

Outrageous Rehabilitations: Justice and Memory in the Attempts to Restore the War Criminals' Remembrance in Post-Holocaust Romania. The Recent Case of General Nicolae Macici (I)

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Abstract: Starting from the most recent rehabilitation request in Romanian justice (General Nicolae Macici, one of the coordinators of the 1941 Odessa massacre), this study examines the case of the rehabilitation of war criminals during the communist regime and after the 1989 Revolution. In 1945, the post-war trials, in which many members of the Antonescu regime were tried, disappeared as subjects from the public sphere, though the trials went on. The series of rehabilitations began in the mid-1960s, when the communist regime put in practice a thaw and the release of political prisoners. Analyzing concrete cases of Romanian military, intellectuals, and dignitaries who obtained legal and social rehabilitation during communism, the present study shows that those rehabilitations were made with the tacit consent of the Romanian authorities. However, the trials were not retried and the convicts were not considered not guilty. The collapse of communism paved the way for the legal rehabilitation of many war criminals by the justice system through retrying the trials and acquitting those guilty of war crimes and genocide. In general, the legal rehabilitations were aimed either at honoring the memory and restoring the honor of those considered to have been victims of the Soviet occupation, or at allowing their heirs to reclaim the confiscated property of the convicts. The study shows that these posthumous post-communist rehabilitations were made possible due to the general current within Romanian society in the 1990s. This trend, maintained by a political and historiographical agenda, was stopped in the 2000s, with Romania's access to NATO and the European Union. Although public campaigns to rehabilitate war criminals have continued, the justice system has not allowed any rehabilitation of those convicted of war crimes and genocide after 2000.

Keywords: Posthumous rehabilitation, war criminals, trials, Holocaust, (post-)communism.

Introduction

A piece of news in the Romanian press almost passed unnoticed. In the spring of this year, an information portal revealed that the heirs of a Romanian general who had died in the Aiud penitentiary during Romanian Stalinism requested his

rehabilitation by the Romanian justice system.¹ Through two lawsuits² initiated in 2019, the only son of the defunct general demanded the revisitation of the decision through which his father had been sentenced, as well as his judicial rehabilitation. At the same time, the court was called upon to annul the measure of wealth seizing, taken by justice in 1945. The family lawyers invoked the alleged judiciary errors committed during the trial conducted seventy-five years ago. Furthermore, they reminded of the recognition shown to the officer over the years, starting with 1968. He was cited in the military handbooks – as his son proudly claimed; an association was founded in his name; stamps with the general's face were released; he was paid homage by a post-communist Romanian president; his name was given to an army corps through a presidential decree. Ultimately, with all these honors already brought in, the judiciary rehabilitation could only represent a natural act of gratitude, a passable formality.

By contrast, the accusation for which the general was sentenced was far from placing him in the golden book of resistance against communism, as one may think from the aforementioned exposé. On the contrary, for his deeds – sanctioned by the Bucharest People's Court, in May 1945 – he was sentenced to death for war crimes. According to the indictment, he allegedly committed acts of terror and cruelty; namely, he took part in the racial-based assassination of the population in Odessa. Sentenced to death for several charges, the general's sentence was lessened to hard labor for life; he died five years after his arrest. His name is related to the massacre committed by the Romanian authorities in Odessa, several days after the conquest of the city, following a long-term siege.

In the afternoon of 22 October 1941, the Romanian military commandment on Engels street was the target of a bloody attack, which recorded approximately 135 victims (dead and wounded). The explosion that killed almost all members of the 10th Infantry Division General Staff was the additional reason for the Romanian authorities to start the bloody retaliations in the city and in the surroundings. The overwhelming percentage of those annihilated were Jews. Brief attacks – completed by the tension and chaos reigning in Odessa on 23 October – intensified after the telegram exchange with Bucharest. Practically, violence increased exponentially, doubled by the overzealousness of the Romanian commanders. The arrival of the general – commander of the 2nd Army Corps – to the city in order to restore order increased the retaliations on the express orders received from the military cabinet of Marshal Ion Antonescu, requesting through several letters the assassination of thousands of Jews. Ingenious solutions were sought in order to increase the number

¹ Ionel Stoica, 'Îl reabilitează Justiția pe celebrul general Nicolae Macici? Ororile din război, faptele de vitejie și moartea după gratii', *ziare.com*, April 23, 2020, at <https://ziare.com/stiri/proces/il-reabiliteaza-justitia-pe-celebrul-general-nicolae-macici-ororile-din-razboi-faptele-de-vitejie-si-moartea-dupa-gratii-1607953> (accessed on 20 September 2020).

² Archives of the Bucharest Military Court of Appeal, files 334/753/2019, ff. 2-41; 5/81/2020, ff. 2-6.