

## ROMANIAN REVOLUTION FROM 1989: CONVICTION AND EXECUTION CEAUSESCUS [1]

Flavius-Cristian MĂRCĂU

Researcher Assist., „Constantin Brancusi” University of Targu-Jiu

Ph.D. Student, „Babes-Bolyai” University of Cluj-Napoca

flaviusmarcau@yahoo.com

### ABSTRACT

ROMANIA REVOLUTION OF DECEMBER 1989, IS THE MOST IMPORTANT EVENT OF THE LAST 25 YEARS. WE DECIDED THAT IN THIS STUDY WE TREAT THE CONVICTION AND EXECUTION OF CEAUSESCU. WE DO NOT TRY TO EXCULPATE SOMEONE BUT WANT TO SHOW EXACTLY WHAT HAPPENED WHEN MILITARY COURT CONDEMNED THE DICTATORS. IN OUR APPROACH WE TREATED SCIENTIFICALLY EPISODE FROM BOTH LEGALLY AND HISTORICALLY CONCLUDING THAT THE SENTENCE WAS NOT JUST A LEGAL ONE.

**KEYWORDS:** DECEMBER 1989, CEAUSESCU, REVOLUTION, COMMUNISM

December 25 1989 is the date that Ceausescu's were sentenced to death and shot in Târgoviște barracks of UM 01417. Personally I think that what happened then can be classified only as *masquerade* or *juridical circus*. Although was all about dictators, and the law must prevail.

After their capture, the Ceausescu's were taken to the military garrison of Târgoviște , county's main town Dâmbovița[2] . Because Iliescu hesitations about *dictators fate* , was decided that they should be suppressed , following to put the head of CFSM with a *fait accompli* - Iliescu apparently feared of a *counterrevolution* and dictators death assured full takeover. For this, Stănculescu phoned Kemenici[3] and gave him a hint that he must prepare a way to kill the Ceausescu. The colonel was surprised, not being ready, nor soul, nor technical for an execution. I mention that the process was not a solution at that time so that Stănculescu suggested placing the two in a tank or TAB, to be thrown into the air. If this plan would have worked, it certainly would have said that dictators have died from the chaos from the area of the military unit. It would be more convenient for FSN leader if this *scenario* would be succeeded. I want to point out that Ion Iliescu was the only one who command, which emerges from the statement of Petre Roman: "*first, who decide was Ion Iliescu. Our authority was close to zero in terms of the institutions of a state authorities. Ion Iliescu, indeed, is already enjoying the prerogatives of a ruler due to the formation CFSN*".[4]

In the early evening from December 24. 1989, Stănculescu transmit to Kemenici the password "*appeal to the method*". According to the reports offered by the officers

from Târgoviște the commander directed the TAB with the Ceausescu`s to an area outside the unit passing it right through a strong defense device which has transmitted that TAB is enemy and is attacking Unit[5], giving the order to open fire on him[6]. Officers from the device hesitated, recognizing the TAB and putting the problem of fate of the driver, comrade. Under these conditions, Kemenici called Bucharest very agitated and excited, announcing the failure of the operation[7].

After the failure with the TAB, those from FSN decide to execute them after a death sentences given by an Exceptional Court. The 4 (they were five) charges are considered ridiculous, manufactured, diversion product:

- “1. *Genocide - over 60,000 victims*
2. *Subversion of state power by organizing armed action against the people and state power.*
3. *The crime of destruction of citizen property by destroying and damaging buildings, explosions in the city, etc...*
4. *Undermining of the national economy*
5. *Trying to escape from country on the basis of some funds over one billion dollars deposited in foreign banks.* ”[8]

The idea of genocide has proved very quickly a legal fantasy, born probably from the interpretation of some syntagms which referred to groups of people in the article about the genocide from the Penal Code.

Lawyers associated to leading group of CFSN will prepare a decision setting up an Exceptional Military Court, which however contained 3 pages. Considering the document too wide and technician, Ion Iliescu will take personal liability for the recompose, both through the reduction, and the simplification. Reading the text carefully made by the jurists, he searched to extract the essential parts, not realizing that the original formula *“the sentence imposed by the non-recurrence will become final and executory”*, cancel Ceausescu the right to appeal, and to General Stănculescu give the right to pass immediately to execution.

The judgment itself will not be published in Official Monitor, failure to be included like a state official act. Text of CFSN from December 24. 1989 is written and signed by the hand of Ion Iliescu.

Ruxandra Ceseranu considers that the process was filed against has been considered - by the analysts in the country and international - a legal disaster, a masquerade, an absurd piece, a political assassinations. The process was expeditious and summary, his character is motivated by stress and tense background of the revolution still in progress - from here the revolutionary qualifier which was granted, although extremely rare. It was actually about a *legal lynching the last Stalinist process* from European history, of a *felony through the justice* and not a *revolutionary tyrannicide*[9].

Petre Roman in 2007, not taking into account the views of Romanian and foreign lawyers, argues that *“General Stănculescu proceeded in accordance with law. I mean, decree, military court. What does that mean? The court which was supposed to meet, that the prosecutor, the judge and lawyers. The law must be respected. Given the fact that Ceausescu was domiciled in district 1 Bucharest, was supposed to be a panel of judges of the district 1: who is, which the prosecutors are. It was a matter of organization. He also proposed lawyers for each - one for him, one for her. He proposed all to General*

Stănculescu. After that, it was about organization: a helicopter ride at Târgoviște, to keep in touch, through means secret, with the unit's command, Colonel Kemenici etc. Only after that, from what I remember, questions have arisen about the charge. There was therefore a discussion about the indictment. The charges were ultimately, as you know, greatly exaggerated. Were counts which represent information available? Radio Belgrade had launched - takeover by the whole world and by the Romanian, thereafter - that the in the whole country were 4,500 deaths - the genocide [10] charge. "From his statements we understand that "it was legal or not, they had to die." They used the charges that were not to point were simply the field of science fiction and he declare those are information they benefit and that they have picked up from a foreign post is far beyond embarrassing - I wonder how it was possible for a foreign country to know about the exact situation in a neighboring country and those in charge of this country do not benefit from them?

Transcript of the trial was published in several books about revolution and its content filmed was broadcast on numerous occasions. Nicolae Ceaușescu and Elena Ceaușescu were executed by the group of parachutists brought from Bucharest by General Stănculescu.

"Process Târgoviște was retrial symbolically on January 11, 1996. At the initiative of The Day newspaper was founded Moral Revolution Court, presided by Judge Corneliu Turianu, former president of the Bucharest Tribunal. The verdict of the Court consists of a set of conclusions without legal value, but important to restore the truth.

*1. The prosecution phase following procedural rules have been violated:*

- *No prosecution was made;*
- *Was it violated the principle of the right of defense by not participating the defenders when was presenting the material of prosecution ;*
- *The court was notified, by indictment, without having a criminal prosecution*
- *Criminal action were set in motion in the absence of such material.*

*2. During trial:*

- *The process took place in conditions illegal in a court established outside the law;*
- *Was it violated the principle of the right to defense;*
- *Did not ordered to carry out psychiatric expertise, mandatory in cases were the object of proceedings are crimes attracting the death penalty*

*3. On the enforcement:*

- *Was violated the legal provision according to which the enforcement is only after a final court sentence;*
- *Was violated legal provision which specifies that the judgment becomes final only after the expiry of 10 days from delivery;*
- *Was ignored prisoners right to apply for amnesty after the judgment becomes final;*
- *Was violated legal provision that the sentence cannot be executed until after a minimum of 5 days from the reject the request for amnesty[11].*

The Moral Revolutionary Court also finds that serious violations of the Code of Criminal Procedure, in effect at December 25, 1989, attracting the absolute nullity of the sentence ".[12]

## REFERENCES

- [1]. Article can be found in the book of Flavius Cristian Marcau, *Revolutia Romana din 1989*, Editura Academic Brancusi , Targu-Jiu, 2011
- [2]. See George Galloway, Bob Wylie, *The collapse. Ceausescu and The Romanian Revolution*, Edition I, Bucharest : Viga, 2009
- [3]. Andrei Kemenici was commander of U.M. 01417 Târgoviște in December 1989.
- [4]. Ceausescu in Târgoviște. 22 to 25 December 1989, the *Notebooks of Revolution*, no. 5 (12) / 2007, p 42
- [5]. He was willing to kill a subordinate to act on the Stănculescu request. I can't understand what was he thinking at the time and that would be the consequences if the plan would have succeeded. Surely it would have been covered up or blame would have been thrown on the fear of the military who were in the device and have not been able to identify the vehicle.
- [6]. See interview given to Dorian Marcu by Victor Atanasie Stănculescu in book *Ceausescu Death* , Bucharest: Ed. Excelsior 1991
- [7]. See extensively Alex Mihai Stoenescu, *Finally the Truth*; Grigore Cartianu, *The end of Ceausescu*, Dorian Marcu, *Ceausescu Death*.
- [8]. *Official Monitor of Romania*, Year I, no. 3 Tuesday 26 December, 1989, p.1;
- [9]. Ruxandra Cesereanu, *Op. Cit.*, P 192
- [10]. Ceausescu in Târgoviște. 22 to 25 December 1989, the *The Notebooks of Revolution*, no. 5 (12) / 2007, p 42
- [11]. *Verdict of the Moral Court of Revolution*, January 11, 1996, Bucharest, published in *Tana Ardelean*, Razvan Salaiuc,
- [12]. Grigore Cartianu *The end of Ceausescu*, Bucharest ed. Truth Holding, 2010, pp. 386-387