

## Abstracts

### ***Andrei Ursu, Disinformation and Revisionism in the “Ursu” Case and the Romanian Revolution of December 1989 (I)***

**Abstract:** The acquittal of Gheorghe Ursu’s torturers by the Supreme Court on July 27, 2023, has elicited a wave of indignation across the Romanian society. Drawing on the striking gap between the evidence presented in the case and historical record, on one hand, and the Court’s misguided arguments for the acquittal, on the other hand, this study tries to answer the question “how did we get here”. Which were the mechanisms that might have led three Supreme Court justices, three decades after the fall of Communism in Romania, to such an utter misunderstanding, or rather, mystification of facts and the law? We delve into the “dissimulation” character of Nicolae Ceausescu and Securitate’s repression of dissent. The study offers a short review of the “Ursu” case and its cover-up. The history and motivations of the post-1989 disinformation strategies are examined, regarding both the Ursu case and the Romanian Revolution of 1989. A few “vectors of disinformation” from within the ranks of the former Securitate cadres and their acolytes are being identified, their media outlets, as well as the “variants” of “legends” they planted in the public space. The study identifies some of the processes (or lack thereof) and institutions that contributed to the acceptance of a revisionist history of late Communism. The paper concludes with an examination of the consequences this revision of history might have for the public consciousness and for future generations.

**Keywords:** Gheorghe Ursu, Supreme Court, Romanian Revolution, disinformation, mystification, revisionism, Securitate cadres.

### ***Cristi Danileț, Debates on the Ursu Case: from freedom of expression to damaging the independence of the courts***

**Abstract:** The study analyzes the adequacy of the Public Statement in which the Superior Council of Magistracy defended the decision of the HCCJ judges regarding Gheorghe Ursu’s torturers in the face of a wave of criticism following that decision. I showed that it is difficult to assess the extent to which a public debate can be hindered on the grounds that it would hurt the independence of the courts. Given the sensitivity of the subject, the standards defining these limits are described in international instruments. Not being sufficiently known, they have been ignored by the Superior Council of Magistracy

which preferred to admonish the press, politicians and civil society that they are not allowed to debate a final court decision on a subject extremely provocative for the public - the methods used by the communist Securitate against dissidents. Criticism of court decisions, combating judges' arguments, debating cases and court acts in the public space are fundamental instruments of democracy. When the pluralism of ideas and the debates about irregularities and possible abuses by the three branches of government are blocked, this is the exact opposite of democracy. As far as justice is concerned, the lack of accountability is the beginning of the magistrocracy.

**Keywords:** Gheorghe Ursu, independence of the courts, freedom of expression, responsibility, magistrocracy, Superior Council of Magistracy.

***Gabriel Andreescu, The Case of Silviu Rogobete. On the right to reputation in the jurisprudence of the National Council for the Study of the Securitate Archives***

**Abstract:** The study analyzes the “Silviu Rogobete case” as a “semi-hidden” example of infringement of the right to reputation. I describe the offensive character of the language used by the certificate given by the NCSSA which established that the (then) diplomat “cannot be named as an employee/collaborator of the Securitate”. I list several instances in which the disclosure of the names of agents and collaborators of the political police after the fall of communist regimes unfairly affected the reputation of some personalities. I discuss several cases of this kind that have generated complaints to the ECHR. I questioned the credibility of the decisions of the NCSSA, over a long period of time, regarding the collaboration or non-collaboration with the Securitate of several individuals subject to verification by the NCSSA. I commented on the specifics of the “Silviu Rogobete case” and, as related to it, the responsibility of the NCSSA towards respecting the right to reputation of the verified persons. I argue for the need to extend the legislation on disclosure and access to one’s own file to offer more protection of the right to reputation, a component of the right to private and family life (Article 8 of the European Convention on Human Rights).

**Keywords:** right to reputation, disclosure, collaboration with the Securitate, political police, NCSSA, Silviu Rogobete

***Előd Kincses, Territorial Autonomy, the „danger” that led to the withdrawal of the National Order ”Star of Romania” awarded to László Tóké***

**Abstract:** The article quotes an excerpt from Károly Király’s memoirs, which recounts a fact unknown to public opinion: that the initial draft program of the National Salvation Front included the requirement of territorial autonomy. Following the presentation of the

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pros and cons, at the meeting held to finalize the text, at the beginning of January 1990, the subject of territorial autonomy was omitted. Later, any support for territorial autonomy drew public opprobrium. The most telling example is the withdrawal by the President of Romania, Klaus Iohannis, of a distinction awarded to László Tőkés because of his public lecture in support of territorial autonomy at the Summer University in Tuşnad on July 27, 2013, qualified as a “dishonorable act”.

I showed that it cannot be concluded legally that by declaring support for territorial autonomy at the Summer University in Tuşnad, László Tőkés committed a dishonorable act. One argument is also the fact that President Traian Basescu knew Mr. Tőkés’ position on this topic when he issued the presidential decree awarding him the distinction “as a sign of great appreciation of his courage and dignity, when he triggered, by personal example, the historical revolt of the Romanian people against the communist dictatorship”. By withdrawing the National Order “Star of Romania”, the acting president also violated the provisions of art. 1 (3) of the Constitution, regarding the observance of “the ideals of the Revolution of December 1989”.

**Keywords:** László Tőkés, President Klaus Iohannis, National Order “Star of Romania”, withdrawal of distinction, dishonorable act.