condemned 30 people to death and 52 to hard labor for life in two mass trials, one involving 63 defendants and the other, 185. Prison terms handed down by the Cluj tribunal totaled 1,204 years. It must be remembered, however, that many sentences had at best symbolic value and that the percentage of the absentees was particularly high among those sentenced to death or to life imprisonment. Thus, out of the 185 charged in the first trials, only 51 were in custody while the others were tried in absentia.⁷

Turning now to the main trial—the sixteenth in the series of trials held by the People's Tribunal⁸—the court pronounced thirteen death sentences on the twenty-four defendants, but six of these (including Horia Sima, leader of the Legionary movement, and Legionary ministers Mihai Sturdza, Ioan Protopopescu, Corneliu Georgescu, Constantin Papanace, and Victor Iasinschi) were pronounced in absentia and were never carried out. At the recommendation of the government, King Michael I commuted the death sentence to life in prison for the former minister of defense, Constantin Pantazi, as well as Radu Lecca, the government representative in charge of Jewish issues, and the director of the Special Intelligence Service, Eugen Cristescu. Marshal Antonescu and his foreign minister, Mihai Antonescu, as well as Constantin Z. [Piki] Vasiliu, inspector general of the gendarmerie, and Gheorghe Alexianu, the governor of Transnistria, were executed on June 1, 1946.⁹

(Cluj: Centrul de Resurse pentru Diversitate Etnoculturală, 2003), pp. 311-325. Henceforth: *Ședința cu foștii acuzatori publici*.

⁵ See document no. 97 in *Evreii din România*, *op. cit.*, p. 293, fn. 14.

⁶ Tibori Szabo, "Transylvanian Jewry," *op. cit.*

⁷ *Ibid.*, and Randolph L. Braham, "The National Trials Relating to the Holocaust in Hungary," in *Studies on the Holocaust: Selected Writings*, ed. Randolph L. Braham (New York: Columbia University Press, 2000), vol. 1: p. 142. See also Braham for the English translation of the Cluj People's Tribunal judgments.

⁸ *Procesul mareșalului Antonescu*, vol. 2: p. 211.

⁹ *Idem.*, pp. 432-439.

The first trial at the Bucharest People's Tribunal ended on May 22, 1945. General Nicolae Macici was found guilty of the massacres perpetrated in occupied Odessa and nearby Dalnic on October 21-22, 1941, and was sentenced to death. Twenty-eight other members of the occupying Romanian forces received prison sentences, the harshest of which were for life and the lightest for one year behind bars.¹⁰ On July 1, 1945, King Michael I commuted Macici's sentence to life imprisonment; Macici would eventually die in Aiud prison in 1950.¹¹ Altogether, "Old Kingdom" and southern Transylvania-based People's Tribunals pronounced forty-eight death sentences;¹² but only four were actually carried out, the others being either commuted to hard labor for life or being pronounced in absentia. None of the sentences pronounced in Northern Transylvania was carried out, and the most important people charged had left the region together with the Hungarian authorities.¹³

Furthermore, based on a decree passed in early 1950, convicted war criminals who had "demonstrated good behavior, performed their tasks conscientiously, and proved that they became fit for social cohabitation during their imprisonment" became eligible for immediate release, irrespective of the severity of the sentence received.¹⁴ Among those found to be "socially rehabilitated" were quite a few who had been condemned to life in prison for crimes committed against the Jews. Many of the liberated would join the Communist Party. Others, however, would have to wait for the amnesties granted between 1962 and 1964, when the regime's national-communist policies took off and the PCR needed the support of nationalistic political prisoners and the intellectuals among them, in particular.

After the fall of the Communist regime, the proponents of Marshal Ion Antonescu's rehabilitation (see below) would insist that the trials had been politically motivated and carried out at the orders of the Soviet occupants. There can be no doubt that the Soviet Union heavily influenced the outcome of the judicial process and that some of the indictment counts had little in common with actual facts. Paradoxically enough, however, it is also at Moscow's door that one must lay the blame for the prosecution's inability to charge many of those included on its initial lists of suspected war criminals. Some of the suspects were by now fighting on the Allied side

¹⁰ See Lucian Năstase, "Studiu introductiv," in Andreescu, Năstase, Varga, *Evreii din România*, *op. cit.*, p. 21.

¹¹ *Ședința cu foștii acuzatori publici*, pp. 323-324, fn. 9.

¹² American Jewish Archives, Cincinnati, Ohio, courtesy of Radu Ioanid, United States Holocaust Memorial Museum.

¹³ Tibori Szabo, "Transylvanian Jewry," *op. cit.*

¹⁴ "Decret nr. 72 privitor la liberarea înainte de termen a celor condamnați," *Monitorul oficial*, March 23, 1950.

(for example, Gen. Nicolae Stavrescu, one of the masterminds of the Iasi pogrom in June 1941, would, nonetheless, eventually be tried for the role he played in the pogrom); others were turncoats protected by Moscow and even became prosecutors themselves (Major Iorgu Popescu, for example, who had killed a Jewish student while investigating him under the previous regime, was now named public prosecutor in the trial of the Iasi pogrom perpetrators, and Ana Pauker herself advised against making a case of his past); or the Soviet Union simply neglected to deliver documents attesting to the atrocities committed on the territories it had re-annexed, despite repeated promises to do so “with the next plane.” Meanwhile, many of the suspects managed to escape abroad.¹⁵ This would not stop Moscow from soon accusing the (at that time still not fully communist) government of not hunting hard enough for war criminals. And, indeed, though the People’s Tribunals were disbanded in 1946, trials in connection with “crimes against peace” and other war-linked charges would continue in the following years on the basis of Law no. 291 of 1945, which provided for sanctioning those guilty of war crimes or “crimes against peace” stipulating sentences of fifteen years to life imprisonment.¹⁶

A final note on the postwar trials and collaboration: Jews were also sent before the People’s Tribunal for war crimes and collaboration. The most famous involved the leadership of the Antonescu-era Jewish Center (*Centrala Evreilor*), established on January 11, 1942, which had acted as a sort of *Judenrat*.¹⁷ Nandor Gingold, chairman of the Center and a converted Jew, received a life sentence to hard labor on February 18, 1946, while his associates Matias Grünberg (alias Willman), A. Grossman-Grozea, and Jack Leon were sentenced to between twelve and twenty years in prison.¹⁸ The country’s new communist rulers would eventually turn “Gingoldism” into a proxy for “fascism” when referring to political adversaries within the Jewish community (not yet communized at that stage), although the term “Jewish fascism” was also often used.¹⁹ The remainder of this chapter will focus on the treatment of crimes against Jews in the postwar trials.

¹⁵ See *Ședința cu foștii acuzatori publici*.

¹⁶ Păușan, *op. cit.*, p. 150.

¹⁷ See Radu Ioanid, *The Holocaust in Romania: The Destruction of Jews and Gypsies under the Antonescu Regime, 1940-1944* (Chicago: Ivan R. Dee, 2000), pp. 34-35, and Hiltrun Glass, *Muderheiten zwischen zwei Diktaturen: Zur Geschichte der Juden in Rumänien 1944-1949* (Munich: R. Oldenbourg, 2000), pp. 45-46.

¹⁸ Kuller, *Evreii în România*, *op. cit.*, p. 365; Năstase, “Studiu introductiv,” *op. cit.*, p. 21. The same tribunal sentenced Vasile Isăceanu, Radu Lecca’s chief of staff at the Office for Jewish Issues, to hard labor for perpetuity.

¹⁹ For example, at a meeting on October 15, 1945, Vasile Luca, a member of the PCR’s Politburo, told representatives of party-linked mass organizations: “What is needed, above all, is a serious struggle against Jewish Fascist elements.” Document reproduced in Kuller, *Evreii în România*, *op. cit.*, p. 436.

The Trial of the Major Figures of the Ion Antonescu Government

The trial took place in Bucharest, not Nuremberg, following the commitment made by the new Romanian government to the Allies in the armistice agreement signed in Moscow on September 12, 1944; namely, to arrest war criminals and to dissolve and prevent the re-emergence of pro-Nazi and fascist organizations.²⁰ In this context, it should be noted that, unlike other fascist leaders, Antonescu had neither a party nor a fascist organization to support him: he disbanded the Iron Guard, which had backed him, as early as January 1941, following its attempt to seize power.

Generally speaking, steps toward denazification in Romania, such as the abrogation of the racist and antisemitic legislation characteristic of fascist-totalitarian states, were implemented very slowly. The earliest legislation on the subject of bringing war criminals and those responsible for the catastrophe in Romania to justice was promulgated as late as January 20, 1945. War criminals were defined as those who treated prisoners of war and hostages in a manner contrary to the dictates of international law; ordered or perpetrated acts of cruelty or liquidations in war zones; ordered or initiated the establishment of ghettos, internment, and forced labor camps; carried out deportations for political or racial reasons; ordered or carried out collective or individual repression, relocation, and deportation of persons for extermination; perpetuated the use of forced labor for the purpose of extermination.²¹

The laws, as formulated and interpreted, enabled many minor war criminals to evade incarceration or to escape with negligible punishment; moreover, the actual instigators of war crimes—the journalists, writers, and party functionaries of the two fascist parties, who had poisoned public opinion by disseminating fascist ideology and antisemitism in the mass media—were not punishable under these laws. Furthermore, the legal system itself was still infested with people who espoused fascist ideology; people who had, in fact, initiated, implemented, and shaped anti-democratic racial and antisemitic legislation during Romania's six years of dictatorship and fascism (1938-1944).

²⁰ Article 15 of the Armistice Convention between the Romanian government and the governments of the United Nations, August 23, 1944, (Bucharest, 1984), document 2, p. 709.

²¹ State law for the punishment of war criminals and law for bringing to justice those guilty for the Holocaust, Law nos. 50 and 51, *Monitorul Oficial*, no. 17, January 21, 1945, p. 415.

With the establishment of Petru Groza's communist-dominated government in March 1945, the passage of legislation bringing war criminals to justice was expedited, and the pace of their sentencing accelerated. The trial of the Antonescu group was based on "Law no. 312 of April 21, 1945, for the tracking down and sanctioning of those guilty in the disaster of the country and of war crimes." The April 1945 law established two categories of guilt:

1. Culprits in the country's disaster were those who, "(a) promoted the advance of fascism or Nazism and having an effective political responsibility allowed the advance of the German forces in the country's territory, and (b) after September 6, 1940, acted for the preparation and carrying out of the above deeds by word, written or any other means;"²²
2. As culprits of war crimes fifteen possible categories were set, among which: "(a) decided the declaration or the continuation of the war against the USSR and the United Nations; (b) subjected POWs or hostages to inhumane treatment; (c) ordered or carried out acts of terror, cruelty or subjugation of the population in areas where war took place; (d) ordered or carried out collective or individual reprisals with the aim of political or racial persecution of the civilian population; (e) ordered or organized excessive labor or organized the transportation of persons with the aim of exterminating them; (f) commanders, directors, supervisors, and guards of camps of either POWs, deportees or political inmates, or forced labor detachments, who treated the persons under their control in an inhumane way; (g) officers of judicial police or investigators with any claim in political or racial matters, who carried out acts of violence, torture, or other illegal treatment; (h) prosecutors, civilian or military judges, who intentionally assisted or carried out acts of terror or violence (i) left the national territory with the aim of serving Hitlerism and fascism, and have attacked the country verbally or in any other form."²³

Also accused of war crimes were persons who had illegally acquired property in the wake of the war or through racist legislation, those who had enacted racist legislation or legislation having a Hitlerite, Legionary, or racial spirit or had excessively applied such legislation.

The law stated that persons found guilty of the second clause would be punished with death or a life sentence with hard labor. There were three major categories of political, military, and

²² *Procesul Maresalului Antonescu*, Documents, *op. cit.*, p. 55.

²³ *Idem.*, pp. 54-55.

judicial activities that were included in this law: 1. participation in the war against the USSR and the Allies; 2. inhumane treatment (from compulsory labor to extermination) of POWs, the civilian population in areas of conflict, because of either political or racial motives; 3. Fascist-Legionary propaganda. This last category, which enabled the proceedings against journalists and intellectuals—who by their ideas supported the Antonescu regime, the Iron Guard, and the officials and leading personalities of the propaganda apparatus—cannot be found in the criteria of indictments formulated at the Nuremberg trials.

It should be emphasized that that under the sanctioning of this law, politicians in responsible offices, officers or soldiers of the armed forces, the gendarmerie, and public officials, as well as those who had spread the fascist and Legionary ideas, were included. Thus, antisemitic doctrines and antisemitic policies were represented in the criteria for indictment. Participants in the Holocaust, starting from racial legislation to the mass extermination of Jews and Roma, regardless of the person's position in the political and institutional hierarchy of the state, could thus be included in the category of "war criminals."

Aside from the trial of Ion Antonescu and his collaborators, there were several other trials with clear political content. Several former ministers and state secretaries in the Antonescu government were arrested in 1946, and some of them testified at his trial. Some of these ministers were freed, only to be rearrested and sentenced in 1949.²⁴ Others faced the judicial system earlier. This group included Gheorghe Leon, Ion Petrovici, General Grigore Georgescu, General Nicolae Stoenescu, Petre Nemoianu, Geron Netta, Henric Oteteleseanu, Mircea Cancicov, General Gheorghe Jienescu, General Victor Iliescu, Aurelian Pană, General Nicolae

²⁴ The principle of "collective responsibility" was applied in this trial, in which several other dignitaries of the Antonescu regime received harsh sentences. Apart from Petrovici, the group included: Gen. Radu R. Rosetti, who briefly served as minister of education from January 27 to November 11, 1941 (when he resigned from the cabinet), was sentenced to two years in prison in January 1949 and died in jail in June of the same year; Gen. Gheorghe Potopceanu, who served as minister of the national economy between January and May 1941, was sentenced to 5 years and liberated in 1953 (he was sentenced again to 15 years in 1957 for alleged high treason); Potopceanu was amnestied in 1963); Aurelian Pană was sentenced in January 1949 to ten years in prison, where he died; Constantin A. (Atta) Constantinescu, who served as minister of public works and communications from October 1943 to August 1944, received a 5-year sentence and was freed in 1953, committing suicide two years later; Gheorghe Docan, who served as minister of justice from January to February 1941 and resigned, also sentenced to 5 years; Toma Petre Ghiulescu, who was secretary of state in the Ministry of Economy under Potopceanu and resigned with him, was also sentenced in absentia to 5 years, but managed to escape serving the sentence, living in hiding, although he would later be caught and given a life sentence for "treason against fatherland;" and Petre Nemoianu, secretary of state in the Ministry of Agriculture for only 10 days from September 4-14, 1940, who received a 5-year sentence and died in prison. Every member of the group was investigated in 1946 and proceedings against them were then dropped. For biographies see "Procese '46—Sentine '49—Recursuri," *Revista* 22, no. 48 (December 2-8, 1997).

Șova, Horia Cosmovici, Ion N. Finescu, Aurelian Pană, Gheorghe Creianu, Mircea Vulcănescu, Ion D. Enescu, Neagu Alexandru, Stavri Ghiolu, General Constantin Niculescu, General Ion Sichițiu, Ion C. Petrescu, Alexandru Marcu, General Iosif Iacobici, General Eugen Zwidenek, Petre Nicolae Counter-Admiral Nicolae Păis, Petre Strihan and Admiral Gheorghe Koslinski.²⁵ Another highly-publicized trial was that of the journalists who had, through their writing, supported the former regime and/or incited racial hatred. They were accused of war crimes and being “responsible for the country’s disaster.”²⁶ The trial ended on June 4, 1945, with death sentences pronounced in absentia against journalists Pamfil Seicaru and Grigore Manoilescu and prison terms ranging from twelve years (the case of Radu Gyr, a poet who had been a fervent Iron Guardist) to life for the rest of the defendants.²⁷ Other famous trials were those of members of the government set up in exile by Horia Sima and of journalists who supported it from abroad (General Platon Chirnoagă, General Ion Gheorghe, who was Antonescu’s ambassador to Berlin, Mayor Sergiu Vladimir Cristi, the former bishop of Odessa, Visarion Puiu, and writer Ion Sângeorgiu, as well as journalists Alexandru Cuzin, Alexandru Gregorian, Horia Stamate and Vintilă Horia Caftangioğlu were all sentenced to death in absentia);²⁸ the trial of the former governor of Bessarabia, General Constantin Voiculescu, who received a life sentence of hard labor;²⁹ and the trial of the main culprits of the 1941 massacres in Iasi (General Emanoil Leoveanu, General Gheorghe Barozzi, General Stamatiu, former Iasi Prefect Colonel Coculescu and former Iasi Mayor Colonel Captaru), which ended in June 1948, after repeated delays.³⁰

However, the punishment of war criminals was never an end in itself. It was partly the result of pressure applied by the Soviet state and Soviet occupation forces, since many of the crimes under consideration were committed in the Romanian territories annexed by the Soviets or on Soviet soil. The trials also revealed the bitter power struggle between the so-called nationalist camp and the communist camp supported by the Soviet army. This explains why so many Romanians saw the trials as an anti-national act, an attempt by foreigners and their local aides to take their revenge against Romanian soldiers who, according to this perception, gave their lives to liberate Bessarabia and Bukovina. In this context, the tragedy of the Jews, whether

²⁵ See “Introducere” in *Procesul*, vol. 1: p. 33.

²⁶ Kuller, *Evreii în România*, *op. cit.*, p. 358.

²⁷ American Jewish Archives, Cincinnati, Ohio, *op. cit.* and *Ședința cu foștii acuzatori publici*, p. 324, fn. 14.

²⁸ American Jewish Archives, Cincinnati, Ohio, *op. cit.* and Năstase, “Studiu introductiv,” *op. cit.*, p. 2.

²⁹ *Ibid.*

³⁰ Kuller, *Evreii în România*, *op. cit.* and *Ședința cu foștii acuzatori publici*, p. 323, fn. 8.

Romanian or in territories under Romanian control, became secondary and, in most cases, was not the main issue.

The trial of Antonescu and his closest aides was not a purely Romanian affair. The Moscow Declaration of November 1, 1943, the decisions at the Yalta summit on the speedy punishment of war criminals on February 12, 1945, and the second paragraph of the Allies' declaration issued after the collapse of Nazi Germany on June 5, 1945, all combined to transform the punishment of Romanian fascist leaders into an issue of universal justice, into a manifestation of the international community to eradicate the ideology that had led to such horrific results in Europe. Therefore, the criteria by which the trial of the Antonescu regime should be assessed are the same as those used to prepare the Nuremberg indictments, albeit the crimes of the Romanian regime under Antonescu cannot be equated with that of Germany under Himmler, Göring, Ribbentrop, and the other Nazi leaders.

The Nuremberg indictment distinguished between four categories of crimes:

1. *Conspiracy*: The defendants prepared together and pursued a plan aimed at the seizure of absolute power and acted with complete understanding for the perpetration of their future crimes.
2. *Crimes against peace*: The defendants violated thirty-four international treaties on sixty-four separate occasions, launched wars of aggression, and caused the outbreak of a world war.
3. *War crimes*: The defendants ordered or tolerated collective assassinations and torture on a massive scale, enslaved millions of workers, and ordered looting.
4. *Crimes against humanity*: The defendants persecuted their political adversaries and racial or religious minorities. They exterminated whole ethnic communities.³¹

Two of the four sections in the indictment as well as other parts of the indictment could not have served as a basis for accusations against Antonescu's regime. The Conductor (as Antonescu was called, in imitation of the German term "Führer") did not reveal any ambitions to seize absolute power before September 1940 and did not challenge the legal authorities; in fact, he was chosen to serve as prime minister by King Carol II himself after a short, but very sharp, political crisis caused by the collapse of Romania's frontiers. Antonescu did indeed choose his own partners, but only after he had deposed the king and assumed most of his powers.

³¹ Joe J. Heydecker and Johannes Leeb, *Le Procès de Nuremberg* (Paris: Buchet-Chastel-Correa, 1959).

Antonescu deepened the totalitarian measures of King Carol II; namely, the first racist and antisemitic laws, which were promulgated as early as August 9, 1940, and defined Jews by blood and faith, and laid the foundation for subsequent antisemitic legislation.

Romania was not an aggressor in the war, but the victim of the expansionist plans of the Soviet Union and the territorial aspirations of Hungary. From the Romanian point of view, participation in the anti-Soviet campaign until August 1941 represented a justifiable struggle for national liberation for the release of almost four million Romanians and 60,000 square kilometers from foreign occupation. It was a campaign in which the Romanian people enlisted willingly and enthusiastically. The aggressor was the Soviet Union, which, on June 26, 1940, forced Romania to yield Bessarabia and Northern Bukovina.

However, in the Antonescu trial the indictment and the verdict avoided any reference to the following elements: Soviet imperialism; the Soviet threat to the very existence of the Romanian state; the Soviet military build-up at the new frontiers of the Romanian state on the Prut and the Danube in 1940/41; the military incidents provoked by the Soviets; or the Soviet Union's plans for the further annexation of Romanian soil.³² On November 13, 1940, Molotov asked Hitler to agree to the Soviet annexation of southern Bukovina, a territory not even mentioned in the secret protocol, thus going far beyond the initial Soviet demands, which Molotov described as "insignificant."³³ Only Hitler's refusal saved the rest of Bukovina from being swallowed up, Russified, and lost to Romania forever. Only Nazi German threats to Romanian independence were presented and debated at the trial. In other words, the tribunal did not allow an open debate of the alternatives faced by the Romanian government in the fall and winter of 1940, alternatives that Mihai Antonescu clearly defined at the trial: "Romania had the alternative of being occupied like other (neighboring) states or of being politically subjugated to Germany. This latter situation brought about this trial."³⁴

³² *Act de acuzare* (Indictment) no. 1, April 29, 1946, Archives of the Ministry of Interior (henceforth: AMI), file no. 40010, vol. 1, pp. 1-185, in the Archives of the United States Holocaust Memorial Museum (henceforth: USHMM), Romanian Information Service UC, RG 25.004M, roll 31. All files of Antonescu's trial quoted here are from the USHMM archives.

³³ Minutes of a conversation between Hitler and Molotov in Berlin, November 13, 1940, in R.J. Sontag and J.S. Beddie, eds., *La verite sur les rapports germano-sovietiques de 1939 a 1941* (Paris: France-Empire, 1948), p. 173.

³⁴ Proceedings of the trial, May 13, 1946. AMI, file 40010, vol. 28, p. 8.

The issue of Bessarabia's status as Romanian territory annexed to the Soviet Union³⁵ was also taboo, as was the fact that the strategic decision to side with the Nazi German camp after the collapse of France was, in fact, made by the last governments of King Carol and by the king himself.³⁶

The Holocaust was represented in only 23 percent of the indictment and the whole corpus of evidence,³⁷ and the fate of the Jews was raised in instances when the documents or events incriminated any of the accused. The references in the indictment focused on the process of Romanianization and its effects on the social and economic conditions of the Jewish population, the Iasi pogrom, the pogrom of Odessa, the deportation of the Jews to Transnistria, and the extermination camps. During the trial, references were made to documents and speeches by Ion and Mihai Antonescu. In regard to victims, 10,000 victims were mentioned in the Iasi massacre, in contrast to the so-called "500 Judeo-communists" that the Antonescu government acknowledged immediately after the pogrom. Likewise, documents were presented on the deportation of tens of thousands of Jews to Transnistria, but there were no overall, total figures presented on the number of deportees and their fate. In fact, the trials did not present a clear picture of what the public could find out about Transnistria after 1989.

During his trial, Ion Antonescu acknowledged that between 150,000-170,000 Jews had been deported to Transnistria. However, he claimed that the deportation was actually intended to save the allegedly pro-communist Jews from the population's wrath and that he could "state with certainty that" had he not "dispatched them to Transnistria, none of them would have survived." The claim was part of a memorandum written by the former Conducator in refutation of the indictment. In the same document, Antonescu stated, "I deported the Jews of Bessarabia and Bukovina [to Transnistria] for political *military security reasons* and for *their own safety*." He claimed that in view of the fact that many Jews had been acting as Soviet spies, and due to the

³⁵ Conversation with Al. Voitin Voitinovici, in Ion Antonescu, *Cititi, judecati, cutremurati-va!* eds. I. Ardeleanu and V. Arimia (Bucharest, 1991), p. 97.

³⁶ See the memo of Gh. Tatarescu, one of the last premiers of King Carol's regime, May 1, 1943, in Gh. Buzatu, *Romania cu si fara Antonescu* (Iasi, 1991), pp. 91-96. Antonescu claimed at his investigation that he knew nothing of the proposals made to Nazi Germany by the last two premiers—which included a military alliance and a friendship pact—because Tatarescu took the documents with him when he left the prime minister's office. AMI, file 40010, vol. 36, pp. 60-61. See also Mihai Antonescu's investigation, *ibid.*, vol. 43, p. 52 (USHMM RG 25.004, roll 34).

³⁷ *În Procesul mareșalului*, the general part of the Act of Indictment has 52 pages (pp. 60-112), Jewish topics figure in pp. 85-86 and 103-112. Also, whenever it was the case, in each of the defendants' indictment their role in massacres of Jews was raised.

fact that Iron Guardists were preparing “a St. Bartholomew’s Night” against them in cooperation with the Germans, the deportation was dictated by both military and safety factors and his intention to save the Jews from a terrible fate at the hand of the Germans and pro-Nazi sympathizers in Romania. Unfortunately, he claimed, “carrying out” the order of deportation had been “destabilized” by the “then-dominant spirit.” By “destabilization” the former state leader was euphemistically referring to the mass executions, death marches, and starvation carried out by the Romanian police and army while implementing his orders. The harsh early winter conditions, “which also made many victims among the belligerent armies,” he claimed had added to the number of casualties among the deported, but “this was also the cause due to which the Germans lost the Moscow battle.”

At the trial, the dictatorial state established by Antonescu was clearly defined as fascist, and critics of the court’s legitimacy focused on the nature of the court, as if this fact changed the nature of the wartime Antonescu regime. The court was, as in other East European states, an ad hoc institution, a “people’s court” with judges and prosecutors with no judicial background serving alongside the professional judiciary. The president, Al. Voitin Voitinovici, was just twenty-eight years old, a distant relation of Communist leader Lucretiu Patrascanu. The public prosecutors were Vasile Stoian, a completely unknown jurist, Constantin Dobrian, an examining magistrate from Timisoara, and Dumitru Săracu, a “worker” and former cook lacking any judicial training. The panel of judges included six “judges of the people,” drawn mainly from the Communist Party or its affiliated organizations: two “workers” and a “peasant” proposed by the Communists, a “worker” from the Social-Democratic Party, a National Liberal lawyer, and a “housewife from the National Peasant Party.”³⁸ This composition of the court was and is used by those who wish to rehabilitate the fascist ideas, in order to shift attention from the content of the indictments, from the magnitude of crimes committed against Jews and Roma, and to focus on the lack of judicial background of the prosecution and judges.

Behind the jargon in the acts of indictment and the tone used in the courts, when reading the material, sanitized of the postwar political context, it is clear that the Romanian fascists linked the solution of the Jewish question to the rejection of all Western democratic values, which they declared a Jewish innovation and the embodiment of a social order created to serve Jewish interests. Thus, not only did they hate Jews, they also despised the ideas and concepts that

³⁸ The verdict, 17 May 1946, AMI, *ibid.*, vol. 5, pp. 364-366.

had evolved since the French Revolution, which represented the fundamental values of Western society: liberalism, tolerance, democracy, capitalism, freedom of speech, freedom of organization, free elections, civil rights, and even the notion of the citizen.³⁹ These ideas made Romania ripe for the advent of a fascist regime in September 1940. In this context it is necessary to emphasize that it was not the German threat and German supremacy in Eastern Europe alone that promoted the advent of fascism in Romania: it was also the duplicity of Romanian “democratic” leaders, their interpretation of democracy and democratic values, their silent encouragement and tolerance of young hooligans and their violent actions, and their diversionary antisemitic tactics that facilitated the rise of Antonescu’s regime.

Antonescu never referred to his regime as fascist, but he was able to portray his rule as springing from the Romanian heritage rather than being an imported formula. He did not redefine the goals of Romanian nationalism, but rather sought to attain the goals that had been outlined by his predecessors using fascist means. The “ethnic Christian state” that he established—in his words, “the national totalitarian regime”—opposed the “demo-liberal” regime of the past,⁴⁰ and was a genuine Romanian fascist state based on Romanian political and social philosophy that adopted Nazi methods of dealing with real or imaginary ethnic enemies.

The Antonescu regime fashioned its own decisions rather than having them foisted upon it by the exigencies of an international situation beyond its control: the Romanian army was sent far beyond the national borders, even into Stalingrad; the anti-Soviet war was declared a holy anti-Communist, anti-Slav, and anti-Jewish war; the huge numbers of Jewish and Roma victims are the tragic result of this policy; the Jewish presence in Bessarabia and Bukovina was utterly expunged; many thousands of Russians and Ukrainians were robbed, looted, and shot; the Jewish minority in Romania was plundered, deprived of all civil rights, and forced to work for the benefit of the Romanian state; the German plan for the wholesale extermination of the Jews was first accepted and then rejected; and, last but not least, the Romanian National Bank was transformed into a depository for plundered cash and valuables.⁴¹

³⁹ For more on this, see J. Ancel, “Antonescu and the Jews,” *Yad Vashem Studies* 23 (1993), pp. 213-218.

⁴⁰ As early as November 23, 1940, Antonescu claimed before Hitler that the misfortunes of the Romanians, the collapse of their frontiers, the domestic disorder, and the absence of a moral will to resist was due to the disorganization wrought by Bolshevism and Jewry during the days of the old regime. *Documents on German Foreign Policy, 1933-1945*, series D, vol. 11 (London 1961), nos. 381, 664; see also, letter dated June 22, 1941, from Antonescu to the leader of the opposition, Maniu, regarding the definition and nature of his regime. AMI, file 40001, vol. 34.

⁴¹ See *ibid.*, no. 12, pp. 216-280.

The full horror of the Antonescu regime's crimes against the Jews, which were the most wide-ranging and terrible that it committed, were not fully known at the time of the trial. They were, of course, mentioned and included in the indictment, but—given the fact that crucial Romanian matters were taboo, given the way the trial was organized and pursued, given the carefully selected audience and the censored press—they did not touch the hearts of many Romanians. The vast majority of Romanians knew about these crimes (though perhaps not about their full magnitude and results), as the leader of the National Liberal Party stressed in his deposition: “I mean the massacres of Odessa, of Iasi and Bukovina, which everyone knew about.”⁴² Another factor that weakened the impact of the revelation of the fascist regime's crimes against the Jews was that between August 23, 1944, the day of Antonescu's arrest, and the date of the trial, the Romanian people experienced Russian occupation and plunder and the emerging rule of a Communist Party that had never expressed Romanian interests and had previously been almost non-existent.

The true extent of the crimes against the Jews and the Roma and Antonescu's plan to cleanse Bukovina and Bessarabia of Slavs are only now being revealed in the wake of the recent opening of the Romanian archives captured by the former Soviet Union. Newly-revealed crimes include the shooting and burning of more than 70,000 Jews in the camps near the Bug River; the massacre, burning, or deportation of about 80,000 Odessan Jews (from a large area encompassing Odessa, in which the total number could be around 80,000); the participation of medical teams in these crimes; and the degree of Romanian Army High Command involvement and connivance in these atrocities.

At the time of the trial, the attention and accusations of the prosecution were directed elsewhere. The court tried to judge Antonescu's deeds in light of principles, ideas, and norms completely alien to Romanian interests; thus, the accusation was made against both Antonescu's regime and the opposition that they did not commit Romania to a military struggle against Nazi Germany in the manner of Tito in Yugoslavia, the Slovaks, or the Polish uprising.

One of the objectives of the trial was to discredit those national leaders, parties, and forces that might have opposed the Communist takeover of Romania—people such as Maniu, Bratianu, and Mihalache of the National Liberal and National Peasant parties and their close associates. The investigators, the prosecution, and the court sought to link Maniu and Brătianu to

⁴² Deposition of Constantin I. C. Bratianu, 9 May 1946. AMI, file 40010, vol. 2, p. 260.

the fascist regime, to characterize them as conniving with its criminal deeds, and to present them as tacitly supporting Antonescu's plans and decisions, including participation in the anti-Soviet war (with no distinction being made between captured Romanian territory and the Soviet Union proper). The opposition party leaders were presented as promoters of fascism, defenders of the "capitalists' and boyars' interests" against the interests of the "working class," and so forth. From this point of view, the trial was the opening sortie in the campaign that culminated in the great political show trial of 1947—that of Maniu, Brătianu, and Michalache, among others. All were to die in prison.⁴³ In almost all of the acts of indictment in the trials of the war criminals there were references emphasizing the fact that the Antonescu's regime was sustained by the active support of the "landlords, bankers, and factory owners." For example, the indictment documents of the Iasi pogrom stated, "Fascism subjugated the interests of the Romanian people to the interests of the groups of landowners and bankers, and dragged Romania into the criminal war on the side of Hitler."⁴⁴

The court uncovered an entire network of resistance to Antonescu's regime, consisting of communists, workers, peasants, and so-called democratic forces. In fact, however, such a network did not exist. Since Antonescu's regime enjoyed the tacit support of most Romanians, it did not use terror against Romanian citizens, it had no SS-type organization, and it did not place ethnic Romanian citizens in concentration camps. Moreover, during the period in question, the Communist Party did not exceed more than a few hundred members, most of them of non-Romanian, and the fear of Soviet occupation was always greater than the fear of Nazi Germany.

In conclusion, the Soviet occupation and the Communist regime imposed on Romania prevented a real debate on Romanian fascism and Antonescu's regime or the defects of Romanian society and its values. So, any national catharsis was thereby prevented. In retrospect it seems that, with Antonescu's downfall, the Romanians would have been ready and willing to re-adopt the Western democratic values that the Romanian fascists had so despised, in the understanding that they suited Romanian interests, preferences, and culture and because Romania was favorably prejudiced toward the West.

⁴³ The relationship between Maniu, Brătianu, Mihalache, N. Lupu, and others and Antonescu's regime and their role therein is a complex subject that cannot be addressed here. Maniu clearly opposed attempts to make him co-responsible for the crimes of the regime: "the defendants in the dock are the only ones responsible for their policy" he said at the trial. Deposition of I. Maniu, May 11, 1946. AMI, file 40010, vol. 2, p. 293.

⁴⁴ United States Holocaust Memorial Museum/Romanian Information (Intelligence) Service (henceforth: USHMM/SRI), RG 25.004M, roll 47, Fond Anchetă, Procesul criminalilor de război, Masacrul de la Iasi, 1947.

Antonescu's regime, like that of Nazi Germany (albeit to a far lesser extent) sacrificed the principles of European civilization and elementary notions of humanity and violated international law. In so doing, it prompted a moral regression in Romania that has been felt in the attitudes that emerged toward the postwar trials after 1989.

The Trials of the War Criminals and the Holocaust

At the end of the 1940s and early 1950s, several years after the cessation of the activities of the Peoples' Courts, a new set of trials of accused war criminals took place. The Penal Code was the legal basis for these trials. For example, in the case of accused Nicolae Caracăș, the legal basis for his indictment is evident: in Sentence no. 28 of January 24, 1947, the Military Court of Region 2 sentenced Caracăș to twenty years of hard detention for a crime punished under Article 193/1 and the confiscation of property. The Military Tribunal accused Caracăș of the following:

Between July 21, 1941, and March 1942, Nicolae Caracăș, ex-colonel of the gendarmerie, served as Commander of the Lapusna Gendarme Legion.

1. In this capacity, before entering Bessarabia with his units, gave orders that Jews and political suspects be shot.
2. Ordered by the accused, in the village of Valea Mare, the gendarmes shot a forester by the name of Ion, suspected of spying.
3. In Calarasi (in Bessarabia), the accused gave orders for the execution of Jews and suspects. The executions were carried out by Sgt. Nicolae Saptébani, the chief of the gendarmerie section in Calarasi, by Sgt. Constantin Vacaru, by Sgt. Maj. Serghie Mocanu, and other gendarmes of the forces.⁴⁵

To this four more charges were presented against the accused. The ex-colonel of the gendarmerie denied all the charges against him. Moreover, he claimed that the order to execute the Jews in Bessarabia was given by General Vasiliu, governor of Bessarabia, in Roman, when the gendarmerie forces about to cross the Prut River were given their instructions. The reference is to the well-known order by General Vasiliu to "cleanse the land." The whole trial consisted of the testimonies and counter-statements by witnesses for the prosecution and the defense. The accused rejected accusations of crimes against Jews claiming, "We are not contesting that there were executions of Jews, but from the administrative evidence it is evident that these executions

⁴⁵ USHMM/SRI, RG 25.004M, Roll 15, Fond Anchetă, dos. 582, vol. 1.

were not carried out by gendarmes, but by armed forces that occupied the territory, and moreover, not under orders from the defendant.”⁴⁶

The tendency of the accused from the gendarmerie was to lay all responsibility of the crimes against the Jewish population on the army. Through the dossiers of the accused from the gendarmerie this pattern is evident; they tried to make the Romanian army culpable by claiming that the Jews passing through areas in Bessarabia on the way to Transnistria were guarded and were under the responsibility of the military.

Former Major Brotea Dumitru, the second person charged with leading the gendarme legion in Lapusna, revealed a significant detail during his trial; namely, that Col. Nicolae Caracaş was questioned already in 1941 for crimes against Jews. “Around November 1941, an inhabitant of Calarasi, named Gavrilita, filed a charge at the Chisinau military court against Sergeant Major Saptebani of the Lapusna Gendarme Legion, chief of the Calarasi unit, claiming that this NCO, together with local guards, shot an elderly Jewish woman, robbed her of her two suitcases carrying belongings and jewelry.” An inquiry made at the time revealed that Saptebani recognized the murder of Jewish woman, but claimed it was on the orders of Colonel Caracaş. Furthermore, it was claimed that Ion Antonescu and Constantin Vasiliu were given details of a series of abuses committed by the gendarme forces under the command of Colonel Caracaş, and as a result he was moved from the command in Lapusna to Teleorman.⁴⁷ It is true that from this “witness testimony” it is not clear whether the complaints presented to Antonescu about Colonel Calaras’s behavior included his attitude toward Jews, but it could be a possibility.

In the archival dossier of the case, there is a memorandum by Nicolae Caracaş, in which he opposed his trial held in 1947, claiming that a 1945 inquiry regarding the same charges had found him not guilty. He wrote that in 1945, without being arrested “even for a moment,” the inquiry had found him to be not guilty. However, he was arrested in September 1947.⁴⁸

These aspects are mentioned because they may serve as arguments in favor of those who are promoting the juridical rehabilitation of those convicted of war crimes. Such cases must be clarified, because sooner or later there may occur situations in which persons directly implicated in the Holocaust may be judicially cleared due to misconduct at their trial. Once clearance and

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ *Op. cit.*, dos. 582, vol. 3.

rehabilitation is given, they are almost impossible to annul. Prosecutor General Ilie Botos referred to such cases in July 2004—cases related to crimes against humanity.⁴⁹

Another important trial was that of Lt. Col. (res.) Iliescu Dumitru, former commander of the Soroca Gendarmerie Legion, held at Criminal Court S in Bucharest, contained in File no. 1939/1948. The charge was that, by his order and with his knowledge, 200 Jews were massacred en masse in Soroca County in 1941.⁵⁰ The charges were rejected by the accused with the argument that the Jews passing through Soroca were under the responsibility of the Romanian army. The gendarmerie was responsible for public order and the security of the local inhabitants and had no responsibility for the fate of the Jews. This became a leitmotif in the trials of officers and NCOs of the gendarme legions of Bessarabia.

File no. 218/948 of the Bucharest Court prosecutor's office, War Criminals investigations, deals with the case of a civilian who used the political atmosphere to express his hatred of the Jews. In this context, a citizen could exercise his most primitive mentality and attitude. The acts of indictment prepared by prosecutor Nicolae Vladescu stated the following:

Rusu Vladimir, age 33, clerk by profession, last address in Dorohoi....in preventive custody in Vacaresti penitentiary....The accused Rusu Vladimir, in July 1941 was in the township of Sadagura, Cernauti County. Following the withdrawal of the Soviet troops from the Cernauti area, the accused took control of police activities in the area before the entry of the Romanian troops. On his own initiative he formed a gang of robbers and criminals, which included the Serbanovici brothers, Sefciuc, Levitchi, and others. Under his leadership, on the night of July 5-6, 1941, they shot peaceful civilians of Jewish origin in the villages of Rohosna, Jujuca Noua and Sadagora in Cernauti County, after which they took over possessions of the massacred persons.⁵¹

⁴⁹ Declaraie apărută pe Mediafax.

⁵⁰ Ibid., roll 15.

⁵¹ Ibid.

Another case that demonstrates the aggressive antisemitism of civilians was that of Gavrilovici Constantin, driver at the Iasi bus depot next to the Iasi police station, where on June 29, 1941, a group of Jews tried to find refuge (running from the police station). The accused took the rifle of a soldier, who had fainted when hearing shooting at the police station, and started shooting the Jews who tried to find refuge in the depot yard.”⁵² He was sentenced to fifteen years for crimes against humanity.

The Penal Code was supplemented by several further legal statutes, which were often used in combination and allowed the prosecution of persons charged with crimes. For example, in the case of the “Orhei Lot,” tried at the Bucharest Court, File no. 204/1950, the combination of several legislative clauses was used as the basis of the prosecution’s case. From the indictment of the ninety-five persons accused in the “Orhei Lot,” it is clear that the new regime used propagandistic political arguments:

With the instauration of the Antonescu regime, the Berlin style of terror, robbery, and assassination was also introduced in Romania, the same patterns that existed in fascist Europe from 1933, with the rise of Hitler to power by the capitalists.

From September 6, 1940, racial hatred [without mentioning against whom this racial hatred was turned; author’s note] was unleashed as Legionary gangs started with killings as in Dorohoi, becoming more and more vicious during the rebellion and culminating with massacres during the war. The massacres in Orhei, prosecuted in this trial, were not isolated. They took place in short intervals or at the same time as other massacres in Iasi, Stanca Rozvaneanu, Taura Noua, Gura Cainari, Marculesti, Sculeni, Balti, Rauteni, Alexandrei, Lipscani, Chisinau, etc.

On page four of the sentence, there is a description of the massacres, defined as war crimes, which were carried out against “the Soviet people, communists, and Jews.” After graphic

⁵² Ibid., roll 17, dos. 504/1955, Tribunalul Capitalei, Colegiul II Penal.

details of the bestiality and sadism of the crimes, the sentence returned to the political aims of the perpetrators and the identity of the victims.

The war of aggression and plunder launched against the peaceful Soviet peoples, imposed on the Romanian people by a totalitarian regime...The communist activists, the best sons of the people and the avant-garde of the working class had to be killed as they represented the danger of death for the bankers and industrialists, the defenders of Hitlerism. Likewise, Jews also had to be exterminated as a diversion aimed at distracting the attention from the huge numbers of victims of the war, victims that fell in sacrifice to the interests of the bankers and industrialists...a sacrifice aimed at giving satisfaction to the bestial instincts of plunder and destruction long fomented in the propaganda of racial hatred.⁵³

The massacres against Jews are most frequently depicted in the prosecution documents and evidence presented in the indictments dealing with localities in Bessarabia. The above citation from the trial of the “Orhei Lot” contains 238 pages with detailed descriptions of the events in the villages and towns of Bessarabia under the control of the gendarmerie. However, as seen from those parts of the indictment where the political background of the crimes is presented, the low priority of the fate of Jews is evident; and while most of the crimes were committed against Jews, they are addressed last, after the Soviets and communists, as if the Antonescu regime had the same policy toward the communists as they did toward the Jews.

The trial against those accused “of crimes against the population of Iasi”—in fact, the trial of the accused of the Iasi pogrom of June 1941—had the same characteristics. The very name of the trial, of people accused of crimes against “the population of Iasi,” does not focus on the real and only victims of the crimes: the Jews. This situation was characteristic of the postwar trials, where the details left no doubt as to the identity and fate of the victims, but the political jargon of the era prevented open discussion about the victims, Jews, killed because they were

⁵³ Ibid., roll 16.

Jews. The formula of “racial hatred” is never clearly clarified in the documents, as if “Jews” and “racism” had no connection.

Fifty-seven people were tried in the Iasi trial: 8 from the higher military echelons, the prefect of Iasi County, and the mayor of Iasi, 4 military figures, 21 civilians, 22 gendarmes. One hundred sixty-five witnesses, mostly survivors of the pogrom, testified at the trial. The acts of indictment of the Iasi pogrom and the environs, in which 223 arrested people were charged (File no. 5260/1947), again show the priorities and political messages of the era. Several examples detail the perception of the war and the crimes committed: “In Poland, Czechoslovakia, Bulgaria, and France, and especially on the territory of the Soviet Union...the fascist hordes killed millions of peaceful inhabitants, children, women, the elderly...intellectuals. In Romania, fascism turned its murderous face toward the working class...In Romania, fascism subordinated the people to the interests of the cliques of landowners and bankers...The best sons of the people were executed....”

After long paragraphs presenting the Marxist viewpoint on fascism and Nazism, the indictment turned to the Jewish aspect: “Especially criminal was fascist barbarism toward the Jewish population wherever the occupying forces passed. Jews lost more than six million victims to fascism. In Poland more than three million Jews were massacred. Millions more were exterminated in the other countries occupied by the fascists....Also in Romania fascism used racism for its criminal purposes, sacrificing thousands and thousands of human lives, in order to distract the attention of the Romanian people from the calamity into which it was dragged...The crimes of fascists in Romania cannot be counted, as uncounted are the damages brought to the people and the country. The most horrific barbarism of fascism in our country was the massacre of tens of thousands of the population of Iasi for the crime of being Jewish. It was not by chance that the largest number of victims caused by fascism was from the Jewish population of Iasi, as Iasi is the locality where hooligans and paid agents of fascist and German imperialism, like A.C. Cuza and Corneliu Codreanu, poisoned the youth for decades.”⁵⁴

The arguments of the indictment were of four major categories: (1) rumors on the cooperation of the Jewish population with the enemy; (2) communiqués published by the authorities, such as in the newspaper *Prutul* of June 27, 1941: “all those in the service of the enemy will meet with capital punishment;” (3) army documents, such as Telegram no. 3313,

⁵⁴ Ibid., roll 47.

dated June 29, 1941, from the commander of the 14th Division, which stated that Soviet parachutists were saved by inhabitants of Iasi and “thus circulated the rumors that were to be found to be untrue;” (4) orders of the local authorities forcing the Jewish population to hand over all headlights, binoculars, and cameras to the authorities.⁵⁵

The authorities collected large amounts of data and evidence for the Iasi trial. The indictment rejected the allegation of the Antonescu government immediately after the pogrom that some 500 “Judeo-communists” were executed. The indictment stated that more “than 10,000 peaceful inhabitants of Iasi were massacred.” The investigation file reconstructed the events in chronological order as they took place in Iasi, Stanca Roznovan, Marculeti, and Gura Căinari, identifying the accused and placing the charges against them in the relevant laws.⁵⁶ In the second volume of his *Cartea neagră* (The Black Book), Matatias Carp published reports, documents, and testimonies of the accused from the Iasi pogrom.

“Sentence. Based on art. 3 of Law no. 291/1947 on the punishment of those guilty of war crimes and crimes against peace, is the following sentencing for crimes committed:

1. Life sentence with hard labor, 100 million lei in damages: Gen. Gheorghe Stavrescu, Col. Captaru Dumitru, Col. Matieş Emil, Lt. Col. Ionescu Constantin Micandru, Lt. Col. Marinescu Danubiu, Maj. Balotescu Gheorghe, Maj. Tulbure Emil, Slt. Mihailescu Eugen, Triandaf Aurel, Cristescu Gheorghe, Grigore Petrovici, Cimpoeşi Gheorghe, Staff Sgt. Mihailov Vasile, Commissar Ion Botez, Sgt. T.R. Manoliu Mircea, Cercel Dumitru Cudi, Vivoschi Emil, Ghiţă Iosub, Grosu Gheorghe, Lubaş Rudolf, Rusu Dumitru called Gheorghe.
2. Life sentence in harsh conditions and 100 million lei in damages: Col. Lupu Constantin.
3. 25 years hard labor for Andronic Dumitru, Blându Constantin, Cristiniuc Leon, Laur Ion, Bocancea Gheorghe, Scobai Ştefan, Aniţulesei Mihai.
4. 20 years of hard labor, 100 million lei in damages to Ciubotăraşu Dumitru, Lazăr Constantin, Lupu Nicolae, Tănase Gheorghe, Ciornei Filorian, Dumitru Dumitru Mănăstireanu Ion, Moraru Dumitru, Păsărica Alexandru, Parlafes Gheorghe, Velescu Vasile.

⁵⁵ Ibid.

⁵⁶ Ibid.

5. 20-year harsh sentence, 100 million lei in damages: Constantinescu Dumitru called Albescu.
6. 15 years of hard labor, 100 million lei in damages: Atudorei Dumitru, Dădărlat Dumitru, Gramatiuc Aurel, Miron Nicolae, Rusu Nicolae, Paraschiva Barlaconschi Morotanu.
7. 5 years of forced labor: Ciobanu Ion called Bălteanu. Several of the accused were acquitted.”⁵⁷

Conclusions

There is no doubt that the postwar trials were a product of the legal framework and judicial perceptions of the era, contrary to those attempting to rehabilitate those accused of war crimes. The trials were politicized to an extent, as evidenced from the acts of indictment, which were in line with the ideological framework of the regime. However, the communist analysis of the nature of fascism, the elements of class struggle, and the constant references to the Soviet Union should not obscure the fact that at the time of the trials, when the whole picture was not clear and data was still missing, the various atrocities against the Jews—the killings, the deportations—were there to see. Moreover, the trials of the “small fries,” which were less politicized, shed more light on the crimes committed against the Jews.

The trials and their content in relation to the Holocaust did not become a source of knowledge about the past during the Communist period. The trials, except those parts that could be used for political purposes by the regime, had the same fate as the overall treatment of the Holocaust. This “black hole” enabled the emergence of those who attempted to whitewash Antonescu and his regime and to de-legitimize the trials. Thus, the trials lost their natural potential to uncover the full extent of the war crimes, of which Jews were the primary but not the only targets. The opening of the archives will enable future generations, through the vast corpus of material that was used for the trials, to learn the extent of the Holocaust in Romania. This is still an almost untapped source, which should be utilized in Romania in order to understand the past.

The postwar trials raise the same questions in Romania as in other European countries where trials took place—were they aimed at seeking justice, revenge, or also, as a top priority, perhaps, to de-legitimize those forces that were challenging the Communist takeover? Even if

⁵⁷ Matatias Carp, *Cartea neagră*, 2d ed. (Bucharest: Diogene, 1996), vol. 2: pp. 163-164.

this power struggle was evident in some of the trials, it should not shift attention away from the truths that Romanian society must face.

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. This cannot be denied, as some do in their attempts to rehabilitate some of the accused on the grounds that the trials were ordered and organized by the Communists. The trials were part of a coherent postwar context and historical logic and had a similar legal basis to that of the Nuremberg Trials. This legal basis was inspired from international law on war and wartime situations as well as on the stated adherence of the victors to the normative statements of peace and humanism.

One peculiarity of the trials was the fact that they established individual and not collective guilt, which was a form of adherence to a fundamental principle of the rule of law. What was novel about them was the decision that not only would the one who pulled the trigger be found guilty, but also the one who contributed to the political and institutional preparation for mass discrimination and mass murder on the basis of ethnicity, race, or political allegiance. In Romania as well as in other countries, the trials of war criminals contributed to a public awareness that there was no excuse for committing or abetting murder against collectives or individuals on the basis of the aforementioned criteria.

To use today allegations of faulty criminal procedure in order to rehabilitate war criminals who humiliated, deported, murdered, or exterminated people because they were born Jews or Roma, or were Soviet POWs, homosexuals, or communists, or belonged to specific religious sects is to reject the most generous values of democracy. Rehabilitation is a most natural enterprise for those with no memory of recent history. And when state institutions become involved, it is sadly possible that an avenue for extremism in politics and civil society may thereby be open.