


ARTICLE

# “These Are not Ordinary Criminals!”<sup>1</sup> The First War Crimes Trial at the People’s Tribunal and Its Implications in Post-Holocaust Romania

Stefan Cristian Ionescu 

Chapman University, Orange, CA, United States  
Email: [ionescu@chapman.edu](mailto:ionescu@chapman.edu)

## Abstract

This article examines the neglected war crimes trials of Holocaust perpetrators that took place at the People’s Tribunal in early postwar Romania, focusing especially on the first trial (the “Macici group”). The article shows that in spite of the political interferences by the new pro-communist regime and the USSR, the Macici group trial in particular, and the first war crimes trials in general, were not Stalinist show trials or fake trials and they sentenced real war criminals and accurately captured Romania’s participation in the Holocaust. Unlike the Antonescu group trial – that indicted the former pro-Nazi dictator and his closest collaborators – the first war crimes trial was not a typical political trial. In general, it respected the rule of law of the era. Resembling the cases of other trials of Nazi perpetrators and collaborators in postwar Europe, the Romanian perpetrators invoked superior orders as their main line of defense. In spite of the public perception and the communist regime’s propaganda, the primary sources show that the People’s Tribunal proved rather lenient and inefficient. Additionally, these trials had an important political-social role in postwar Romania and helped the communist regime discredit political adversaries, purge the judiciary, gain legitimacy, and increase its control of local society.

**Keywords:** Romania; Holocaust perpetrators; war crimes trials; People’s Tribunal

## Introduction

Some of the most under-researched war crimes trials in post-World War II (WWII) Europe are those that took place in Romania at the People’s Tribunal – a special “ad hoc” court with two branches (in Bucharest and Cluj) – between 1945 and 1946. For over a year, the Romanian war crimes trials organized at the People’s Tribunal made the front pages of local newspapers and raised important questions about the mass violence perpetrated by the pro-Nazi dictatorship of General (Marshall from 1941) Ion Antonescu that ruled Romania between September 1940 and August 1944. Hailed by some citizens as examples of the much-needed criminal justice and criticized by others as examples of Stalinist show trials pursued only (or mainly) at the pressure of the USSR, the trials nevertheless had an important impact on Romanian society (including on former perpetrators, victims, bystanders, profiteers, and resisters), on the country’s judiciary and legislation, and on the local politics of history and memory. The trials at the People’s Tribunal have received little international attention and even in Romania they have

<sup>1</sup> These were the words Avram Bunaciu, a people’s prosecutor, addressed to the court in May 1945 in his indictment of the first group of war criminals. *Poporul Acuză! Actul de Acuzare, Rechizitoriile și replica acuzării în procesul primului lot de criminali de război* (Bucharest: Editura Apărării Patriotice, 1945), 6.

not been thoroughly explored by many scholars. When scholars investigated them, they usually focused on the trial of the main decision makers (Antonescu and his ministers) and neglected the lower level war criminals.<sup>2</sup> Even though the People's Tribunal stopped its activity in June 1946 and was formally dismantled in 1947 when an enhanced war crimes law (no. 291 of 18 August 1947) was adopted under the impact of signing the Peace Treaty with the Allies, the trials continued at the regular Appeals Courts and military tribunals until 1955 when Romania abrogated the special legislation aiming to punish the war crimes and crimes against humanity perpetrated during the previous regimes.<sup>3</sup>

This article examines the first war crimes trials that took place at the People's Tribunal in post-Antonescu Romania by tapping unpublished documents from the People's Tribunal (such as interrogations, personal statements, eyewitness accounts, court decisions, and reports), published ego-documents, legislation, diplomatic cables, and the minutes of government meetings. In my analysis, I focus on the criminal laws, the court and the indictments, the defendants and their defence strategies, the evidence, the verdicts of the trials, and their socio-political role in local society.<sup>4</sup> Due to space limitations, my article refers in particular to the first trial (of the 'Macici group,' named after the highest-ranking defendant, General Nicolae Macici). Resembling the case of much better-known Nazi perpetrators and post-war defendants, most of those indicted for war crimes at the People's Tribunal in the Macici group trial claimed that during WWII they were just cogs in the State machinery, and that they had to obey their superiors' orders. Similarly, they denied that they participated in the crimes they were indicted for, or blamed others for committing those crimes.<sup>5</sup> Regarding legality, even though the early People's Tribunal trials illustrate some forms of political interferences by the new pro-communist regime (who came to

<sup>2</sup> On Romania's war crimes trials, see Marcel Dumitriu-Ciucă, ed., *Procesul Mareșalului Antonescu: Documente* (Bucharest: Saeculum I.O., 1995); Iuliu Crăcană, *Dreptul în slujba puterii: Justiția în regimul comunist din România 1944-1958* (Bucharest: Institutul Național pentru Studiul Totalitarismului, 2015), 78–133; Bogdan Chiriac, *The Trial of the Antonescu Group (May 6-17, 1946) and the Communist Takeover in Romania: A Historical Interpretation* (PhD diss., Central European University, 2017); Dennis Deletant, *Hitler's Forgotten Ally: Ion Antonescu and His Regime, Romania 1940-1944* (Palgrave Macmillan, Basingstoke, 2006), 245–61; Tuvia Friling, Radu Ioanid, and Mihail Ionescu (eds.), *Comisia Internațională pentru Studiarea Holocaustului în România: Raport Final* (Iași: Polirom, 2006), 311–31; Emanuel-Marius Grec, "Transition on Trial: The People's Tribunals between Historiography and the Politics of Memory in Post-War Romania," *Holocaust: Studii și Cercetări* XII, No. 13 (2020): 293–326; Radu Ioanid, ed., *Lotul Antonescu în ancheta Smerș, Moscova, 1944-1946: Documente din arhiva FSB* (Iași: Polirom, 2006), 13–81; Andrei Muraru, "Legislation and War Criminals' Trials in Romania," *New Europe College Ștefan Odobleja Program Yearbook 2009-2010* (2010): 111–76; Idem, "Romanian Political Justice. The Holocaust and the War Criminal Trials: The Case of Transnistria," *Holocaust: si Cercetări* X, no 11 (2018): 98–184; Cristina Păiușan, "Justiția populară și criminalii de război, 1945–47," *Arhivele Totalitarismului* 7, nos. 1–2 (1999): 150–65; *Poporul Acuză* (Bucharest: Editura Apărării Patriotice, 1945); Corneliu Pintilescu, *Justiție militară și represiune în România comunistă (1948-1956). Studiu de caz: Activitatea Tribunalului military Cluj* (Cluj-Napoca: Presa Universitară Clujeană, 2012); Michael Shafir, "Romania's Tortuous Road to Facing Collaboration," in Roni Stauber, ed., *Collaboration with the Nazis: Public Discourse After the Holocaust* (London: Routledge, 2011), 245–78.

<sup>3</sup> Crăcană, *Dreptul*, 79–104; Andrei Muraru, "Outrageous Rehabilitation: Justice and Memory in the Attempts to Restore the War Criminals Remembrance in Post-Holocaust Romani. The Recent Case of General Nicolae Macici (I)," *Holocaust: Studii și Cercetări* XII, No. 13 (2020): 333.

<sup>4</sup> The documents of the war crimes trials at People's Tribunal have been largely preserved in the Romanian archives of the Secret Police (*Securitate*) and later the Romanian Information Service (SRI) and the National Archives of Romania (ANR). I have used the copies of these trials' documents from the collection held by the United States Holocaust Memorial Museum (USHMM).

<sup>5</sup> On the war crimes trials of Nazi perpetrators and collaborators see, for instance, Michael Bazyler and Frank M. Tuerkheimer, *Forgotten Trials of the Holocaust* (New York: New York University Press, 2014); David Crowe, *War Crimes, Genocide, and Justice: A Global History* (Basingstoke: Palgrave Macmillan, 2013); Thomas Jardim, *The Mauthausen Trial: American Military Justice in Germany* (Cambridge: Harvard University Press, Cambridge, 2012); Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press, 2001); Andrew Kornbluth, *The August Trials: The Holocaust and Postwar Justice in Poland* (Cambridge, MA: Harvard University Press, 2021); Devin Pendas, *The Frankfurt Auschwitz Trial, 1963-1965: Genocide, History, and the Limits of the Law* (Cambridge: Cambridge University Press, 2010).

power in March 1945) and the USSR – much less than the most prominent trial of the Antonescu group – they were neither typical Stalinist show case trials nor fake trials and they captured quite accurately the essence of Romania’s participation in the Holocaust.<sup>6</sup> In fact, the People’s Tribunal seems to have been quite inefficient and lenient towards the local perpetrators and at that time, the communist officials who organized them and USSR considered the trials a failure. By organizing the war crime trials – whose preparatory acts started in fall 1944 – the Romanian transitional authorities tried to fulfil their international law obligations stipulated in the September 12, 1944 Armistice Agreement, to please the Allies (especially the USSR), and obtain a better deal at the future peace negotiations. Domestically, the pro-communist government tried to compromise its democratic adversaries (such as the PNT leader Iuliu Maniu and PNL leader Constantin Dinu Brătianu) by constructing connections between them and the previous fascist-military dictatorships and establish itself as the promoter of justice and resistor against Nazism/fascism, gain legitimacy, purge the administration, and consolidate its grip on power.

In the first part, my article presents the historical background of post-Antonescu transitional regimes (including a brief overview of the Antonescu regime and its genocidal policies). I then examine the efforts at adopting the war crimes legislation and organizing the war crimes trials at the People’s Tribunal, focusing on the first trial. Finally, I assess the socio-political role of the first war crimes trials in Romanian society during the post-war years and discuss the ethno-nationalist revisionism and rehabilitation of war criminals during the communist and post-communist era.

## Historical Background

After the putsch that toppled the Antonescu dictatorship on August 23, 1944, Romania changed sides: it abandoned the Axis and joined the Allies. For the next months, Romania was ruled by several transitional governments made of coalitions of largely democratic parties that removed Antonescu. The first such government was formed on August 23, 1944 under the leadership of General Constantin Sănătescu and was based on a coalition made of the National Peasant Party (‘PNȚ’), the National Liberal Party (‘PNL’), the Romanian Communist Party (‘PCR’), and the Social Democratic Party (‘PSD’). It was followed by two other coalition governments made of the same parties and led by the same Sănătescu (October–December 1944) and by General Nicolae Rădescu (December 1944–February 1945). These coalitions of parties with different agendas were weakened by the disagreements and tensions of their members. A major break took place in March 1945 when, as a result of intense Soviet pressure, King Michael appointed a pro-communist popular front coalition entitled the National Democratic Front (FND) – under Prime Minister Petru Groza (the leader of the leftist Ploughmen Front) – in which the communist party was the main player.<sup>7</sup>

The transitional governments faced a difficult task: among various socio-economic, political, and military problems they needed to resolve, they also had to fulfil the Allies’ requirements stipulated in the Armistice Agreement.<sup>8</sup> One of these requirements (Article 14) was to help with the arrest and trial of war criminals: “The Rumanian Government and High Command undertake to collaborate with the Allied (Soviet) High Command in the

<sup>6</sup> By “fake trials” I understand those based on false accusations in which the defendants’ basic rights are not respected: e.g., they cannot choose their lawyers, the prosecution’s (main) evidence is made of the defendants’ confessions or false witnesses’ testimonies obtained under physical and psychological pressure. I consider the Soviet show trials, such as those in the 1930s Moscow, as a variant of fake trials.

<sup>7</sup> Dennis Deletant, *Romania under the Communist Regime* (London: Routledge, 2021); Vladimir Tismăneanu, *Stalinism pentru eternitate: O istorie politică a comunismului românesc* (Iași: Polirom, 2005).

<sup>8</sup> See Ion Alexandrescu, *Economia României în primii ani postbelici, 1945–1947* (București: Editura Științifică și Enciclopedică, 1986); Ghita Ionescu, *Communism in Rumania, 1944–1963* (London: Oxford University Press, 1964); Tismăneanu, *Stalinism pentru eternitate*.

apprehension and trial of persons accused of war crimes.”<sup>9</sup> Struggling with all these demands, the transitional Sănătescu and Rădescu governments perceived the organization of war crimes trials as a relatively important task but the different parties did not easily agree on the practical details of the future war crimes law, special court, and trials. The controversy on how to punish collaborators and war criminals became one of the most intense debates in post-Antonescu Romania, which emerged in the context of a violent political struggle between the pro-communist FND coalition and the traditional historical parties, PNT, PNL, and PSD Titel Petrescu branch. The pro-communist Groza government proved more determined to organize the trials in an expedient and radical manner mainly because it perceived the trials as a major requirement of the Allies (especially the USSR), whom the pro-communist officials tried to please, and because they wanted to delegitimize the pre-1944 anti-communist regimes of Romania, and gain legitimacy and consolidate their power.<sup>10</sup>

The former Antonescu officials had a lot to account for. As one of Hitler’s most important Axis partners who joined the attack against the USSR in 1941 and as the largest contributor to the Holocaust outside Nazi Germany, the Antonescu regime was responsible, between 1940 and 1944, for the persecution and death of hundreds of thousands of Romanian and Soviet Jews, Roma, and other “enemies.” These mass crimes were perpetrated through methods such as ghettoization, starvation, slave/forced labour, theft, deportations, and mass executions, especially in Bessarabia, Bukovina and in the camps and ghettos of Transnistria (which was an occupied territory in South-Western USSR).<sup>11</sup>

While the transition from Antonescu’s dictatorship to the desired democratic society required major changes in the political system and the judiciary, the new authorities engaged in a much more radical transformation of Romania’s political, economic, and legal systems than expected by most citizens after March 6, 1945. The pro-communist government engaged in a massive effort to recruit new members and control key sectors of Romanian society, including the judiciary, by firing some judges and prosecutors, appointing

<sup>9</sup> See the Agreement Between the Governments of the United States of America, the United Kingdom, and the Union of Soviet Socialist Republics, on the One Hand, and the Government of Rumania, on the Other Hand, Concerning an Armistice, September 12, 1944. Yale Law School – The Avalon Project (<https://www.legal-tools.org/doc/6a28cb/pdf>)

<sup>10</sup> Pro-communists were better positioned in that political struggle since they benefited from the support of the Red Army and the Allied Control Commission in Bucharest (controlled by the Soviets). They also controlled the government from March 1945. On PCR’s struggle to gain complete political power, see Ionescu, *Communism in Rumania*, 94–125; Tismăneanu, *Stalinism pentru eternitate*, 107–16; Raphael Vago, “The Unexpected Cosmopolitans – Romania’s Jewry Facing the Communist System,” *European Review of History* 17, no. 3 (2010): 491–504.

<sup>11</sup> On Antonescu’s discriminatory and murderous policies see, for instance, Ana Bărbulescu, “The Underlife of Transnistria’s Ghettos: Recategorizing and Reframing Social Interaction,” *Journal of Holocaust Research* 35, no. 3 (2021): 196–213; Roland Clark, “Fascists and Soldiers: Ambivalent Loyalties and Genocidal Violence in Wartime Romania,” *Holocaust and Genocide Studies* 31, no. 3 (2017): 408–432; Deletant, *Hitler’s Forgotten Ally*; Armin Heinen, *România, Holocaustul și logica violenței* (Iași: Editura Universității “Alexandru Ioan Cuza,” 2011); Gaëlle Fisher, “A Nazi Rescuer? Fritz Schellhorn and the Contested Memory of the Holocaust in Romania,” *Holocaust and Genocide Studies* 36, Issue 2 (2022): 209–223; Grant Harward, *Romania’s Holy War: Soldiers, Motivation, and the Holocaust* (Ithaca: Cornell University Press, 2021); Mariana Hausleitner, *Die Rumänisierung der Bukowina: Die Durchsetzung des national-staatlichen Anspruchs Grossrumäniens 1918–1944* (Oldenbourg: Oldenbourg Verlag, 2000); Radu Ioanid, *Evreii sub regimul Antonescu* (Bucharest: Hasefer, 1998); Dana Mihăilescu, “Early Postwar Accounts on Jewish Orphans from Transnistria,” *Holocaust and Genocide Studies* 36, no. 3 (2022): 353–371; Ion Popa, *The Romanian Orthodox Church and the Holocaust* (Bloomington: Indiana University Press, 2017); Vladimir Solonari, *Purifying the Nation: Population Exchange and Ethnic Cleansing in Nazi-Allied Romania* (Baltimore: Johns Hopkins University Press, 2010); Svetlana Suveica, “Pianos and Paintings from Transnistria: The Plunder of ‘Cultural Trophies’ During the Romanian Occupation (1941–1944),” *The Journal of Holocaust Research* 36, no. 4 (2022): 261–280; Marius Turda, Adrian Furtună, “Roma and the Question of Ethnic Origin in Romania during the Holocaust,” *Critical Romani Studies* 4, no. 2 (2022): 8–32.

new ones, and intimidating the remaining magistrates.<sup>12</sup> To achieve its goals, the communist regime adopted several laws – such as Law nos. 34/1945, 313/1945, 56/1946, and 341/1947 – to reorganise the judiciary with a view to controlling it. Among other changes, these laws removed the judges' tenure ('*inamovibilitate*') and introduced elective non-professional people's judges ('*asesori populari*'). According to historian Dennis Deletant, the Soviet official Andrei Vyshinsky (who visited Romania a few times to support the pro-communist coalition) demanded the communist Minister of Justice, Lucrețiu Pătrășcanu, to purge the judiciary by dismissing more than 1,000 judges and replacing them with more obedient jurists. In a conversation from November 22, 1945 with journalist Mark Ethridge, who visited Romania as an envoy of the US government to investigate the political tensions triggered by the communist seizure of power, Pătrășcanu misleadingly claimed that he "did not make changes in the judiciary except for removing Antonescu's people [...] retiring some superfluous judges and appointing only 20 new judges". These measures, he argued, had a significant impact on the judiciary: "now we can see a change in the magistrates' attitude."<sup>13</sup> Yet, the communists achieved complete control over the judiciary only after 1947 after they arrested the democratic opposition leaders, dismantled any independent organizations, replaced the monarchy with a republic, forcibly merged with PSD (to form a new workers' party), and adopted a new legislation aiming to legitimize its monopoly on power.

### War Crimes Legislation

The Romanian transitional governments adopted a series of laws and administrative measures aiming to bring the war criminals to justice.<sup>14</sup> These transitional governments took around five months to adopt (on January 21, 1945) the first legislation needed to try various categories of war criminals, namely Law no. 50 for Punishing War Criminals and War Profiteers and Law no. 51 for the Persecution and Punishment of Those Guilty of the Disaster of the Country. Since the two laws seemed to be ineffective and did not fit the agenda of his party, Pătrășcanu pushed for the adoption of a more comprehensive and 'flexible' legal provision after his party's popular front coalition seized power in March 1945. This was Decree Law no. 312 from April 24, 1945 for the Persecution and Punishment of Those Guilty of the Disaster of the Country or War Crimes, which established the People's Tribunal and new procedural rules that facilitated the deployment of rapid trials. Law 312/1945 remained the main legal provision used by the People's Tribunal.<sup>15</sup> The law set out several categories of crimes and criminals, including "war criminals" and the new, ambiguous, and broad concept of "those guilty for the country's disaster."<sup>16</sup> The latter concept targeted (in paragraph a) the influential individuals who had political power during the Antonescu regime, advocated for Nazism and fascism, and allowed the entry of the German troops in Romania. The second category of persons who could be indicted under this

<sup>12</sup> On the communists' efforts to control the judiciary see, for instance, Florian Banu, "Instrumentalizarea justiției de către regimul comunist, 1945–58," *Caietele CNSAS* year II, no. 2 (2009): 121–145; Crăcană, *Dreptul*, 51–166; Chiriac, *The Trial*, 120–26; Muraru, *Legislation*, 111–76; Tismăneanu, *Stalinism pentru eternitate*, 109.

<sup>13</sup> Dennis Deletant, *Romania Under Communist Rule* (Iași: Center for Romanian Studies, 1999), 65–66; Ulrich Burger, *Misiunea Ethridge în România* (Bucharest: Fundația Academia Civică, 2000), 164–65; Pintilescu, *Justiție militară*, 56–59; the Supreme Court judge Constantin I. Năvârlie recorded in his diary the various methods used by Pătrășcanu in 1944–46 to pressure and intimidate the magistrates, see Constantin I. Năvârlie, *Între abandon și crucificare: România 1944 – 1946: vol. 1* (Craiova: Editura de Sud, 2000).

<sup>14</sup> On Romania's war legislation, see Chiriac, *The Trial*, 110–36; Muraru, *Legislation*, 11–76.

<sup>15</sup> Historian Andrei Muraru has argued that Law 312/1945 was predominantly of Soviet inspiration and incorporated some elements of the local legal system. Muraru, *Legislation*, 121–124; Muraru, *Romanian Political Justice*, 105–06. Historian Emanuel Grec has also recognized the influence of the Soviet law especially concerning the procedure but argued that the general framework was inspired by the Western international law. Grec, *Transition on Trial*, 303–304.

<sup>16</sup> Florin Abraham, "Justiția în România comunistă: Între control politic și autonomie," *Arhivele Totalitarismului* 24, nos. 3–4 (2016): 181–201; Chiriac, *The Trial*, 129–140; Crăcană, *Dreptul*, 78–106; Deletant, *Hitler's Forgotten Ally*, 245–49; Ioanid, ed., *Lotul Antonescu*, 29–31; Muraru, *Legislation*, 133–34, 162.

accusation (paragraph b), were the individuals who acted through any means (in writing, orally, etc) for the preparation and the implementation of the arrival of the German troops in Romania after September 6, 1940 (when Antonescu and the legionaries came to power). This second paragraph was broadly and vaguely defined and could include almost anyone – from journalists and leaders of organizations to ordinary citizens – who supported and publicly advocated for the alliance with Nazi Germany between September 1940 and August 1944.

Even though the communists controlled the Groza government, Pătrășcanu faced some criticism when he presented the draft Law no. 312 to his colleagues during a government meeting on March 31, 1945. Several ministers criticized the law's problematic legality and constitutionality, its hasty nature and vagueness, and offered suggestions for improvement. Such suggestions came from the representatives of PNL and PSD, as well as especially the Minister of National Defence, General Nicolae Rășcanu. Aiming to change the text in order to protect the army officers suspected of war crimes, Rășcanu engaged in a heated debate with Pătrășcanu. For example, Rășcanu wanted the law to allow prosecution only of those who perpetrated the crimes on “their own initiative”, which would have spared those who killed or engaged in other harmful activities following superior orders and, thus, would have made the law useless, as Pătrășcanu correctly argued. Rășcanu also claimed that the law was too general and arbitrary, that the special “people’s prosecutors” received too much power, and that the draft law disregarded the Penal Code and the Constitution. While Pătrășcanu repeatedly admitted that Law no. 312 was a “political law” and allowed “rapid political repression that aims to give satisfaction to the popular opinion, the Allies, and our current [communist] beliefs”, he denied that the draft law disregarded the Penal Code and the Constitution.<sup>17</sup> The topic of the constitutionality and legality of Law 312 remained controversial among politicians, jurists, and the educated public even though the Supreme Court rejected the unconstitutionality exceptions raised by the defendants’ lawyers.<sup>18</sup>

Law no. 312 established the important rules in dealing with war criminals and those responsible for the country’s disaster. Firstly, it created the People’s Tribunal, which was a special court not stipulated in the traditional penal legislation. Secondly, it introduced some non-jurists in addition to professional jurists: ‘*acuzatori publici*’ (acting as ‘people’s prosecutors’ and who were conferred extended powers and were appointed by the government without the control of the judiciary) and “*asesori populari*” (acting as people’s judges and who were elected from lists of judges compiled by the political parties of the government coalition).<sup>19</sup> Thirdly, it seriously restricted the defendants’ motives to appeal against the Tribunal’s decisions. For instance, as Supreme Court judge Constantin I. Năvârlie recorded in his diary on June 1, 1945, the law stipulated only two procedural technicalities as reasons to appeal the Tribunal’s decision compared to the 20 motives for regular criminal cases (including those related to the substance of the accusations). They were the wrong composition of the court and the application of the sentence to specific crimes. These limited appeal motives greatly restricted the defendants’ possibilities to obtain the reversal of the initial decision. Năvârlie also recorded his (and eight other judges’) opinion that the paragraphs that stipulated the death penalty and confiscation of wealth for those found guilty of war crimes and country disaster were unconstitutional, even though the majority of the Supreme Court judges considered that those paragraphs respected the constitutional

<sup>17</sup> See the minute of the March 31, 1945 government meeting, in Marcel Dumitru Ciucă, ed., *Stenogramele Sedințelor Consiliului de Miniștri: Guvernarea. Dr. Petru Groza: Instaurarea regimului pro-comunist: vol. I (7 Martie - 27 Iulie 1945)* (Ordessos, Pitești, 2014), 171–79; on the concept of political justice, see, for instance Otto Kirchheimer, *Political Justice: The Use of Legal Procedure for Political Ends*, reprint edition, (Princeton: Princeton University Press, 2015); Muraru, *Romanian Political Justice*, 98–104.

<sup>18</sup> See the Supreme Court (*Înalta Curte de Casație și Justiție*)’s decision no. 15 of May 31, 1945, which rejected the unconstitutionality exception raised by the defendants’ lawyers in *Curierul Judiciar*, no. 16 (1945): 183–187.

<sup>19</sup> Crăcană, *Dreptul*, 88–91.

order, and thus prevailed in rejecting the defendants' appeals.<sup>20</sup> These technical changes brought by Law no. 312 allowed for the deployment of faster trials and increased the court's powers to convict the defendants to harsher punishments.

### The People's Tribunal and Its Tasks

Established on April 25, 1945 through a decision of the Minister of Justice Pătrășcanu, the People's Tribunal was initially supposed to include two representatives from each of the parties of the coalition that toppled Antonescu, namely PNȚ, PNL, PCR, and PSD.<sup>21</sup> The pro-communist Groza government, which was based on a Popular Front strategy aiming to simulate a broad and representative coalition, included two insignificant parties – PNL Gheorghe Tătărescu and PNȚ Anton Alexandrescu. These were splinter groups from the real PNL and PNȚ and claimed to represent the traditional democratic parties. Soon the Groza government changed the structure of the administration, including that of the People's Tribunal. PNȚ leader Iuliu Maniu considered that the composition of the People's Tribunal panel of judges – which included delegates from the 'phantom parties' PNL Tătărescu and PNȚ Alexandrescu – was a violation of the initial agreements on the composition of the People's Tribunal and thus a reason to challenge the legality of the special court.<sup>22</sup> In the end, nothing was changed and the opposition parties were excluded from nominating members for the People's Tribunal.

Hastily organized by the Groza government, who was eager to start the trials as soon as possible, and lacking adequate resources and logistic support, the People's Tribunal was a mixture of professional jurists – judges, public prosecutors, and lawyers – and non-jurists designated to represent a broad stratum of the society. The professional jurists were not recruited from the country's most prominent legal professionals but from those who were younger and/or who seemed to be loyal to the government. For example, Alexandru Voitinovici, a young prosecutor from Ilfov Tribunal (and a relative of Pătrășcanu), was initially appointed as a judge and later as the president of the People's Tribunal. Avram Bunaciu was a more experienced lawyer and prosecutor who had connections with the communist party and was appointed as a 'people's prosecutor' at Bucharest People's Tribunal and later replaced Pătrășcanu as the Minister of Justice.<sup>23</sup> The 'people's judges' (*asesori populari*) and 'people's prosecutors' (*acuzatori publici*) were recruited from a variety of professional backgrounds. For example, the panel of judges that tried (in May 1945) the first group of war criminals was made of a professional judge Ilie Țabrea (a judge at Bucharest's Court of Appeals) and eight 'people's judges', namely Alexandru Voitinovici (a prosecutor), Niță Vasile (a worker nominated by PCR), Gheorghe Ionescu (a builder nominated by PNL-Tătărescu), Constantin Lăpușneanu (a professor nominated by PNȚ – Anton Alexandrescu), Ioan Păuna (a worker nominated by PSD), Dumbravă Ioviță (a peasant nominated by the Ploughmen Front), Constantin Tiulescu (a worker nominated by the General Laborers Union), and Stelian Nițulescu (a lawyer nominated by the Patriotic Union). Thus, all the political parties and organizations that nominated judges and prosecutors belonged to the pro-communist government coalition. The indictments were brought by two 'people's prosecutors': Avram Bunaciu (a lawyer) and Dumitru Săracu (a worker – a former waiter).<sup>24</sup>

<sup>20</sup> Năvârlie, *Între abandon și crucificare*, vol. I, 100–101.

<sup>21</sup> Crăcană, *Dreptul*, 83.

<sup>22</sup> See the diary records (May 10, 1946) of Corneliu Coposu, who was Maniu's secretary and who attended the trial of the Antonescu group when Maniu testified as a defense witness. Corneliu Coposu, *File dintr-un jurnal interzis: 1936 – 1947, 1953, 1967 – 1983* (Bucharest: Vremea, 2014), 486–487.

<sup>23</sup> Liviu Țăranu, *Avram Bunaciu: Biografie, Reflecții, Corespondență* (Bucharest: Editura Enciclopedică, 2011); Banu, *Instrumentalizarea justiției*, 121–147; On Dumitru Săracu, see ANR, Fond 95, File 122363, 34; see also ANR, *Colecția 53*, File S/45.

<sup>24</sup> See the judges' panel decision in the first trial, May 22, 1945: SRI, *Trial of Romanian officials and officers accused of war crimes in Transnistria. Court papers. Massacre of Odessa. Deportations from Bukovina. Massacre from Bogdanovka. Court*

This shows that, out of the first nine judges, only three (33 percent) had legal training and, out of the two prosecutors, only one (50 percent) was a legal professional. The non-jurists were more numerous than the legal professionals among the People's Tribunal judges and had the ultimate word in case of disagreement.<sup>25</sup> The trials followed a civil law system, with judges playing the main role in court, and laws (and not legal precedents and adversarial system) as the driving force of the trials.

In the earliest war crime trial (the 'Macici group trial'), the People's Tribunal indicted (on May 3, 1945) 46 men – mostly former military and civilian officials in Bukovina, Bessarabia, and Transnistria, – for 'war crimes' (torture, murder, deportation, and robbery) based on Law no. 312.<sup>26</sup> A few weeks later (on May 22, 1945), the court sentenced 38 defendants to death or prison terms; later, all the capital punishments were converted into life imprisonment.<sup>27</sup> Other trials soon followed. The second trial examined the case of 14 prominent nationalist journalists accused of having disseminated fascist, pro-Axis, racial prejudice as well as anti-Soviet, and war-mongering opinions during the Antonescu regime. While several individual Jews were indicted in various trials, an entire trial at the Bucharest People's Tribunal examined the case of prominent Jewish collaborators of the Antonescu regime, namely the wartime employees of the Jewish Centre (*Centrala Evreilor*), which was a Romanian version of a Jewish Council under the Nazi sphere of influence.<sup>28</sup>

The most prominent and politicized trial held at the People's Tribunal (in May 1946) was the sixteenth trial, also known as the Antonescu group trial of major war criminals. They were indicted for war crimes and causing the country's disaster, more specifically for treason in favour of Nazi Germany, anti-Soviet war, the Iași pogrom, racial legislation, dispossession of the Jews, deportation to Transnistria, mass executions in Odessa and other parts of Transnistria, and internment in camps and ghettos. Made of the former dictator Antonescu and 23 of his former high-ranking officials (ministers, under-secretaries of State, high-ranking officers, intelligence service officers), the group also included a number of seven leaders of the Legion of the Archangel Michael, the main fascist organization, who served in the Antonescu government during his first months in power. The People's Tribunal sentenced all 24 defendants: 13 of them to death (six defendants who received death sentences were tried *in absentia*) and 11 to life imprisonment and various prison terms. The Supreme Court rejected the appeals. King Michael pardoned some of those forwarding appeals for clemency and rejected the requests for Ion Antonescu (the dictator), Mihai Antonescu (Minister of Justice; Foreign Affairs; and Propaganda), Gheorghe Alexianu (Governor of Transnistria), and Constantin Vasiliu (Minister of Interior). As a result, out of the 13 people with death sentences, only four were executed, three had their sentence changed into prison sentences, and the remaining six could not be executed because those persons had fled the country.<sup>29</sup>

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decision, 1945, 91–92. USHMM, *Selected Records from the Romanian Information Service (SRRIS), 1936–1984*, Record Group (RG)-25.004M, reel 19, file 40011, vol. 2 (USHMM, SRI, Trial of Romanian officials and officers – Court decision, 91–92).

<sup>25</sup> See Pătrășcanu's directives to "people's judges," in Crăcană, *Dreptul*, 106.

<sup>26</sup> See the indictment act of the People's Tribunal, May 3, 1945: USHMM, SRI, *Trial of Romanian officials and officers – Court decision*, 15–88.

<sup>27</sup> See the People's Tribunal Decision, May 22, 1945: USHMM, SRI, *Trial of Romanian officials and officers – Court decision*, 244–45.

<sup>28</sup> Friling et al., eds., *Raport Final*, 399; Bela Vago, "The Ambiguity of Collaborationism: The Center of the Jews of Romania, 1942–1944" in Israel Gutman and Cynthia J. Haft (eds.), *Patterns of Jewish Leadership in Nazi Europe, 1933–1945* (Jerusalem: Yad Vashem, 1979), 287–309.

<sup>29</sup> Ciucă, ed., *Procesul Maresalului*; Friling et al., eds., *Raport Final*, 397–410; Chiriac, *The Trial*; Cosmin Sebastian Cercel, "Judging the Conducător: Fascism, Communism, and Legal Discontinuity in Post-War Romania," in: Belausau, Uladzislau, Alexandra Gliszczynska-Grabias (eds.), *Law and Memory: Towards Legal Governance of History* (Cambridge: Cambridge University Press, 2017), 228–245; Deletant, *Hitler's Forgotten Ally*, 245–61; Muraru, *Legislation*, 140–41.



The nine trials held at the Cluj branch of the People's Tribunal starting with July 1945 examined the crimes perpetrated mostly by Hungarian military and civilian authorities (soldiers, policemen, and gendarmes) and local Hungarians and Germans against Jews, ethnic Romanians, and anti-fascists during their rule of Northern Transylvania (1940–1944); these trials targeted perpetrators who lived in Transylvania and Banat. Focusing on cases such as the violence against ethnic Romanian and Jewish civilians perpetrated by the Hungarian troops in 1940, anti-Semitic legislation, ghettoization and plunder, and the deportation of the Jews to Auschwitz, the Cluj trials proved more difficult to organize and required more extensive logistics. This was due to the fact that many of those indicted were Hungarian citizens or ethnic Hungarians or Germans who had fled from Romania in fall 1944 before the arrival of the Red Army and the Romanian army, many documents used in these trials had to be translated from Hungarian; and the prosecutors faced more difficulties in locating and obtaining victims' testimonies since many of the deportees had died in Nazi camps and some of the survivors were not present in Romania.<sup>30</sup> Overall, the Cluj branch of the People's Tribunal was more active (trying more war criminals) and harsher (issuing more death sentences) than the one in Bucharest even though the Antonescu regime was responsible for a higher number of deaths among Jewish, Roma, and other civilians in wartime Romania and occupied Soviet territories than the Hungarian authorities in Northern Transylvania. This suggests that some anti-Hungarian and negationist motivations – related to the territorial disputes and ethnic tensions between Romania and Hungary and an attempt to deflect the responsibility for the mass murder of Jews on Hungary (and Nazi Germany) – might have shaped to a certain extent the activity of the People's Tribunal branch from Cluj.<sup>31</sup>

The People's Tribunal investigated 3,954 persons and tried approximately 1,200, of whom 943 were sentenced: 721 in Cluj (100 of them receiving the death penalty but no one was executed because the criminals were still at large) and 222 in Bucharest (48 receiving the death penalty, of whom 4 were executed; the other sentences were commuted into prison time or the criminals were still at large). The court acquitted 303 defendants and the cases of 2,708 persons were dismissed.<sup>32</sup>

After the activity of the People's Tribunal ended in June 1946, the Romanian authorities continued to organize war crimes trials until the 1950s at local Courts of Appeals and military tribunals based on a new law (Law no. 291 of August 18, 1947 for the Arrest and Punishment of Those Guilty of War Crimes or Crimes against Peace and Humanity), which replaced Law no. 312, as well as on the changed Penal Code.<sup>33</sup> These trials continued to be organized in Bucharest and Cluj and, at least initially, more people were indicted for the crimes perpetrated in Northern Transylvania by the Hungarian and German authorities than for the crimes perpetrated by the Antonescu regime in Romania and the USSR.<sup>34</sup>

<sup>30</sup> Attila Gidó and Zsuzsa Sólyom, *Surviving Jewish Inhabitants of Cluj, Carei and Oradea: The survey of the World Jewish Congress in 1946* (Cluj-Napoca: Institutul pentru Studiarea Problemelor Minorităților Naționale, 2010); Zoltán Tibori Szabó, "Transylvanian Jewry during the Postwar Period, 1945–1948," in Randolph L. Braham and Brewster S. Chamberlin (eds.), *The Holocaust in Hungary: Sixty Years Later*. 291–314 (Boulder, CO: The Rosenthal Institute for Holocaust Studies, Social Science Monographs, 2006).

<sup>31</sup> Friling et al., eds., *Raport Final*, 396–97; Muraru, *Legislation*, 158; Shafir, *Romania's Tortuous Road*, 246–47; SRI, *Lists of Romanian citizens condemned for war crimes, most of them from Northern Transylvania*, 1947, USHMM, SRRIS, 1936–1984, RG-25.004M, reel 34, file 40010, vol. 57 (USHMM, SRI, Lists of Romanian citizens).

<sup>32</sup> Crăcană, *Dreptul*, 99–101.

<sup>33</sup> The authorities modified Law no. 291/1947 several times. Among the various changes, they reintroduced the death penalty. Crăcană, *Dreptul*, 85–86, 104, 303–12.

<sup>34</sup> For instance, in October 1947, the government decided on a new list of people that should be investigated for war crimes and crimes against humanity – based on law no. 291/1947 – by the Appeals Courts in Bucharest (31 persons) and Cluj (46). See the Note of the Council of Ministers sent to the Minister of Justice, October 23, 1947: USHMM, SRI, *Lists of Romanian citizens*, 881.

## Defendants and Indictments

The two main accusations used by the People's Tribunal were "war crimes" and "causing the disaster of the country". People's Tribunal did not try anyone for crimes against peace and humanity or genocide, though, in general, crimes against peace overlapped with the content of the crimes stipulated in the paragraphs of Law no. 312. As historians Iuliu Crăcană, Bogdan Chiriac, and Andrei Muraru have noted, this new category of crimes ("crimes against peace and humanity"), prominent at the Nuremberg International Military Tribunal (IMT), was introduced in Romania only through Law no. 291/1947.<sup>35</sup> While continuing the prosecution of war crimes, the content of the new law reflected a clear influence of the international criminal law norms promoted by the Allies through the 8 August 1945 London Agreement and Charter and the Nuremberg IMT. Law no. 291 was adopted on August 18, 1947 as a result of Romania's signing (in February 1947) and preparing to ratify (on August 25, 1947) the Peace Treaty with the Allies, which stipulated in Article 6(1)(a) its obligation "to ensure the apprehension and surrender for trial of persons accused of having committed, ordered or abetted war crimes and crimes against peace or humanity."<sup>36</sup> Thus, the government formally adapted its domestic criminal legislation to the provisions of the Peace Treaty and the emerging international criminal law. At the same time, Law no. 291 was an updated version of Law no. 312, aiming to respond to the Soviet criticism of the People's Tribunal activity and it reopened some of the previously closed cases.<sup>37</sup> Additionally, genocide was a new criminal law concept that was not used as an indictment either at Nuremberg IMT (even though mentioned by the prosecution and included in the war crimes), or at most other war crime trials in early postwar Europe. It was introduced in the Romanian penal legislation only in 1960.<sup>38</sup>

The People's Tribunal indicted groups of suspects – who were connected sometimes loosely through a common pattern, such as specific professional activity, or geographical area in which they carried out the incriminating activities – in collective trials. Some of the People's Tribunal defendants had been arrested months before the trial, and others had fled abroad and could not be apprehended and were tried *in absentia*. Some of the defendants (usually officers and non-commissioned officers, and other types of soldiers, gendarmes, and policemen) were accused of direct killings, torture, robbery, and rape; others (mainly bureaucrats) for adopting racial legislation and other administrative decisions that harmed Jews and other civilians, or for making decisions to confine the Jews, the Roma, and antifascists in camps and ghettos, to dispossess them, to deport them, or to kill them. Militaries and bureaucrats were the bulk of those indicted for war crimes, but sometimes also journalists/public intellectuals, and civilian collaborators were indicted as war criminals.

Some of the men added on the initial war criminal lists were pulled out by the interventions of various local communist or Soviet officials. After avoiding war crimes indictments, some of them joined the communist judiciary as obedient peons. For example, after escaping indictment for war crimes – for his participation as a military judge in the trials of communists in the 1930s and the 1940s and functioning as a head of Antonescu's penitentiary system – colonel Alexandru Petrescu was even promoted to the ranks of the new communist judiciary. Supported by the influential Minister of Defence, Emil Bodnăraş, Petrescu resumed his career as an obedient and ruthless military judge in many high-profile political cases that

<sup>35</sup> Crăcană, *Dreptul*, 85; Chiriac, *The Trial*; Muraru, *Legislatia*.

<sup>36</sup> See Treaty of Peace with Romania, 10 February 1947, Article 6.

<sup>37</sup> Crăcană, *Dreptul*, 101–02.

<sup>38</sup> Francine Hirsch, *Soviet Judgment at Nuremberg: A New History of the International Military Tribunal after World War II* (Oxford: Oxford University Press, 2020). Poland would make an exception as its Supreme National Tribunal jurists used the term genocide in the first trial (June–July 1946). Crowe, *War Crimes*; Gabriel N. Finder and Alexander V. Prusin, *Justice behind the Iron Curtain: Nazis on Trial in Communist Poland* (Toronto: Toronto University Press, 2018). Romania ratified the Genocide Convention on November 2, 1950 (through Decree no. 236) and introduced the crime of genocide in its penal code only in 1960.

took place at military courts from 1947 to the 1950s, in which he issued harsh sentences against democratic opposition politicians, former bureaucrats, real fascists, and war criminals. He even became the president of the Bucharest Military Tribunal in 1948.<sup>39</sup>

## The Depiction of Victims

When referring to the victims of the Antonescu regime, the prosecution and the judges depicted them by using references to their social and political identity and citizenship (as “antifascists”, “the peaceful local population from the occupied territories”, “Soviet partisans”) but also to their ethnic or religious identity (“extermination of the Jewish population”; “deportation and extermination of 8,000–10,000 Gypsies”).<sup>40</sup> While during the first trial the People’s Tribunal explicitly mentioned often that the Jews were the main target of Antonescu’s racist and murderous policies, in other trials, such as the Antonescu group trial, this was not the case. According to the Elie Wiesel International Commission on the Holocaust in Romania, the Holocaust was discussed in only 23 percent of the indictments and the body of evidence at the trial of the Antonescu group that took place in May 1946.<sup>41</sup>

The Soviet-inspired rhetoric slowly began to permeate the indictments from the first war crimes trial. However, even though the May 1945 indictment blamed the defendants for “torturing and killing anti-fascist fighters”, “declaring war to the neighbouring and friendly Soviet Union and the United Nations” and “perpetrating outrageous crimes against the peaceful population of the war zones”, at that time the communist/Stalinist jargon was not yet fully imbedded in the legal system.<sup>42</sup> Gradually, and especially from 1947 onwards, new accusations infused with the communist/Stalinist jargon were used in the war crimes trials organized at the courts of appeals and military tribunals. These Soviet-sounding accusations were based on the modified war crimes laws and the revised penal legislation – adopted by the authorities to fit the requirements of ‘popular-socialist legality.’<sup>43</sup>

## Sources of Evidence

The first war crimes trials relied heavily on official documents of the Antonescu regime (such as those from the wartime Prime Minister’s Military Office or from the Bukovina Governor’s Office, including minutes of the government meetings, laws and ordinances, official proclamations, internal reports, and statistics).<sup>44</sup> Additionally, to support their case, the people’s prosecutors used other documents, such as testimonies of Jewish and gentile eye-witnesses and interviews with the defendants.<sup>45</sup> These documents, testimonies, and interviews were collected in late 1944 and early 1945 by Romanian policemen and judiciary officials. Jewish survivors of deportations, camps, ghettos, and/or labour battalions testified both against and in favour of specific defendants. For example, the former head of Moghilev ghetto, engineer Siegfried Jagendorf mentioned the People’s Tribunal in his memoirs, and

<sup>39</sup> Iuliu Crăcană, “Generalul de justiție Alexandru Petrescu – o biografie a corupției,” *Caietele CNSAS VII*, no. 1 (2014): 283–301.

<sup>40</sup> USHMM, SRI, *Trial of Romanian officials and officers – Court decision*, 33; on the meagre number of anti-Roma crimes tried by the People’s Tribunal, see Benjamin M. Thorne, *The Anxiety of Proximity: The “Gypsy Question” in Romanian Society, 1934–1944 and Beyond* (Ph.D. diss., Indiana University, 2012).

<sup>41</sup> Friling et al., eds., *Raport Final*, 406.

<sup>42</sup> See the indictment act of the Macici trial, May 3, 1945: USHMM, SRI, *Trial of Romanian officials and officers – Court decision*, 15–88.

<sup>43</sup> Crăcană, *Dreptul*, 40–49, 102–105. On legality in communist Romania, see Mihaela Șerban, *Subverting Communism in Romania: Law and Private Property, 1945–1965* (Lanham: Lexington Books, 2019).

<sup>44</sup> See, for instance, SRI, *Trial of Romanian officials and officers accused of war crimes in Transnistria. Statements of the accused and testimonies of the victims*, 1945, 75–76, 157, USHMM, SRRIS, 1936–1984, RG-25.004M, reel 19, file 40011, vol. 5 (USHMM, SRI, *Trial of Romanian officials and officers – Statements of the accused and testimonies of the victims*).

<sup>45</sup> See, for instance, the documents found in Antonescu’s Military Cabinet: USHMM, SRI, *Trial of Romanian officials and officers – Court decision*; see also Tismăneanu et al., eds., *Raport Final*, 51–56.

how he testified in favour or against some Romanian administrative clerks and militaries who worked in Transnistrian camps and ghettos.<sup>46</sup>

### Defence Strategies

During their trials, the defendants usually rejected the accusations of being responsible for the deportation, dispossession, torture, and murder of Romanian and Soviet Jews, and the war against the USSR. They usually defended themselves by denying their connection with fascism, minimizing their wartime role, deflecting the main responsibility towards their superiors or other individuals and institutions.<sup>47</sup>

For example, in the Macici group trial, some of the indicted officers argued that in 1941 the Antonescu decision makers assigned them to their positions in the administration of Bukovina, Bessarabia, and Transnistria and they had to relocate to those provinces.<sup>48</sup> Additionally, they usually claimed that in their new positions in the East, they lacked decision-making power and, the orders for the 'evacuation', dispossession, slave labor exploitation, or execution of the Jews, the Roma, and other local inhabitants, came from higher authorities. They usually maintained that they had no choice but to do their jobs by obeying their superiors' orders just as any diligent State employee would do, especially in wartime, and that they played only a minor role in the incriminating deeds or did not participate at all.

During the trial, some of the defendants and their lawyers used several other defence strategies to counter their negative portrayal by the prosecution, such as disputing the legality and constitutionality of the tribunal and the war crimes legislation, or invoking the non-retroactivity of criminal law, but these lines of defence were rejected by the judiciary.<sup>49</sup>

### Court decisions

In spite of their defence strategies, in the Macici group trial, the People' Tribunal sentenced (on May 22, 1945) the majority of the defendants (36 out of 37) to death and imprisonment, as well as the confiscation of their entire wealth and one was acquitted. The court rejected the officers' main line of defence – that they had just followed superior orders and were not directly involved in the killings and other incriminating deeds. For example, in the case of Macici, the court held that:

The Prime Minister Chancellery's order to execute 200 inhabitants for each [Romanian] officer killed in the explosion [of a bomb set up by the Soviets at the NKVD headquarter, which was used as a command center by the Romanian army in occupied Odessa, that killed around 100 Romanian and German militaries] and 100 inhabitants for each soldier [...] cannot be a defence even if that order would have been a legal one, which the defendant Macici knew it was not [...] even in this situation he killed more people that he was ordered to kill [...] it was established that especially local Jews were killed in the Odessa massacre, which shows that the retaliations, beyond any justification, had a racial motivation.<sup>50</sup>

<sup>46</sup> Sigfried Jagendorf, *Minunea de la Moghlev: Memorii, 1941-1944* (Bucharest: Hasefer, 1997).

<sup>47</sup> Invoking obedience to superiors was a widespread defense strategy adopted by many perpetrators of the Holocaust. Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (Harper Perennial, 1998).

<sup>48</sup> USHMM, SRI, *Trial of Romanian officials and officers - Statements of the accused and testimonies of the victims*, 380.

<sup>49</sup> Chiriac, *The Trial*, 228-229, 285-286.

<sup>50</sup> See the Bucharest People Tribunal's decision no. 1 of May 22, 1945: USHMM, SRI, *Trial of Romanian officials and officers - Court decision*, 101-02.

The court also rejected Macici's defence that the 'retaliations' applied in Odessa were legitimate and based on international law (the Hague Conventions), by holding that "the so-called retaliations were perpetrated against the innocent and peaceful civilian population, who had no involvement" in the explosion and not against enemy military forces who set up the explosion at the Romanian army headquarter. They therefore classified the Odessa 'retaliations' as "horrifying massacres rooted in the racial hatred and fascist mentality prevalent in the army."<sup>51</sup>

Perhaps against public expectations, some of those indicted for war crimes were acquitted by the People Tribunal judges: for example, five out of 21 defendants in the third trial at the Bucharest People's Tribunal were acquitted on June 19, 1945 and another five out of the 13 defendants in the ninth trial at the Bucharest People's Tribunal were acquitted on August 29, 1945.<sup>52</sup> Overall, the People's Tribunal acquitted a number of 303 (around 24 percent) defendants out of 1,246 indictees and 943 (about 76 percent) were sentenced to various prison terms and death.<sup>53</sup> These verdicts suggest that the trials organized by the People's Tribunal were not the typical Stalinist show trials or fake trials in which the guilty verdict was predetermined and no possibility of proving one's innocence existed. Not all those tried and sentenced by the People's Tribunal could actually be found and made to serve their sentences. According to a report of the Romanian Special Intelligence Service dated June 9, 1947, a number of 285 individuals sentenced by the People's Tribunal were still at large.<sup>54</sup>

Once the court sentenced them, the defendants had the right to appeal the decision at the Supreme Court, which usually rejected the appeals. While the Supreme Court quickly rejected the appeals of the Macici group defendants, many contemporary observers were surprised to see that the government requested the King to commute the death sentences into life imprisonment sentences, which he did. This was surprising for many citizens especially since during the trials, the pro-government organizations and media outlets promoted a massive propaganda campaign requesting the death penalty for war criminals.<sup>55</sup> The Supreme Court judge Năvârlie suspected that the government tried to win the sympathy of the broader public – which was against death sentences in these trials – by appearing merciful.<sup>56</sup> The minutes of the government meetings reveal the motivations behind the government's decision to request a change of the death sentences. During its meeting on June 2, 1945, the government discussed its efforts to change the death sentences into prison time. Pătrășcanu argued that the government was inspired mainly by political opportunism aiming to disarm its critics who would have blamed it "for murdering the officers", that the post-war era required a milder approach, and that the death penalty would be reserved for the "true criminals" – the decision makers of the Antonescu regime – and because the USSR endorsed ('suggested') such a decision.<sup>57</sup> Soviet diplomatic documents show that Pătrășcanu and Groza visited the USSR embassy in Bucharest around that time and consulted with Soviet diplomats before making a final decision on asking the King to commute the death sentences and that the Soviet opinion prevailed: while the Groza government wanted to change the sentence from capital punishment to hard labour for life, the Soviets advised

<sup>51</sup> See *ibid.*, 101; on antisemitism in the Romanian army and its participation in the Holocaust, see Harward, *Romania's Holy War*.

<sup>52</sup> See the sentence of the 9<sup>th</sup> group (trial) of war criminals: SRI, *Trial of Antonescu et al. Prosecution's statement. List of documents used during the trial*, 1945, 912, 914, USHMM, SRRIS, 1936–1984, RG-25.004M, reel 34, file 40011, vol. 49.

<sup>53</sup> See Report no. 614/1947 entitled "Information on the War Criminals" produced by the Soviet councilors for the PCR's Central Committee, in Crăcană, *Dreptul*, 101; Cristina Păiușan gave slightly different (lower) numbers of those sentenced by the People's Tribunal. See Păiușan, *Justiția populară*, 150–65; Muraru also noted the difficulty to uncover the exact number of those sentenced by the People's Tribunal. Muraru, *Romanian Political Justice*, 109.

<sup>54</sup> See Special Intelligence Service report, June 7, 1947: USHMM, SRI, *Lists of Romanian citizens*, 82–100.

<sup>55</sup> On the Groza government's propaganda campaign around the People's Tribunal trials, see Chiriac, *The Trial*, 297–342.

<sup>56</sup> See Năvârlie's diary records (May–June 1945). Năvârlie, *Intre abandon*, vol. I, 97–104.

<sup>57</sup> Ciucă, ed., *Stenogramele...Petru Groza*, vol. 1, 381–83.

them to change it for all 18 defendants, and this remained the final decision. According to Soviet sources, Groza was very happy with the Soviet decision and thanked the USSR for “its wise decision that would allow his government to consolidate its position.”<sup>58</sup>

General Constantin Sănătescu, the former Prime Minister in the first two post-Antonescu governments, had an ambivalent opinion about the verdicts in the first war criminal trial: while he disagreed with the death verdict for several officers, such as Generals Macici, Trestioreanu, and Calotescu, who he thought “only obeyed Antonescu’s orders” – he believed that some of those lower ranks sentenced to death “deserved their punishment because they had perpetrated barbarian deeds.”<sup>59</sup> Sănătescu recorded in his diary his surprise after reading the People’s Tribunal verdict in the first trial: he argued that the special court and the death sentences were not legal because they were prohibited by the Constitution. Sănătescu also believed that the verdicts were influenced by the pro-communist public rallies and the press coverage that attacked the defendants. When a councillor of King Michael asked his opinion on what the King should do with the pardon appeals submitted by the sentenced officers, Sănătescu advised him to show his clemency and change their death sentences into prison terms.<sup>60</sup>

The decision to change the death sentences into life imprisonment was received with satisfaction by some citizens, while others were upset. For example, the leftist Jewish writer and physician Emil Dorian recorded in his diary (May 28, 1945) the reactions triggered by the change of the death sentences in the Macici group trial:

Extraordinary turmoil concerning the war criminals. The People’s Tribunal sentenced them to death. The Supreme Court rejected the appeals. Then, a bomb: [the government] asked the King to commute the death sentences to life in prison. The people were confused and outraged. Initially, nobody could understand Pătrășcanu’s and Groza’s decision to request the King to commute the sentences. Later, the political rationale behind the decision became clear [...] Except for the workers and the Jews, nobody in Romania wanted punishment by death for those beasts. And the fascist resistance was preparing to start a fight on this topic. The natural conclusion: the need to prevent this attitude that would create problems for the government and would slow the democratisation of the country.<sup>61</sup>

According to Dorian, the 1945 war crimes trials did not manage to attract the support of the majority of the population despite the official mobilization and propaganda: “It seems that the Romanians are not very convinced by the absolute necessity of having these trials. [The government] used all types of propaganda to create the necessary atmosphere [...] to convince every stratum of Romanian society of the horrors perpetrated during the war. Only then the trials began. But there was no spontaneous reaction [of outrage towards the perpetrators]”.<sup>62</sup> Dorian’s conclusion matches those of other eyewitnesses of the era which

<sup>58</sup> See the radio cable of Pavlov, a councillor at the USSR embassy in Bucharest, to Vyacheslav Molotov and Andrey I. Vyshinsky in Moscow about his meeting with Groza and Pătrășcanu, June 1, 1945: Marin Radu Mocanu, ed., *România: și Armistițiul cu Națiunile Unite: Documente, vol. II*, (Bucharest: Arhivele Statului din România, 1995), 303–06.

<sup>59</sup> Constantin Sănătescu, *Jurnal* (Bucharest: Humanitas, 1993), 203–204.

<sup>60</sup> Sănătescu, *Jurnal*, 203–204.

<sup>61</sup> Emil Dorian, *Cărțile au rămas neterminate: Jurnal, 1945–1948* (Bucharest: Compania, 2006), 49; Dorian’s observations are confirmed by other sources: during a March 27, 1947 secret meeting of communist authorities discussing the People’s Tribunal’s results, the former people’s prosecutor Avram Bunaciu stated that the change of death penalty to prison time at the end of the first war crimes trial was disheartening for the prosecutors, pro-communist masses, and especially Jewish survivors. Andreea Andreescu, Lucian Nastasă, Andrea Varga (eds.), *Minorități etniculturale, mărturii documentare: Evreii din România, 1945–1965* (Cluj-Napoca: Centrul de Resurse pentru Diversitate Etnoculturală, 2003), 313.

<sup>62</sup> Dorian, *Cărțile*, 45.

show that many Romanian citizens distrusted the People's Tribunal and the war crimes trials and were in denial about Romania's participation in extensive war crimes. Petru Vignali, a Bucharest architect, was one of them. He distrusted the war crimes trials, including that of Antonescu, and the activity of the People's Tribunal – "itself guilty of crimes". He considered them to be shameful examples of a frame-up type of justice. According to Vignali, his distrust was rooted in the broad suspicion and hostility towards the new communist regime and in the refusal to accept that the Romanian authorities had perpetrated mass murder against the Jews during the war.<sup>63</sup>

### Evaluation of the "Macici Group" Trial, the Early War Crimes Trials and Their Political and Social Role

Over the last few decades, several scholars have critically investigated the war crimes trials that took place in East Central Europe, focusing on the laws, the procedures and the reliability of documents produced during the trials organized by the pro-communist regimes and raising concerns about the methods of investigation and the courts' legality, procedures, independence, and overall, about the political pressure undergirding the trials. Many of the scholars who have examined the activity of people's tribunals in East Central Europe – such as Veronika Bílková, Diana Dumitru, Benjamin Frommer, Andrew Kornbluth, Tanja Penter, Alexander V. Prussin – have shown that, in general, these trials were not identical with the Soviet show trials and that the investigators and judges did not just invent crimes and criminals although the communist investigators did sometimes use violence against those suspected of war crimes and collaboration with the Nazis, and often the authorities politicized the court cases.<sup>64</sup> This seems to have been the case in the Romanian war crimes trials as well, at least in the case of the earliest ones.<sup>65</sup> As historians Bogdan Chiriac and Iuliu Crăcană have shown in their studies, one form of political interference in the Romanian war crimes trials was that of the Soviets who controlled and approved the People's Tribunal's lists of war crimes suspects, sometimes the Soviet troops in Romania arrested suspects of war crimes perpetrated on Soviet territory, and apparently the Soviet officials suggested how harsh the verdicts should be and whether those sentenced to death should be pardoned or not.<sup>66</sup> The aforementioned Elie Wiesel International Commission found out that even though the war criminal trials "were politicized to a certain extent" and reflected the communist rhetoric, they managed to capture very well the essence of the Romanian participation in the Holocaust.<sup>67</sup> According to the Commission, the USSR did influence the trials "heavily" but was also responsible for the partial ineffectiveness of the judicial proceedings:

<sup>63</sup> Petru Vignali, *Popas în amintiri, România, 1910-1974* (Bucharest: Editura Vremea, 2016).

<sup>64</sup> On the postwar criminal trials of Nazi perpetrators and accomplices organized by communist regimes, see Veronika Bílková, "Post-Second World War Trials in Central and Eastern Europe", in Morten Bergsmo, Cheah Wui Ling, and Yi Ping (eds.), *Historical Origins of International Criminal Law: Volume 2* (Brussels: Torkel Opsahl Academic EPublisher, 2014); Diana Dumitru, "An Analysis of Soviet Postwar Investigation and Trial Documents and Their Relevance for Holocaust Studies," in Michael David-Fox, Peter Holquist, and Alexander A. Martin (eds.), *The Holocaust in the East* (Pittsburg: Pittsburg University Press, 2014), 142–57; Benjamin Frommer, *National Cleansing: Retribution Against Nazi Collaborators in Postwar Czechoslovakia* (Cambridge: Cambridge University Press, 2004); Kornbluth, *The August Trials*; Tanja Penter, "Collaboration on Trial: New Source Material on Soviet Postwar Trials against Collaborators," *Slavic Review* 64, no. 4 (2005): 782–90; Alexander Victor Prussin, "Fascist Criminals to the Gallows: The Holocaust and Soviet War Crimes Trials, December 1945–February 1946," *Holocaust and Genocide Studies* 17, no. 1 (2003): 1–30.

<sup>65</sup> See, for instance, Friling et al., eds., *Raport Final*, 396–420; Ioanid, ed., *Lotul Antonescu*, 13–81; Muraru, *Legislation*, 111–76.

<sup>66</sup> Crăcană, *Dreptul*, 99–102; Chiriac, *The Trial*, 75–78, 348–50.

<sup>67</sup> Friling et al., eds., *Raport Final*, 398; see also Ioanid, ed., *Lotul Antonescu*, 30–31.

Paradoxically enough, 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 [...] others were turncoats protected by Moscow and even became prosecutors themselves [...] or the Soviet Union simply neglected to deliver documents attesting to the atrocities committed on the territory it had re-annexed.<sup>68</sup>

It is important to note that the international obligations assumed by Romania through the September 1944 Armistice Agreement (article 14) gave USSR an official role in the arrest of war crimes suspects and the organization of war crimes trials. There is no wonder that the Soviet authorities chose to exercise that right which fitted their broader political-ideological and security goals in the region.

Additionally, the People's Tribunal did not use the defendants' confessions as the only or as the main type of evidence – as usually happened in the Soviet show case trials or in later Romanian falsified trials in which defendants' confessions functioned as the ultimate proof of guilt, in addition to other witnesses' false testimonies. Instead, the People's Tribunal used a variety of other sources, such as eyewitness accounts, and official documents. Part of the investigation for the first trials took place in late 1944 and early 1945 and the prosecution conducted what seems to have been a professional investigation, gathering official documents and testimonies from numerous Jewish survivors and gentile eyewitnesses. Thus, most of the documents employed in the first trial were gathered before and soon after the communist party seized control of the coalition government (March 6, 1945), when uncertainty ruled the police and the judiciary, and much earlier than the years of 1947–1948 when the communists seized complete power, eliminated their government partners, and consolidated their ideological grip on society.<sup>69</sup> During these early postwar trials, the defendants also chose lawyers and were able to nominate numerous defence witnesses who were subpoenaed by the court.<sup>70</sup> Additionally, unlike typical show trials, Soviet early war crimes trials, and fake trials in general, the Romanian defendants tried at the People's Tribunal did not usually admit guilt and invoked various justifications for their wartime deeds.<sup>71</sup> Furthermore, many of those suspected and investigated as war criminals were never indicted or, even when indicted, about 24 percent of them were acquitted. The communist authorities' lack of full control of the judiciary and the People's Tribunal during the spring-early summer 1945 is attested also by the fact that after several war crimes trials the communist officials expressed their frustration with the activity of people's prosecutors and judges and the lack of coordination and indoctrination of those who were not party members. Therefore, the communist authorities decided in summer 1945 to replace several people's prosecutors who did not prove energetic and efficient enough and the (professional) judge Ilie Țabrea, the head of the judges' panel who tried the "Macici group" and seemed disloyal to the government. From the communist perspective, Țabrea proved "to be a bandit...who expressed his contempt for the People's Tribunal."<sup>72</sup>

<sup>68</sup> Frilling et al., eds., *Raport Final*, 398–99; Crăcană, "Generalul de justiție Alexandru Petrescu," 283–301.

<sup>69</sup> On the communist regime's strategies of controlling Romanian society, including the judiciary, see Abraham, *Justiția în România*, 181–201; Crăcană, *Dreptul*, 33–418; Dennis Deletant, *Communist Terror in Romania: Gheorghui-Dej and the Police State, 1948–65* (London: Hurst Publishers, 1999), 53–113.

<sup>70</sup> For the May 16, 1945 People's Tribunal list of 428 witnesses suggested by the defense in the Macici group trial, see USHMM, SRI, *Trial of Romanian officials and officers – Court decision*, 109–20; see also the minutes of the second session (May 14, 1945) and seventh session (May 19, 1945) of the People's Tribunal: USHMM, SRI, *Trial of Romanian officials and officers – Court decision*, 70–74, 195.

<sup>71</sup> For a discussion of the Soviet show trials and war crimes trials that used the defendants' confessions as the main type of evidence, see Prusin, *Fascist Criminals*, 16; David M. Crowe, *Stalin's Soviet Justice: 'Show' Trials, War Crimes Trials, and Nuremberg* (London: Bloomsbury Academic, 2019).

<sup>72</sup> Even though Țabrea was a communist sympathizer appointed by Pătrășcanu, he was eventually removed from the People's Tribunal. See the June 29, 1945 secret report of the Administrative-Political Section of PCR to the Central Committee of PCR, quoted in Crăcană, *Dreptul*, 98–99.



As historians Chiriac, Grec, Ioanid, and Muraru have noted, the communist regime publicized a lot the first war crimes trials and used them to discredit its political adversaries, to present itself as the promoter of justice, the main resistor against Nazism/fascism, and to increase its political legitimacy. The most publicized was the first trial (“Macici group”) and the May 1946 Antonescu group trial as the pro-communist government tried to mobilize the masses for these trials. After it consolidated its power, the communists became rather uninterested in publicizing such trials.<sup>73</sup>

Just as the majority of the Romanian public at that time, the communist officials were unhappy with the results of the People’s Tribunal trials, but for the opposite reasons. During a meeting (held in March 1947) aiming to evaluate the activity of the People’s Tribunal and following Soviet complaints about the poor achievements of that special court, Alexandru Drăghici, the Minister of Interior, criticized its results. He decried especially the fact that many war crimes suspects were released from pretrial prison and that many defendants (he claimed that around 50 percent) were acquitted as a result of “various interventions” (including from Soviet officials), lack of evidence, and inefficient prosecutors. He also decried the fact that many others were not even indicted, and claimed that overall around 70 percent of the war criminals had escaped justice. One of the former chief people’s prosecutors, Vasile Stoican, confirmed much of Drăghici’s criticism and invoked the lack of evidence to indict those suspected of war crimes, the lack of Soviet cooperation in gathering evidence, and the interventions in favour of specific suspects by Soviet officials and pro-communist Prime Minister Groza. Another participant at the meeting, the former chief people’s prosecutor, Avram Bunaciu, also acknowledged that the People’s Tribunal had failed its mission and argued that less than 10 percent of the war criminals had been sentenced. The Soviet authorities also considered the People’s Tribunal a failure and were particularly upset by the fact that many of those suspected, investigated, or tried by the People’s Tribunal escaped unpunished while some other cases were dismissed. Responding to the criticism, people’s prosecutor Dumitru Săracu blamed the lack of effective collaboration between the judicial authorities and PCR, the insufficient resources, the opposition to indicting specific army and secret service officers, and the lack of cooperation from the USSR, who failed to reply to their requests for help. He also complained about the wrong approach of the People’s Tribunal, which focused on prominent perpetrators aiming to expose the *ancien régime* of Ion Antonescu. Drăghici even considered re-establishing the People’s Tribunal.<sup>74</sup> In the end, this never happened and the trials for war crimes and crimes against peace and humanity were held at the courts of appeals and military tribunals from fall 1947 onwards. After 1948, when Pătrășcanu lost his position as Minister of Justice and was arrested and investigated by his party comrades for nationalism, chauvinism, and collaboration with the bourgeoisie and Western spy agencies, the communist officials also blamed him for the failures of the People’s Tribunal, accusing him of sabotaging the court’s activity, and for failing to purge the judiciary in a harsher way.<sup>75</sup> Even though these were fake accusations, Pătrășcanu was tried in a closed-doors Stalinist trial, sentenced to death, and executed in 1954.<sup>76</sup> Ironically, one of the indictments that caused Pătrășcanu’s 1954 death sentence (by the Military Section of the Supreme Tribunal) was “crimes against peace,” based on the law (291/1947, articles 2-c and 4) he promoted as a Minister of Justice.<sup>77</sup>

<sup>73</sup> Ioanid, *Evreii sub regimul Antonescu*, 394; Chiriac, *The Trial*, 297–342; Muraru, *Romanian Political Justice*, 92–93; Grec, *Transition of Trial*, 293–322; Dorian, *Cărțile*, 58.

<sup>74</sup> See the minute of the meeting with the People’s Tribunal people’s prosecutors, March 27, 1947 in Andreescu et al., eds., *Minorități*, 311–25.

<sup>75</sup> Crăcană, *Dreptul*, 102–14, 164–66.

<sup>76</sup> On the Pătrășcanu trial, see Lavinia Betea, *Lucrețiu Pătrășcanu. Moartea unui lider comunist: Studiu de caz*, Humanitas, Bucharest, 2001; Tismăneanu et al., eds., *Raport Final*, 51–56.

<sup>77</sup> See the Supreme Tribunal’s decision no. 15 of May 28, 1968, which annulled the Supreme Tribunal Military Section’s decision no. 49 of April 14, 1954 (which sentenced Pătrășcanu and his alleged accomplices) and acquitted

## The Ethno-Nationalist Revisionism and the Legacy of the War Crimes Trials

Several historians have shown that the social and judicial rehabilitation of some of the convicted war criminals began during the communist regime in the 1960s. Among those rehabilitated was the former general Macici, the most prominent defendant in the first trial, who “benefited from a semi-official public posthumous rehabilitation” in the mid-1980s when he was depicted as a war hero by the communist-nationalist historians. For example, Muraru argued that by allowing these partial rehabilitations, the communist regime gradually promoted its ethno-nationalist agenda even though it did not recognize that it committed judicial errors. Rather, it was a sort of clemency and forgiveness the communist authorities bestowed on selected war criminals who did not pose any threat to its stability and often collaborated with the communist propaganda or its secret police.<sup>78</sup>

After the collapse of the communist regime in December 1989, the ethno-nationalist revisionism continued even further by profiteering from the socio-cultural and political turmoil of the transitional era. During the first post-communist decade, the Romanian society searched for new anti-communist heroic, national, and success models to replace the communist internationalism, authoritarianism, and repression patterns and reassessed many personalities and institutions of the interwar and World War II years. This uncritical trend led to a positive re-evaluation of the Antonescu regime and the dismissal of the early postwar trials as show trials and examples of fake justice orchestrated by the Soviets. Thus, the revisionist ethno-nationalist agents of memory (such as politicians, historians, journalists, and public intellectuals, and war veterans organizations) portrayed the war criminals as true patriots, heroes and martyrs who were unjustly victimized by the communist regime.<sup>79</sup> While during the last two decades a more critical historiography and a democratically-inclined civil society have emerged and tried to come to terms with the country’s Holocaust crimes, for a significant part of Romanians Antonescu and the other individuals sentenced for war crimes at the end of WWII have remained national heroes and martyrs unjustly punished by a treacherous regime.<sup>80</sup>

The post-communist rehabilitation of Ion Antonescu and of other war criminals took place through a variety of methods, such as constructing statues and busts in public spaces, commemorating ceremonies, church and street naming in their honour, and attempts to obtain court rehabilitation. The latter type of measures caused some heated public debates. Usually, filed by the war criminals’ descendants or by associations of war veterans, some of the attempts to judicially rehabilitate the war criminals have been successful – such as the 1995 Supreme Court’s rehabilitation of all the journalists sentenced in the second war crimes trial. Other rehabilitation attempts had failed because of various reasons, including domestic

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him of all charges. Consiliul Național pentru Studierea Arhivelor Securității, Anchetă Operativă, Fond Petrea Nicolae, P000218, vol. 200 PI, 13–15.

<sup>78</sup> Muraru, *Outrageous Rehabilitation*, 333–342; Adrian Ciofâncă, “A Grammar of Exculpation in Communist Historiography: Distortion of the History of the Holocaust under Ceaușescu,” *Romanian Journal of Political Science* 4, No. 2 (2004): 29–46; Alexandru Climescu, “Law, Justice, and Holocaust Memory in Romania,” in Alexandru Florian, ed., *Holocaust Public Memory in Postcommunist Romania* (Bloomington: Indiana University Press, 2018), 72–95; Idem, “Post-Transitional Injustice: The Acquittal of Holocaust Perpetrators in Post-Communist Romania,” no. 7 (2014): 145–57; Shafir, *Romania’s Tortuous Road*, 245–78; Grec, *Transition on Trial*, 305–314.

<sup>79</sup> Monica Ciobanu, *Repression, Resistance and Collaboration in Stalinist Romania, 1944–1964. Post-communist Remembering* (Abingdon: Routledge, 2021); Michelle Kelso and Daina S. Eglitis, “Holocaust Commemoration in Romania: Roma and the Contested Politics of Memory and Memorialization,” *Journal of Genocide Research* 16, No. 4 (2014): 494–496.

<sup>80</sup> On the cult of former fascists who suffered or died in communist prisons, see Ionut Biliuta, “Constructing Fascist Hagiographies: The Genealogy of the Prison Saints Movement in Contemporary Romania,” *Contemporary European History* 31, Issue 3 (2022): 435–55. On the pervasiveness of the revisionist-nationalist narrative, see the 2006 televised show organized by the national television channel TVR “Greatest Romanians in History,” in which Ion Antonescu ranked number six and obtained 27,843 (13.9%) of the viewers’ votes. See “Stefan cel Mare, cel mai mare roman,” [http://www.tvr.ro/stefan-cel-mare-cel-mai-mare-roman\\_2073.html#view](http://www.tvr.ro/stefan-cel-mare-cel-mai-mare-roman_2073.html#view) (consulted on September 19, 2024).

and international protests.<sup>81</sup> Especially as Romania advanced in the process of integration in the European Union and NATO, the political and judicial establishment seemed to have understood that the country needed to come to terms with its participation in the Holocaust and accept its responsibility for the mass crimes perpetrated by the Antonescu regime. As a result, Romania created the Elie Wiesel International Commission to investigate the Holocaust in Romania, accepted its Final Report and apologized to the victims, established the Elie Wiesel National Holocaust Institute, adopted Holocaust education programs, and built a memorial in the capital. Additionally, it adopted a law (Ordinance 31/2002 modified through laws 107/2006 and 217/2015) banning the cult of war criminals and fascist, racist, and xenophobic acts, symbols, and organizations. Expected to be a crucial measure that would discourage the revisionist propaganda by criminalizing it, this legal provision was not effectively enforced and, especially, its later modifications (law 217/2015) triggered a backlash from many public intellectuals. They opposed the law by claiming that it was a sort of a radical left-wing censorship measure that attacked “the national memory of anti-communist heroes and martyrs” and banned national values and major intellectuals who had been unjustly sentenced as war criminals.<sup>82</sup> Sometimes, the criticism of this law transformed into direct and indirect antisemitic propaganda. Looking at the full side of the glass, it is important that such a law exists as it might have a deterrence effect in the future. More recently, the Supreme Court rejected the efforts of the descendants of war criminals to rehabilitate in court their relatives.<sup>83</sup>

## Conclusion

Punishing war criminals in the aftermath of WWII has been a challenging issue for many countries in post-Nazi Europe. The elites in former occupied countries or Nazi satellites struggled with the question of what to do with former Nazi collaborators and perpetrators of mass violence. The situation was particularly complicated in East Central European countries that belonged to the Axis (or were occupied) during the war and to the Soviet sphere of influence after 1944. The solution to this question was heavily influenced by local post-Nazi politics, especially the power struggle between the liberal democratic parties and the emergent communist Popular Front coalitions backed by the Red Army. As historian István Deák has argued, the war crimes trials organized in East Central Europe started relatively quickly, did not need the Nuremberg Trials as precedents to try former Nazi collaborators, and aimed not just to punish specific criminals “but also to purge and renew” local societies.<sup>84</sup> This was also the case of Romania, where the war crimes trials at the People’s Tribunal began in May 1945 and, in addition to fulfilling one of Romania’s international law obligations, had some political-social goals. Strongly supported by the Soviet-controlled Armistice Commission, the communist party (PCR) managed to impose its agenda on adopting the war crimes laws and organizing the trials after it seized power in March 1945 in a popular front coalition. Therefore, the subsequent war crimes law (no. 312/1945) was more flexible than the initial January 1945 laws adopted by the democratic coalition that overthrew Antonescu and corroborated with other laws and administrative measures promoted by the communist Minister of Justice Pătrășcanu, allowed the Groza government to organize fast trials and gradually dismantle the checks and balances that still existed in the judiciary.

The case of the “Macici group” trial in particular, and the next war crimes trials held at the People’s Tribunal in general, offer a glimpse into how post-Antonescu Romanian governments dealt with the topic of the war criminals in the aftermath of WWII. Compared to the

<sup>81</sup> Muraru, *Outrageous Rehabilitation*, 342–358; Climescu, *Post-Transitional Injustice*, 145–157.

<sup>82</sup> Raul Carstocea, “Between Europeanisation and Local Legacies: Holocaust Memory and Contemporary Anti-Semitism in Romania,” *East European Politics, Societies and Cultures* 35, no. 2 (2021): 313–335; Kelso and Eglitis, “Holocaust Commemoration,” 497–498.

<sup>83</sup> Muraru, *Outrageous Rehabilitation*, 351–356.

<sup>84</sup> István Deák, *Europe on Trial: The Story of Collaboration, Resistance, Retribution during World War II* (Boulder: Westview Press, 2015), 201.

post-war justice that took place in other European countries, especially in Western Europe (France, Norway, the Netherlands) and East Central Europe (Bulgaria, Hungary, Czechoslovakia), and taking into account the extent of the mass murder of Jews and the Roma perpetrated by the Antonescu regime – the largest after Nazi Germany – the Romanian People’s Tribunal proved relatively inefficient and lenient.<sup>85</sup> As we have seen, the People’s Tribunal investigated 3,954 suspects, it tried around 1,246 of them, out of whom around 943 (around 76 percent) were sentenced to death or various prison terms and 303 (around 24 percent) were acquitted. In the end, due to various reasons, four defendants were executed out of the 148 who received the death penalty. By comparison, as Benjamin Frommer and Veronika Bílková have shown in their studies of postwar trials, the special people’s courts were much busier and harsher in Czechoslovakia (especially during their first months of activity): Czech People’s Courts investigated 132,549 war criminals and collaborators, tried 38,316 of them, and sentenced around 30,000 people (out of which around 700 have been executed) during a period of about two years.<sup>86</sup>

In terms of the Soviet influence on the Macici group trial and other war crimes trials in Romania, the People’s Tribunal judges seemed to have been influenced by the Soviet jurists’ doctrine on justifying the rejection of the defendants’ superior orders defence, “arguing that the culprit who had carried out a criminal order and was aware of its criminality should be held accountable for the crime.”<sup>87</sup> Additionally, the Romanian communist authorities tried to copy the Soviet methods of influencing the prosecutors and judges and creating public pressure by mobilizing the masses with slogans demonizing the defendants and calling for harsh retribution used in the Soviet first war crimes trials. However, the early Soviet and Romanian war crimes trials present sharp differences.

In contrast to the 1943 Soviet war crimes trials (such as the ones from Krasnodar and Kharkov), the People’s Tribunal indictments and verdicts mentioned explicitly the killing of Jews and Roma and not just of “peaceful civilians.” Unlike these early Soviet trials where all the defendants admitted their guilt as a result of the coercive methods used by the investigators, at the Macici group trial and the other early post-Holocaust Romanian trials most of the defendants did not admit guilt and the investigators did not seem to have used physical pressure (but rather psychological pressure, such as promises). Unlike the early Soviet trials, the Romanian defence lawyers in the Macici group and other early post-Holocaust trials were allowed to cross examine the witnesses and the prosecution’s witnesses connected the defendants with the crimes they were accused of, and none of those found guilty was executed (except the former dictator and three of his closest collaborators). All these procedural and substance details show that the first Romanian war crimes trials, especially the Macici group trial, were conducted within the limits of the standards of law in force at that time, the convictions obtained at the trials were just and supported by the evidence, they were not closely choreographed by the government, and the verdicts were more lenient than in the early Soviet war crimes trials.<sup>88</sup>

The first Romanian war crimes trials more resemble the corresponding trials that took place in other Eastern European countries, such as Poland, at the special criminal courts (1944–1946) and the Supreme National Tribunal (1946–1948). In both countries, the war crimes laws were

<sup>85</sup> Historian Dan Stone has also noted that the ineffectiveness of the People’s Tribunal contradicted the triumphalist and misleading communist propaganda that claimed, among other things, that all war criminals had been sentenced by 1945. Dan Stone, “Romania and the Jews in the BBC Monitoring Service Reports, 1938–1948,” *East European Politics and Societies and Cultures* 31, No. 3 (2017): 554. For a brief comparative overview of the results of the trials of war criminals and collaborators during the first postwar years in Europe, see Ildikó Barna and Andrea Pető, *Political Justice in Budapest after World War II* (Budapest: Central European University Press, 2015), 7–12.

<sup>86</sup> Bílková, “Post-Second World War Trials,” 702–703; Frommer, *National Cleansing*, 95–113.

<sup>87</sup> Prusin, *Fascist Criminals*, 8.

<sup>88</sup> Prusin, *Fascist Criminals*, 6; Jeremy Hicks, “Soul Destroyers: Soviet Reporting of Nazi Genocide and Its Perpetrators at the Krasnodar and Khar’kov Trials,” *History* 98, issue 332 (2013): 530–547; Ilya Bourttman, “Blood for Blood, Death for Death: The Soviet Military Tribunal in Krasnodar, 1943,” *Holocaust and Genocide Studies* 22, no. 2 (2008): 246–265.

drafted to be a rather flexible legislation that could be used as a convenient tool for fast trials, the first war crimes trials were conducted within the rules of law, showed “a fair degree of due process,” were not typical Stalinist show trials or fake trials, and resembled the corresponding trials of perpetrators and collaborators that took place in Western democratic states.<sup>89</sup> In both countries the courts tried real crimes and perpetrators and convicted them based on a substantial body of evidence. Additionally, in both countries some of the defendants were acquitted by the courts and the USRR and the local communists interfered and tried to influence the trials – even though, in general, their outcomes were not predetermined – and organized massive propaganda campaigns to mobilize the masses and used the trials to increase the government’s prestige and legitimacy. In both countries, after they consolidated their power, the communist regimes also organized a series of political and show trials against the non-communist opposition. A comparison of Romania’s People’s Tribunal with the Supreme National Tribunal of Poland shows that both tribunals mentioned and emphasized the perpetrators’ specific crimes against the Jews, unlike in the first Soviet war crime trials.<sup>90</sup>

Among the differences between the two sets of war crimes trials are that Poland was quicker than Romania in planning (from 1942 on) and adopting (in August 1944) the war crimes legislation and began trying perpetrators and collaborators at the special criminal courts earlier (September 1944) than the People’s Tribunal in Romania (May 1945). Poland’s special criminal courts and Supreme National Tribunal tried more war criminals and collaborators (including many more Germans), functioned for a longer time, and issued harsher sentences than Romania’s special court. Unlike in Romania, mostly professional and independent jurists and lawyers seemed to have played a more important role in the Polish war crimes trials, especially at the Supreme National Tribunal.<sup>91</sup> Unlike the People’s Tribunal in Romania, the Polish Supreme National Tribunal was a response to the Allies’ rejection of the Polish request to have a special role at Nuremberg IMT and aimed “to educate the world about Poland’s sufferings during the Nazi occupation” and to show that the Nazi Final Solution targeted Slavic Poles, in addition to the Jews.<sup>92</sup> Only the Cluj branch of the People’s Tribunal tried to show that it delivered justice both to the ethnic Romanians and the Jews from Northern Transylvania, who had been victimized by the Hungarian authorities (and German Nazis) between 1940 and 1944, but not to the same extent as the Supreme National Tribunal emphasized the sufferings of Slavic people in occupied Poland. Additionally, the Polish Supreme National Tribunal tried only “foreigners” (Germans) and most of its sentenced war criminals were executed and only one was acquitted. This somehow resembles the Cluj branch of the People’s Tribunal which tried mostly “foreign” Hungarian perpetrators and pronounced a lot of death sentences, but none of them were carried out because the war crimes suspects fled the country in fall 1944.

At the same time, the war crimes trials organized by the People’s Tribunal, especially the first one, did not have an impact on international criminal law and were not much influenced by the international criminal justice initiatives, such as the London Agreement/Charter and IMT at Nuremberg. For example, during the government meeting of May 2, 1946, Pătrășcanu, Groza, and other ministers rejected the idea of using Nuremberg IMT as a model for the local trials by labelling it as a “never ending” trial that involved too large groups of defendants. International law stipulation – such as the September 1944 Armistice Agreement – had a stronger influence on early Romanian war crimes trials.<sup>93</sup> Only from fall 1947 onwards, when the regular courts of appeals and military tribunals took over the task of trying the war criminals and some of the international definitions

<sup>89</sup> Finder and Prusin, *Justice*, 6; Kornbluth, *The August Trials*, 273–275.

<sup>90</sup> Finder and Prusin, *Justice*, 101–30.

<sup>91</sup> Finder and Prusin, *Justice*, 26–9, 101–30; Kornbluth, *The August Trials*, 105–31, 274.

<sup>92</sup> Mark A. Drumbl, “Stepping Beyond Nuremberg’s Halo: The Legacy of the Supreme National Tribunal of Poland,” *Journal of International Criminal Justice* 13, no. 5 (2015): 903–932.

<sup>93</sup> Marcel Dumitru-Ciucă, ed., *Stenogramele Sedințelor Consiliului de Miniștri: Guvernarea. Dr. Petru Groza: Instaurarea regimului pro-comunist: vol. III (14 Martie 1946 - 31 Ianuarie 1947* (Brăila: Editura Istros, 2017), 114–152.

of crimes were introduced in Romania's domestic laws (such as no. 291/1947), did international criminal law have a more significant impact on the subsequent trials.

During the People's Tribunal trials, the defendants usually either depicted themselves as powerless ordinary bureaucrats who had to obey their superiors and were not involved directly in the persecution of Jews, the Roma, antifascists, and other civilians or they tried to diminish their responsibility for the crimes. Sometimes, the defendants overemphasized the responsibility of other individuals and institutions for the crimes they were accused of. However, the defendants' justifications did not usually prevent the People's Tribunal from convicting the majority of them.

While as Bogdan Chiriac has recently shown, the Antonescu group trial was a typical political trial that fitted the typology of "trials of the deposed regime," and emphasized the treason and the collaboration of the Antonescu regime (encompassed in the broad "disaster of the country" indictment) and less the war crimes, the Macici group trial examined in this article focused on specific war crimes perpetrated by specific (mostly) militaries in Transnistria, Bukovina, and Bessarabia. Even though the Macici group trial took place in a political charged environment, I argue that it did not have the typical character of a political trial. The Macici group trial was conducted within the limits of the rule of law and the guilty verdicts had legal merit because they were supported by the evidence, and the trial was conducted with "less resolve" than the trial of the "major war criminals" (Antonescu) at a time (May 1945) when the new pro-communist regime did not have yet full control of the judiciary, including on the People Tribunal's judges.<sup>94</sup>

The trials had major social and political consequences on the local society. Through the trials at the People's Tribunal, the communist officials tried to fulfil the Armistice obligations and to please the Allies (especially the USSR). They equally aimed to delegitimize the traditional democratic (opposition) parties and their leaders by constructing connections between them and fascism, previous dictatorships, and the anti-Soviet war. Correspondingly, the trials allowed the government to position itself as the promoter of justice, to monopolize the role of the main resistor against fascism/Nazism, and to create specific mechanisms for controlling the judiciary and forging a system of socialist legality in order to use it later for its repressive policies that targeted real and imagined war criminals, traitors, and domestic enemies. Thus, it aimed to consolidate its power and pursue its ideology-based project of transforming local society.<sup>95</sup> While these broader political and social goals of the war crimes trials at the People's Tribunal influenced whom to indict (and whom not to), which trials took place, and how harsh the punishments should be, it does not mean that the accusations were fake, unsubstantiated, and unproven. While many genuine war criminals escaped prosecution by the People's Tribunal, in general those who were indicted and sentenced were involved in Romania's participation in the war and in the immense sufferings endured by the innocent victims of the Antonescu regime.

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<sup>94</sup> Chiriac, *The Trial*, 353–357.

<sup>95</sup> Stone, *Romania and the Jews*, 553.

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