
ANNEXES

ANNEX I

THE ROMANIAN INTELLIGENCE SERVICE (SRI) – AN INSTITUTION THAT PROMOTES ULTRANATIONALISM

The most severe, most efficient and still the most dangerous form of right-wing extremism in Romania is ultra-nationalism. Traditionally, ultra-national politics has always been associated with setting-up and operating the Romanian Intelligence Service (SRI), which logically (when we think of its function), but also paradoxically (if we have in mind realities), has among its competencies the identification of totalitarian and extremist manifestations.

This situation is also generated by the fact that SRI was built on the structure of the Securitate, the old political communist police. Because in Romania in the last decades communism took on the form of national-communism, and the Ceaușescu regime wanted to get out of the Soviet control, the Romanian Securitate was instructed in an aggressively nationalist spirit. The tasks of the Security included the supervision of the measures to assimilate the Hungarians – especially of the Hungarian Changos, combating extreme sections that affected the good “image of the country”, cooperation with ex-legionnaires abroad – such as Iosif Constantin Drăgan – with a view to promote a grandiloquent history. All this institutional tradition became, after 1990, rough ballast, but also a tool for the promotion of the interests of ex-officers of the defunct system.

The Council of the National Salvation Front (CFSN), the first structure of power that was established after the events that led to the fall of communism, decided to abolish the Securitate, to transfer its human resources and patrimony under the control of the Army, and to pay the salaries of ex-officers and the personnel for three months. This meant that by the end of March 1990, they had to find a new job. The public opinion was vehemently hostile to setting up a similar institution again. Meanwhile, the Romanian Hearth was established as the spearhead of Romanian ultra-nationalism. On 19, 20 and 21 March, 1990, in Târgu Mureș, there was a bloody confrontation between the Romanians and the Hungarians, which had been prepared and carried out with the specific

intelligence service means. Based on the argument that such events are a threat, the Romanian Intelligence Service was set up immediately afterward, without seeking approval from the only institution that has this power: the Provisional Council for National Unity. The first nationalist movements were led by officers or collaborators of the Securitate. One of the people that prepared the setting up of the Romanian Hearth and counseled Ion Iliescu, the president of the Temporary Council for National Unity,²⁴² during the events in Târgu Mureș, was Virgil Măgureanu, the would-be director of SRI.²⁴³

All these strong arguments demonstrate that the setting up of the Romanian Intelligence Service was done after an ultra-nationalist scenario which was implemented by the people of the ex-Securitate. Most of these people were again integrated in the new SRI. When he was made director of the SRI, Virgil Măgureanu made a public statement denying that he ever belonged to the Securitate. After a while, some documents were published that demonstrated the contrary, and thus Virgil Măgureanu was forced to admit this unquestionable evidence.

Many of the Securitate officers formed the first line of ultra-nationalist associations and parties: the Romanian Hearth, PUNR and PRM. The connection between the Romanian Intelligence service and the ultra-nationalist forces can be noted in a long series of individual cases – such as the career of officer Mircea Chelaru. He was appointed chief of the division that handles irredentism in 1990, and later suddenly became president of PUNR. Beyond the indirect arguments, the Romanian Intelligence service itself had official anti-minority manifestations. They showed first of all in the SRI reports.

SRI Reports

The first SRI Report issued in October 1994, on the fulfillment of attributions that the Service has to safeguard national security (during the period between October 1993 and September 1994), in the chapter titled “Protection of the Rule of Law”, discussed “exacerbation of nationalism”, and “extremist and separatist” tendencies. The report stated that, “without minimizing them, it must be pointed out that the appeals to confrontations with the majority population have a modest echo”. In other words, the SRI reported the identification of extremist-nationalist actions that endangered

242 The Provisional Council for National Unity replaced CFSN.

243 Gabriel Andreescu, *Ruleta. Români și maghiari, 1990–2000*, [Roulette. Romanians and Hungarians, 1990–2000] Bucharest, Edit. Polirom, 2001.

the rule of law, but they were allegedly initiated by the **minorities** or some “foreign nationalist-extremist organizations”. The example of extremist initiatives that is given is “the campaign of collecting signatures in support of a draft bill for the education of national minorities”. For the Romanian Intelligence service, the exercise of the constitutional right to initiate laws by the will of the citizens (Art. 73.1) was, therefore, a threat for the national security, and thus an objective of its actions to protect the rule of law.

The report also referred to “anti-constitutional manifestations of some Romanian citizens of Hungarian origin”, which would be due “mostly to the anti-Romanian propaganda, the revisionist incitements, and direct support from abroad” (p. 5). There was mentioning of the “Transylvanian Hungarian Initiative”, led by Ádám Katona, an organization which became official in 1992, and whose objective was to accomplish self-determination through different forms of autonomy, including territorial autonomy (Art. 4 of the Platform program), “financially supported from abroad”.

Obviously, none of the manifestations that they made reference to was anti-constitutional. In the report, SRI was mistaking, on purpose, **the obligation to respect the provisions of the Constitution**, therefore the rule of law, for **the option to change the existing order and the expression of this option**.²⁴⁴ The same mistake applied to “incitement to territorial separation”. It must also be mentioned that there are no restrictions in the Romanian laws referring to the foreign financial support of organizations set up in conformity with the right to free association.

The SRI Report also dealt with the Roma ethnic group, announcing the intention to “propagandistically exploit some incidents that occurred in the relations of some members of the ethnic group with other citizens, against the background of severe anti-social and criminal actions”. The Report went on, “it must be emphasized that in the few conflicts that occurred, the protagonists were always citizens, not the ethnic group, and the events were significant strictly in the specific local and inter-personal context”. However, the Romanian Intelligence Service is not entitled to provide standards of interpretation regarding the ethnic or non-ethnic nature of conflicts.

Another assertion, “some elements of the Roma²⁴⁵ (...), [are] distorting the realities in our country by denigration and accusation, incited to action meant to affect the image of Romania abroad” (p.7). The example given is Sándor Csurkuly, the leader of the Târgu Mureş branch of the

244 The 1991 Constitution of Romania does not allow for territorial autonomy, and for this it is necessary to change the fundamental law.

245 The syntagm that includes the word ‘elements’ (of the Roma) is offensive in itself.

Free Democratic Alliance of Roma in Romania, who “provided some international organizations tendentious data about the conflict at Hădăreni, detouring it from the sphere of anti-social and common law criminal actions to the sphere of ethnic confrontations”. It was also reported that Sándor Csurkuly had allegedly been granted material advantages, such as a free trip to Germany.²⁴⁶ Through such assertions, the Romanian Intelligence Service violated the **Law regarding the National Security of Romania**, which points out, “The stipulations of Art.3 cannot be interpreted or used to restrain or forbid the right to defend a legitimate cause, to show protest or ideological, political, religious or other type of disagreement” (Art. 4.1). Obviously, the actions that were used as an example in the SRI Report of 1994 fell in the category of disagreements or protests. The accusations in the Report disregarded the constitutional guarantees and the law on national security.

In the Report, SRI tried to intimidate those who commented on the social, cultural and political actions in Romania, and it even insinuated that such behavior is fuelled by the wish to obtain material advantages, or to “please the valences of leadership within the ethnic group at the national level”. The xenophobic and racist tone of the 1994 report was stunning.

The issue of minorities occurs again in the new SRI Report of November 23, 1995, referring to the period between 1994–1995. SRI showed concern for the attempts to obtain information about the “reform and restructuring departments and agencies, the political parties, trade unions, the national minorities – especially the Hungarian and Gypsy ethnics”. The report accused contacts with some “leaders of the Gypsies or members of their families, in order to exploit their position toward the Romanian State and the potential to engage them in propagandistic activities that disfavor Romania”. In the chapter titled “Espionage threats”, the report listed propagandistic activities meant to “present to the exterior a very distorted image of the Romanian realities”, invoking the case in which it was stated that Romania was a “politically, economically and socially unstable country, confronted with severe interethnic dissensions that could degenerate into open conflict, which would endanger the stability of the entire area”.

The chapter “Defense of the constitutional order” reiterated the preoccupation with “political extremism on ideological and ethnic bases”, a category which included the Hungarians ethnics, promoters of separatist autonomy. The “accusable” actions included, “setting up organizational structures that deliberately force the limits of internal legislation (...); the

246 Sándor Csurkuly denied some of the allegations in the press shortly after the publication of the SRI Report (see “22”, December 1994).

open, programmatic assumption of some objectives that are contrary to the rule of law; (...) starting an ample propagandistic campaign that (...) denigrates the Romanian state, discredits the policies of the authorities and victimizes the Hungarian ethnics, on the one hand, and pursues the heavy politicization of the Hungarians, on the other hand”. Means that threaten the security of the state? “Programmatic decisions and documents” which “include explicit provisions in the issue of autonomy, including the territorial autonomy, as well as the political, social and administrative structures that support and lead to the accomplishment of autonomy based on the ethnic criterion (The Council of Unional Representatives,²⁴⁷ the councils of self-government at the country and territorial levels, etc).” The documents revealed the “intention to create a proper institutional system for the [autonomous community of the Hungarians in Romania] and especially a constitutional local administration system, exclusively for the administrative units where people belonging to the Hungarian minority represent a significant percentage (the National Council for Self-Government, the Szeklerland Consultative Council)”.

SRI did not forget to accuse the intentions of setting up an “unauthorized network of Hungarian education in Romania” by creating, in some Transylvanian towns, “university and post-university level higher-education institutions as branches of foreign institutions of higher education, subsidized and provided with teaching staff and materials from abroad”. They also intended “to enlarge the basis of autonomy movement among other ethnic minorities, attempting, by an aggressively [politicizing] nature, to present the failures recorded in this respect as [evidence] that might verify the so-called intolerance of the Romanian majority population.”

The report which covers the period between September 1995–December 1996 reiterated the ideas of ethnic separatism and “anti-state actions carried out by the representatives of the Hungarian separatist autonomy”, giving as an example the activities of the Platform called *Transylvanian Hungarian Initiative*, or those of the Szeklerland Consultative Council, i.e. “to finalize the documents meant to ensure the ‘legal’ framework for the achievement of the Hungarian community autonomy”, “the actions to impose debates on these documents” and “the incitement of co-nationals to support the mentioned actions”.

Thanks to the public criticism of these positions adopted by SRI, the SRI reports for the periods May 1997–May 1998, and June 1998–June 1999, the only other reports to be made public by SRI, when UDMR became a government party, eliminated the sections that accused the minorities. This fact is not indicative of a fundamental change of insti-

247 Correctly “Council of the Union’s Representatives”.

tutional attitude, though the elimination of the attacks directed toward the Hungarians and the Roma is a positive aspect. Several challenges launched in the press between 1996–2000 bore the sign of some sources from within the Romanian Intelligence Service.

The Anti-Hungarian Challenge in the Fall of 2001

Despite the fact that UDMR was part of the government for four years, despite the new relations between the representative party of the Hungarians, and PSD, which became the government party after 2000, the Romanian Intelligence Service was involved in a serious anti-Hungarian provocation even in the fall of 2001. The event confirms the continuity that has existed in this institution since 1990 and to this date.

In November 2001, the Control Commission of SRI launched a Report that was clearly meant to stir public emotion. In essence, the Report, which expressed the very opinion of the Romanian Intelligence Service, considered that in Harghita and Covasna, the counties where the majority population is Hungarian, “were out of the control of the state authorities”. SRI was warning the Romanian society and the institutions meant to protect its sovereignty about the danger represented by the Hungarian minority and its organizations. The wording that SRI used suggested that they are a threat to the Romanian state.

What is significant in this Report exceeds its general topic. The details of the content reveal a lot about the conception of the Romanian society, as seen by the leaders and officers of the institution that is responsible for national security. In this respect, the assertions in the Report of the Control Commission of SRI can be divided into three sections:

A. Assertions in which the rights and liberties included in the Romanian legislative system are contested. Thus, the Report of the Control Commission of SRI accuses:

a) Achievement of an independent system of education in Hungarian at all levels;

b) Obtaining funds and logistic support for pre-university education in the minority’s mother tongue, as well as providing computer systems for these schools so that they can be connected to the Hungarian information flow;

c) Allocating funds for the construction and renovation of ecclesiastic-social buildings, buildings of the cults, as well as for the improvement of the functioning state of the written and electronic press in Hungarian;

d) Exerting continuous pressure for the integral retrocession of the property of Hungarian communities and churches, as well as the restitution of property belonging to the Hungarian ethnics in our country,

used as efficient instruments in outlining some favorable positions in the area's economic-social life;

e) Institutionalization of collaboration between the institutions of public administration in the two territorial units (county councils, town halls), with a view to setting up, with Hungarian financial and logistic support, the Szeklerland Development Region;

Thus, the Hungarian ethnic decision-makers in the institutions of local public administration in Covasna and Harghita counties participate actively in the building of a 'micro-region-region' type of system, which would facilitate the achievement of the autonomous-separatist objectives and lead to the setting up of "self-governing Hungarian regions" aiming to diminish the role of the Romanian state.

f) From this standpoint, the attempts to accomplish a common administrative system for all the woodlands owned in Covasna and Harghita (and partly Mures) counties is an important process, a 'first step' toward setting up a "Financial and Forestry Fund of the Hungarians in Transylvania";

g) Organizing actions of protest in the area and incitement of co-nationals to civic insubordination;

B. Other assertions in the Report contest the right of people – either members of a minority, or not – to want to formulate opinions about changing the existing constitutional-legislative framework in the sense of extension of their rights. In the wording, one can recognize the old obsessions of the SRI Reports at the beginning of the '90s:

a) Materialization of some objectives of the minority in the fields of education, culture and religion, formally motivated by the need to preserve its traditions and specificity, but actually meant to consolidate its status as part of the Hungarian nation, such as obtaining autonomy in its different forms – personal, administrative and eventually territorial autonomy;

b) Such an evolution can powerfully raise the issue of art.1 of the Romanian Constitution, which the Hungarian circles consider to be of utmost importance, and which stipulates the "national unitary character of the Romanian state". Interested people could use the autonomy of "Szeklerland" as a strong argument to justify the reconsideration of the thesis according to which the Hungarian ethnic group is a "state-making nation", which would further lead to the recognition that Romania is a "multinational state".

c) In the event that the process proved successful (after Hungarian standards), encouraging the "export" of the model [of collaboration between administrative units] to other Transylvanian counties with Hungarian population, considered 'incompatible from the economic and social point of view';

d) Although so far the actions/plans for the federalization of Romania have not had the impact that the initiators expected – the population's

adherence to the propaganda for the accreditation of the autonomy-separatist theses is maintained at a relatively low level – in the medium term, the violence of such messages cannot be excluded; some of the actions of this type have found adherents among the Romanian Transylvanian ethnics, too, who – under the guise that they promote the same harmful theories for the unitary and indivisible character of Romania, by which they plead for an autonomy that is extended to all the regions of the country.

e) Favoring the penetration of Hungarian capital (at the local level) in the economic sectors of interest in Transylvania, and supporting the professional organizations set up on ethnic criteria with a view to develop the economy of the areas that are compactly inhabited by Hungarians;

C. Finally, some allegations that, had they been true, would have been a clear violation of the Romanian legislation and, in this case, they would have compelled the authorized bodies to intervene. Among these, one referred to

a) the refusal to execute a judicial decision, denying the authority of the institutions of the Romanian state in the area;

Others mentioned a process of ethnic discrimination toward the Romanians in the area, with the intention to make them leave the counties where the majority population is Hungarian;

b) Initiation of a process of “de-Romanization” of the area, by excluding the Romanian element from the decision-making processes at the local level, and thus determining them to leave the counties where they live;

c) Gradual replacement of the Romanian representatives in the decision-making structures at the local level with Hungarian supporters of separatism by a single criterion, including the imposition of knowing Hungarian as a criterion of selection of the members of the respective structure;

d) Obstructing the activities of Romanian cultural and educational institutions, such as placing symbols of the Romanian history and culture, in parallel with the promotion of the Hungarian ones;

e) Limiting the possibilities of manifestation of the Romanian Orthodox Church in the area.

A number of allegations referred to the actions of obtaining the status of hegemony by the – mostly Hungarian – local authorities:

a) Speculative exploitation of the process of administrative decentralization with a view to obtaining control over some priority domains of social life in this area.

As for risks and threats:

a) Loss of state control over an important area of the national territory, by establishing a genuine “Hungarian border” within the country, with most harmful implications in the long term;

b) Intensification of the process of discrimination against the Romanian ethnics in the area, which can result in the erosion of their feeling of national identity, or their decision to leave the area;

c) The data that we have, as well as the studies that have been carried out by different research institutes or institutes of public opinion polls, show that the Romanians in Harghita and Covasna are confronted with “cultural models, values, state of mind, and experiences that are characteristic of minority, disadvantaged, isolated or marginalized people”, and they make up a distinct ethnocultural area, which threatens “Romanism as a distinctive ethnic reality, as a cultural state”;

d) Given the above-mentioned, “we consider that an adequate reaction is needed – in the institutional, normative, economic, social and cultural planes – to limit the proliferation of these currents and to prevent the emergence of an evolution with impact in the preservation of Romania’s territorial integrity.”

It must be noted that, in conformity with the Law on Organization and Functioning of the Romanian Intelligence Service, the topics that are included in the Annual SRI Reports are considered threats to the national security and represent the starting point of taking specific measures, meant to defend the national security. The measures go as far as to limit some human rights, which is motivated by the danger that practicing those human rights affects national security. Limiting human rights for such kinds of reasons is legitimate. At the same time, the arbitrary introduction in the SRI Reports of reference to persons or processes/actions that do not endanger in any way national security represents an illegitimate limitation of the fundamental rights and freedoms. The gratuitous reference the Report makes to private and legal persons means:

- Pressure on the people and on the organizations affected, for self-limitation of the rights they enjoy
- Intimidation of persons that wish to exercise their rights;
- Discrediting persons in front of the public opinion;
- Initiation of the first stage of effective limitation of human rights – such as violation of correspondence, of intimacy and private life, without any objective, reason, etc.

Evaluation of the Report of the SRI Control Commission

In order to understand the significance of the Report written by the Romanian Intelligence Service, its evaluations must be confronted with all the rights that citizens have. There are, as shown above, three situations:

Point A. The promotion of an educational system in Hungarian at all levels, obtaining funds and logistic support for pre-university education in

the ethnic groups' mother tongue, equipping these schools with computer technology, etc. are rights that the Education Law stipulates, and represented traditional norms in the field, even before 1989. The same is valid for the construction and renovation of ecclesiastic-social buildings, or the improvement of the conditions of the written press, in conformity with the rights to practice religion and freedom of speech, protected both in the Constitution of Romania, and in the specific laws, as well. The cooperation of the institutions of public administration for different reasons is also a right that is stipulated in the Law on Local Public Administration.

In December 2001, APADOR-CH and the Pro Europe League conducted an investigation in the counties of Harghita and Covasna, to evaluate the Report of the SRI Control Commission.²⁴⁸ The site investigations did not verify the existence of initiatives to develop a system of common administration of woodlands in Harghita and Covasna. However, like any form of private association that does not have illicit objectives, this specific initiative would be in agreement with the laws of the country.

In the period of investigations in Harghita and Covasna no manifestations of protest or urges to civic insubordination or any reference to them were mentioned. It should be underlined that incrimination of such acts by SRI violate art.4, paragraph 1 of the Law on the national security of Romania: "The provisions of art.3 [on defense of national security] cannot be interpreted or used for the purpose of restricting or forbidding the right to defense of a legitimate cause, of manifestation of a protest of ideological, political, religious or of another nature disagreement."

Point B. The idea that the Hungarians in Romania consider themselves part of the Hungarian nation, the option for autonomy (personal, community, administrative), consideration of the ethnic Hungarians as "a state constitutive nation", the proposal to change art.1 of Romania's Constitution on the "national unitary Romanian state" can be found in the documents of UDMR and in the declarations of the Hungarian leaders ever since early 1990. The idea of Romania's federalization does not appear in the UDMR programs but was launched by some Romanians and Hungarians being, as a matter of fact, the subject of public debate.

These forms of administrative organization, or of symbolic redefinition, are not part of the institutional and constitutional reality of the Romanian state. On the other hand, the option to change the Romanian Constitution, and reasoning to this end, would legitimately be the concern of SRI if it were associated with proper anti-constitutional actions.

248 APADOR-CH, "Aspecte privind evoluția situației drepturilor omului și activitatea APADOR-CH. Raport 2001", [Aspects of the evolution of the situation of human rights and the activity of APADOR-CH. Report 2001], <http://www.apador.org>

The Report of the SRI Control Commission does not make a difference, as SRI has not done it before, either, between the obligation to observe the Constitution – rule of law – and the option for changing the existing order and expressing this option. Any democratic Constitution permits revision. Romania's Constitution in art.146-148 provides for this. It is true that art.148 upholds "The provisions of this Constitution on the ... unitary and indivisible character of the Romanian state.... territorial integrity...shall not be subject to revision." But art.148 as well can be reviewed according to constitutional provisions.

A separate analysis is required by the accusation "instigation to territorial separatism". The SRI Control Commission could interpret the options to autonomy in this sense and invoke art.30, paragraph 7 of the Constitution that enumerates, among the restrictions to freedom of speech, "instigation to territorial separatism". Reference to territorial separatism – as well as defamation of the country and nation – does not appear among the restrictions to freedom of speech in international treaties on human rights and liberties which Romania ratified, like the International Covenant on civic and political rights and The European Human Rights Convention. According to art.20 of the Constitution, international pacts and treaties on human rights have priority over domestic laws. Even if here it is not about a certain legislative provision but a constitutional one, the same art.20, paragraph 1 states, "The constitutional provisions on the citizens' rights and freedoms will be interpreted in agreement with the Universal Declaration of Human Rights , with the pacts and treaties Romania is a party to." That is why putting limits to expression of points of view on the structural form of the state is incompatible with the spirit of the democratic societies but also with the Romanian constitutional safeguards.

Point C. The investigations of APADOR-CH and the Pro Europe League at the level of local authorities and prefectures in Harghita and Covasna have shown that in the two counties there have not been cases of refusals of enforcement of the court ruling. As far as the allegations on the process of "de-Romanianization" of the area by exclusion of the Romanian elements from the local decision processes and thus determining them to leave the counties where they live, imposing the knowledge of the Hungarian language as a selection criteria for the members of the respective structures, restriction of the possibilities of manifestation of the Romanian Orthodox Church in the area, the investigation of APADOR-CH and the Pro Europe League showed the following:

1) The data on the ethnic structure of the public authorities show a significant predomination of the ethnic Romanians in spite of the fact that they are a minority. Thus, the Administrative Commission with the County Covasna Prefecture has 33 Romanians and 3 Hungarians. On a

list of 18 public institutions of national interest in the same county 11 are led by Romanians and 6 by Hungarians. In Harghita, the Administrative Commission with the Prefecture is made up of 24 Romanians and 19 Hungarians – at a ratio of about 84.7% Hungarians and 14% Romanians. In 1990, in the management of the commercial companies of Sfântu Gheorghe there were 12 Hungarian and 6 Romanian leaders. Today, there are 3 Hungarians and 15 Romanians. In the county library 47% of the books are in the Romanian language. Out of the 98 flats distributed between 1995 and 2001, 70 were received by Hungarians families, 28 by Romanian families. In other words, the Report of the SRI Control Commission misinforms.

2) As regards the requirement of knowing the Hungarian language when being hired in a public institution in the area, this happens exclusively in the case of positions which presuppose contact with the public and consequently, the Law on Local Public Administration has to be applied.

3) The presence of the Romanian Orthodox Church in the region is currently based on the activity of the Harghita and Covasna Bishopric whose establishments and properties exceed substantially the country average.

The reference in the Report of the SRI Control Commission to “the speculative exploitation of the process of administrative decentralization with a view to obtaining control over some priority domains of social life in this area”, this is ambiguous and impossible to be proved. As far as the assertion regarding the loss of state control over an important zone of the national territory by the setting up of “a Hungarian border” inside the country, the representatives of APADOR-CH and the Pro Europe League had the occasion to see, during the investigation, how offending this was perceived by the civil servants in the area. Such offensive and threatening attitudes represent a direct violation of the rights of those affected, as the entire doctrine of human rights is based on the respect of dignity, honor and security of persons.

The allegations are also unjust. It is obvious that some institutions set in their agendas as a priority the interests of the Romanian minority in the region. Thus, the Directorate for culture, religious denominations and properties of Covasna received in 2001 about 390,000,000 ROL, to which the Ministry of Culture and Religious Denominations added 244,075,129 ROL in the first stage, and then another 108,000,000 ROL. To the 742,075,129 ROL, specifically for foundations and associations, the Ministry of Culture and Religious Denominations added approximately 100,000,000 ROL. Of the almost 850,000,000 ROL in 2001, about 450 million ROL was spent on cultural activities.

In 2000 the Directorate was allocated 148,000,000 ROL, to which the Ministry of Culture and Religious Denominations added 165,209,395. Of the 313,289,395 lei, 40-60% was spent for specific Romanian cultural activities.

Having in view that the Directorate is dealing with problems of culture, religious denominations and properties of the whole county and that the percentage of Romanians is 36%, spending over 50% of the budget for specific Romanian manifestations is sharply in contradiction with the accusations in the Report of the SRI Control Commission.

Conclusions

The condemnation by SRI and the SRI Control Commission of the Hungarian population's exercise of rights infringes upon constitutional guarantees. This attitude has three possible explanations:

a) The authors and the leaders of the Commission and of SRI do not know the laws of Romania, and act in the belief that the internal norms are the very opposite of the real ones;

b) The authors and the leaders of these institutions know the laws of Romania, but act against them following orders;

c) The leaders of these institutions have their own agendas, directed against human rights and liberties.

The idea that SRI officers might not know the stipulations of the law sharply contradicts the importance of their mission and the means that are available to them. In fact, the lawmakers had in mind controlling the activity of SRI in this respect, and stipulated explicitly in Art.36 that "the Romanian Intelligence Service shall not undertake any action that promotes or harms the interests of any political party or private or legal person, except for those actions of the aforementioned persons that endanger national security". Legal activities cannot be considered actions that violate national security. Ignorance of the law by officers and leaders of SRI, and of the Control Commission of SRI can be neither a moral nor a legal excuse.

The existence of high-level decisions that might explain denouncement of legal manifestations of the Hungarians in Harghita and Covasna must bear in mind that SRI is formally, directly or indirectly, under the control of (1) the President, who proposes the SRI director and his/her deputies (Art.23 and Art.24 of Law 14/1992); (2) the Supreme Council of Defense of the Country (CCSAT), which "organizes and coordinates unitarily the activities that regard the defense of the country and national security" (Art. 18 of the law on national security), which includes SRI (Art.1, para.1 of the Law of Organization and Functioning of SRI); CSAT is made up of the President, the Prime Minister, the Ministers of Defense, of Home Affairs, of Foreign Affairs, and others; (3) the Parliament, through the mediation of the "mixed commission of the two Chambers".

It results from the above that the activity of SRI, but also of the Control Commission of SRI, is ultimately under the political authority of

the majority parliamentary coalition. The evolution of the relations between the Romanian Intelligence Service and the elected power has shown a stability of projects in relation to the political changes; also an extraordinary capacity of this institution to impose its own projects. The examples mentioned above demonstrate that SRI has acted systematically as an organization that promoted anti-minority ideas, encouraged discriminatory manifestations, and encouraged extremist forces in Romania. Its attitudes result logically from the nationalist traditions of the old Securitate, on the structures of which the Romanian Intelligence Service was built, the way in which SRI was set up, and the relations it has in the political and financial world. The virulence of extremism in Romania and the danger it represents could not be reduced to a benign level without a fundamental change of the SRI. This imposes the elimination from the institution of all those that have an extremist-nationalist psychology, the radical change of the selection and education system of the officers in the Romanian Intelligence Service, and the imposition of genuine civil control over the intelligence services.