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The Legal Framework for Intelligence in Post-Communist Romania

Intelligence is 'slippery,' and if the legal framework is not clear and explicit, intelligence agencies will be much more difficult to bring under democratic control.[1]

The safeguarding of civil liberties and ensuring the accountability and transparency of the intelligence and security institutions, even if protecting national security, are crucial in a democracy. Accommodating both secrecy (which an intelligence community (IC) needs in order to function effectively) and transparency (which enables citizens to know what their government is doing) begins with the creation of a comprehensive legal framework. This not only ensures that the intelligence organizations work effectively and are able to adjust to new dynamics, concepts, and technologies, but also guarantees that they respect the rule of law, as well as human liberties and rights. A legal framework for intelligence (1) delineates the rights, obligations, and powers of the intelligence organizations, as well as the arrangements for their governance and accountability; (2) provides the intelligence system with guidance as to

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what it can and cannot do; (3) indicates who is in charge and who oversees the activity of intelligence; (4) ensures that the intelligence apparatus is responsible before the law in case of abuses; and (5) makes sure that the IC benefits from legal protection if it observes the legally agreed guidance and directions.

Crafting a legal framework for the post-Communist intelligence agencies—to equally enforce both effectiveness and democratic control—has been even more pressing in an emerging democracy like Romania, whose previous authoritarian regime (known as the ''Securitate'') used the intelligence apparatus to oppress the population by routinely infringing upon individual rights and liberties, and whose newly created intelligence agencies continued to rely on the earlier government's intelligence personnel for years after the 1989 regime change. Since then, Romania has nevertheless progressively instituted a legal framework for the intelligence system, covering its mandate, coordination, control, oversight, accountability, and transparency. But it has been less than perfect. Today, two decades after the fall of Communism, when Romania is both a North Atlantic Treaty Organization (NATO) and European Union (EU) member, part of its national security and intelligence legislation still dates back to the first years of transition. Also, parts of the legislation are unclear, hence conducive to intelligence mischief and transgressions. Yet, paradoxically, the Romanian intelligence agencies are effectively protecting national security at both national and international levels, and are under democratic control.

CRAFTING THE LEGAL FRAMEWORK FOR ROMANIA'S INTELLIGENCE AGENCIES AFTER 1989

Currently, Romania has six intelligence agencies:

Independent
The Romanian Intelligence Service (SRI);
The Foreign Intelligence Service (SIE);
The Guard and Protection Service (SPP);
The Special Telecommunication Service (STS);
Ministerial
The General Directorate for Intelligence and Internal Protection (DGIPI);
The Directorate for General Information of the Army (DGIA).

They are responsible for informing the decisionmakers on potential national security threats and challenges, as well as for defending and protecting Romania and its citizens against such menaces. To fulfill their roles and missions, they enjoy, among other things, special powers, such as monitoring citizens' private correspondence and tapping their telephone conversations. These exceptional powers have been routinely taken for

granted by the intelligence agencies and used for nondemocratic purposes even after the fall of Communism: first, due to the continued service in the new intelligence system of Securitate officers, notorious for their dirty jobs or breaking the law during the Ceausescu era (e.g., Securitate officers recruited minors to spy on parents, relatives, and friends, even though there was no law regulating the recruiting of minors),[2] and, second, due to the faulty post-Communist legal basis (e.g., some services functioned without a statutory law for a certain period of time). To move away from the Securitate's dismal legacy and reach a proper balance between democracy and effectiveness, thus avoiding abuses by the intelligence system, Romania needed to undertake a serious reform of its intelligence system, not only with regard to personnel recruitment, promotion, education, training, management, and procurement of new technologies, but also by creating a new and modern legal basis to provide for mandates based on the rule of law principle and respect for human rights and liberties, transparency, and democratic control.

DESIGNING THE LEGAL FRAMEWORK

The legal framework for intelligence currently encompasses the following: the Constitution of Romania (adopted in 1991 and amended in 2003); specific government resolutions or emergency ordinances on the establishment of certain agencies; statutory laws on the organization and functioning of specific intelligence institutions; laws and regulations on the organization and functioning of specific ministries; the National Security Law of 1991; laws and regulations on the Protection of Classified Information; and legislation on transparency, as well as other regulations.

Legislation on Organization and Functioning of the Intelligence Agencies

The Romanian Intelligence Service (SRI) was set up under Decree 181 of 26 March 1990. It was later placed on a statutory basis through Law Number 14 of 1992, on the Organization and Functioning of the Romanian Intelligence Service. In compliance with the law, SRI is responsible for the collection and analysis of intelligence pertaining to Romania's national security, including corruption.[3]

The Foreign Intelligence Service (SIE) was created under Decree Number 111 of the Council of the National Salvation Front of 8 February 1990, based on the reorganization of the former Securitate's Center of Foreign Intelligence (CIE). SIE conducts foreign intelligence activities pertaining to Romania's national security and the safeguarding of its national interests. SIE was later placed on a statutory basis in 1998 by Law Number 1 on the

Organization and Functioning of the Foreign Intelligence Service (completed by the Emergency Ordinances numbers 154 of 2001 and 98 of 2004). Law Number 39 of 13 December 1990 constrains SIE to report to the National Defense Supreme Council (CSAT).[4]

The Guard and Protection Service (SPP) was created on 7 May 1990 by Decree 204 of the Provisional Council of National Unity to ensure the protection of the president, government, party leaders, and foreign diplomats. It was put on a statutory basis by the Law No. 191 of October 1998, which stipulates that the SPP is responsible for the protection of Romanian dignitaries, foreign officials, and their families during their stay in Romania.[5] Emergency Ordinance No. 103 of 2002 increased the SPP's mandate to include organizing and conducting clandestine collection and undercover operations.[6]

The Special Telecommunication Service (STS) was created in 1993 by Government Resolution 229 of 27 May, although it had functioned within the Ministry of Defense for a few months since 1992, based on a CSAT decision. It was placed on a legal footing in 1996, by Law 92 on the Organization and Functioning of the Special Telecommunication Service. In compliance with that law, the STS organizes and coordinates various telecommunications activities for the public authorities in Romania and for other users. The STS also provides national signals intelligence (SIGINT).[7]

The Ministry of Defense's Directorate for General Information of the Armed Forces (DGIA) was created by the Emergency Ordinance Number 14 of 26 January 2001. In compliance with the law, the DGIA conducts intelligence collection and analysis on domestic and external, military and nonmilitary national security threats and challenges. It is also responsible for ensuring the protection of security information and cryptographic activities, as well as the geographical intelligence needed by the military. The DGIA operates under cover and may have combatant units under its authority.[8]

The Ministry of the Interior and Administrative Reform's (MIRA) General Directorate for Intelligence and Internal Protection (DGIPI) was created in 1999 on the ruins of the ministry's counterintelligence department, originally known as Ceausescu's UM 0215 (and mocked as "A Quarter Past Two"). The UM 0215 (which was believed to harbor the highest number of former Securitate personnel) was established on 1 February 1990, and, after several failed attempts, was placed within a legal framework in June 1990. Due to constant criticism by the media, Western governments, and non-governmental organizations (NGOs) about the presence of ex-Securisti in the Unit and its dubious methods, the UM 0215 was restructured in 1998 and underwent a significant personnel reduction. In 1999, it was renamed UM 0962 (or more accurately, DGIPI). In addition, Law Number 40 of 16 January 2002, which completed Law Number 40 of 18 December 1990 on the Organization and Functioning of the Ministry of Interior, seems to

have better clarified the DGIPI's roles and responsibilities. In compliance with the law, the DGIPI is responsible for the collection and processing of intelligence pertaining to organized crime and terrorism.[9]

Legislation on Intelligence and National Security

Romania's Constitution, adopted in 1991 and amended in 2003, is the fundamental law that establishes the structure of its government, its citizens' rights and responsibilities, and the country's mode of passing laws. The Constitution authorized the existence of a national defense system, interagency coordination and cooperation of the security institutions, and democratic control and oversight of security agencies.[10]

The National Security Law, or Law Number 51/1991, sets forth the national security threats and challenges which have remained unmodified since 1991. Like the Constitution, the Law defines the national security institutions: SRI, SIE, SPP, STS, the MOD's intelligence services, MIRA's intelligence service, and the MOJ's intelligence service (which was dissolved in 2006). Oddly, some of the national security components had been functioning even before the law's enactment. The National Security Law also reinforced interagency cooperation and democratic control of the security institutions. Of particular importance here is its Article 13, which allows the intelligence agencies to use their special powers (e.g., interception of communications) under specific circumstances in order to avert and counter real or anticipated threats and challenges to the national security, provided they obtain a prior warrant from the public prosecutor, and observe the provisions of the Code of criminal procedure.[11] The validity of duration of an issued warrant should not exceed six months. Upon a case by case review, the general public prosecutor can extend, at request, the warrant's duration, but for no longer than three months each time, without specifying a frequency limit.[12]

In April 2002, upon NATO's pressure,[13] Romanian authorities enacted Law 182 (Law on Protection of Classified Information), which guarantees the right of access to considerable public information, but continues to restrict access to classified information. The aim of the law is to prevent unauthorized access to classified data; identify the circumstances, as well as persons who, through their actions, may prejudice the security of classified information; ensure that classified information is disseminated only to the persons mandated by law to be informed; and ensure both the physical protection of the information and the personnel tasked with protecting classified information. In compliance with the law, personnel who would have access to classified information must obtain a security clearance.[14]

To ensure the implementation of the law on classified information, the Romanian government established, through Decision 582 of June 2002,

national standards for the protection of classified information. The standards include, among others, the following: various classifications of state secret information, and specific regulations regarding the minimum protection of the classified information per each class; requirements for government and non-government authorities and organizations to protect classified information; strict norms regarding the access to and handling of classified information, and the security vetting procedures; regulations and norms regarding the access of foreign citizens to state classified information. These standards, based on Romania's national interest, as well as NATO's criteria and recommendations, were to be enforced on all institutions and persons handling such information.[15] Moreover, from the perspective of NATO membership, Government Decision 354 of April 2002 led to the creation of the following institutions: the Agency of Security Accreditation, the Security Agency for Information and Communications, and the Agency for Dissemination of Cryptographic Material. These agencies have specific competences, in terms of holding and processing classified NATO information/intelligence within the framework of automatic data processing, sent through data and communications networks.[16] Moreover, the Romanian government set up the National Registry Office for Classified Information (ORNISS) through Emergency Ordinance No. 153 of November 2002. ORNISS handles the security of classified information. It performs regulation, authorization, evidence, and control tasks in compliance with the provisions of Law No. 182/2002 on the protection of classified information, Government Decision No. 585/2002, and Government Decision No. 353/2002.[17]

In November 2008, Romania enacted Law 298/2008 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks. The Law implements Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006, which was adopted upon pressure from the United States following the terrorist attacks of 11 September 2001. It deals with the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks, amending Directive 2002/58/EC. The EU compelled its members to adopt its Directive by February 2009, but gave full liberty to the member states to establish the timeframe for data retention, ranging from six months to two years. In compliance with Law 298/2008, providers of communications services (including mobile telephony, short messages (SMS), Internet, and e-mail) are obliged to record and keep, up to a maximum of six months, all details needed for the identification of the destination of phone calls, SMS, and e-mails, as well as the date, time, and place where the communications are made, and the type of devices used. But the Law

forbids the recording of the contents of the intercepted communications. Upon request, prosecutors from the intelligence agencies (SRI, SIE) and other security institutions (MIRA, the Public Ministry), may access the retained data, after receiving a proper judge-approved access warrant, and only in penal cases related to serious crimes, including organized crime and terrorism. However, when obtaining the warrant from the judge is imperative, but is delayed—and the delay would sternly impact the ongoing penal cases, prejudice Romania's international cooperation obligations, or jeopardize its EU membership responsibilities—the Law allows the prosecutor in charge of the ongoing penal case to authorize the dissemination of recorded data. The law entered into force in January 2009, and the Internet-related data retention provision in March 2009.[18]

Additional norms and regulations on intelligence include the latest *National Security Strategy* (NSS) of Romania, adopted by the CSAT through Resolution Number 62 of 17 April 2006; Romania's National Doctrine of Security Intelligence, adopted by the CSAT in July 2004; specific Intelligence Doctrines established by each agency; the Doctrine of Combating Terrorism, Military Strategy and Doctrine; as well as other laws and policies for combating terrorism and organized crime.

Legislation on Transparency

Romania's most important laws on intelligence transparency are: Law No. 544 of 2001 on Free Access to Public Information; Law No. 16/1996 of April 1996 (updated in July 2002) on the National Archive; Law No. 677/2001 for the Protection of Persons concerning the Processing of Personal Data and Free Circulation of Such Data; the 2003 Law on Certain Steps for Assuring Transparency in Performing High Official Positions, Public and Business Positions, for Prevention and Sanctioning the Corruption; and Law No. 187/1999 on the Access to the Personal File and the Disclosure of the Securitate as a Political Police, also known as the "Ticu Law," which entailed the setting up of the National Council for the Study of Securitate Archives (CNSAS), to apprehend the former Securitate archives (except for those jeopardizing national security) from all intelligence agencies; and to investigate and establish past collaboration with Securitate of current politicians, authorities, or candidates for government jobs, etc.[19]

THE LEGAL FRAMEWORK AND ITS IMPACT ON INTELLIGENCE EFFECTIVENESS

Despite this extensive legal framework, the legislation has been flawed for years, egregiously undermining the intelligence agencies' transparency and

effectiveness, due to perpetuated politicization, misbehavior, and wrongdoing.[20]

First, the placement of the services under statutory law was considerably delayed; virtually all the units were set up in 1990, but they operated without a statutory legal basis for a long time. For example, six and eight years, respectively, had passed before the STS and SIE were placed under statutory law. This is one reason why Romania's intelligence community has lacked a clear delimitation of the services' roles and missions, which has led to rivalries and redundancy among them.

Second, although some laws were enacted before the adoption of the Constitution, they, oddly, make references to Romania's supreme Law. An example is the National Security Law. Adopted five months before the Constitution entered force, it occasionally makes reference to that document.[21]

Third, the new legal framework did not forbid or restrain in any way the employment in the post-Communist agencies of those former Securitate personnel and collaborators who were involved in political police abuses. During the Ceausescu era, these individuals consistently violated human rights and liberties by performing numerous searches and detentions, seizing personal goods, and intercepting mail and telephone conversations without a warrant, and/or without a real motive. Those who continued to work for the new agencies after 1989 held onto such habits, exerting a deleterious influence on the new personnel since they trained the new recruits in practices that crimp individual rights and freedoms. After the Revolution, they also delved into numerous controversial activities and acts of corruption, as well as engaging in obscure businesses. Examples are rife of former Securitate personnel involvement in the partial or total disappearance of ''certain'' Securitate files and records after 1989, their using of the remaining files to either blackmail their adversaries or curry a service to their friends, as well as participation in serious bankruptcy and smuggling activities, thereby crippling the democratization of Romania's post-Communist intelligence apparatus.

Fourth, the legal provisions that grant Romania's intelligence agencies special powers to fulfill their roles and missions are incongruous with the democratic principles of respect for human rights and liberties.

Specifically, the provisions of Article 13 of the 1991 National Security Law involve constraints and limitations on human rights and liberties which are guaranteed by the Constitution, such as right to private life (Article 26 of the Constitution), domicile and residence inviolability (Article 27), and privacy of correspondence (Article 28). Even though the law specifies that these special powers cannot be exercised without an authorization granted by a prosecutor, it does not specify how long the prosecutor can extend the issue of that warrant. Moreover, Article 48 of 2001 Constitution and

Article 53 of the 2003 Constitution forbid the permanent restriction of a certain right of an individual; by failing to set forth a deadline for warrant extension, the provisions of the Law 51/1991 contravene the Constitution.[22]

The passing of Law 298/2008 (unsurprisingly mocked as "Big Brother" Law) on the registration of data generated by the communication services has also spawned a torrent of criticism and complaints from numerous civil society representatives on grounds of the violation of constitutional rights granted in Articles 26 and 28 of the Constitution. Article 20 of Law 298/2008 in particular has raised concerns, as it stipulates access for the security organizations to stored data, based on "national legislation" on national security, yet fails to make reference to any particular legislation. Such access would undoubtedly lead to grave abuses by the Romanian security institutions: disclosure of private data—especially involving the use of private information for blackmail and vendettas—has happened in the past and would happen again. Several nongovernmental organizations have even forwarded a letter to the Romanian Ombudsman office—an independent institution meant to protect citizens from the abuses of the public administration authorities—requesting that the Ombudsman notify the Constitutional Court regarding the limitation of the constitutional rights of citizens by the provisions of Law 298/2008. Yet, Romanian civil society is not the only vocal critic of this type of legislation. In October 2008, under the slogan "Freedom not Fear—Stop the surveillance mania!", more than fifteen countries from Europe, North America, and South America held the first worldwide protests against surveillance measures, including the collection of all telecommunications data, the surveillance of air travelers, and the biometric registration of citizens, that are provided for by the 2006 EU Directive. In their view, free and open societies cannot exist without unconditionally private spaces and communications. Moreover, the Constitutional Courts of a few European countries that adopted similar laws (specifically Bulgaria and Germany) declared several passages of the respective laws unconstitutional, while the European Court of Human Rights (ECHR) admitted individual complaints that the laws violate the European Convention for Human Rights.[23]

Conversely, defenders of Law 298/2008 argue the Law was a necessity in the context of Romania's EU membership, and will be implemented in line with the European requirements, respect for people's privacy, as well as the protection of personal data. Supporters of the Law keep emphasizing that Law 298/2008 provides for only the storage of traffic information and not surveillance of the conversations. A positive aspect is the decision of Romanian authorities to limit the data storage to only six months (the minimum requested by the EU Directive), as compared to the governments of other EU members, which chose twelve or sixteen months. And, the Law notably stipulates that any intentional access to the retained data or

its transfer without a proper authorization is considered a crime and will be punished by imprisonment of from one to five years.[24]

On the same note, representatives of the telephone providers have stated that the Law actually shortens the time frame of data retention to six months since, before the passage of the Law, on the basis of Romania's Penal Code, the storage of such data was virtually unlimited. They argued that the storage of data required by the Law is not at all different from how a phone company actually functions, mentioning that no company has invested in or prepared additional technologies to implement said Law. With regard to the risk of retaining conversations, reiterated adamantly by the Law's opponents, representatives of mobile telephone companies stated that doing so would be technically impossible, arguing that even if a Law were enacted to compel the retention of conversations, it would be very difficult to implement, mainly due to gigantic costs.[25]

Another example of enacting legislation that significantly contravenes the Constitution is Emergency Ordinance 29 of 2001, issued by then-Prime Minister Adrian Nastase. The Ordinance enabled the DGIPI to conduct collection, wiretapping, surveillance, search, and seizure without a warrant from the General Prosecutor. Whether the outcome of a reckless drive (explained perhaps by the Prime Minister's deficient experience on security matters), or a deliberate act (aimed at enjoying a loyal political police, especially given that the DGIPI had the greatest Securitate personnel), the ordinance was an outrageous flouting of democratic values and Romania's Constitution. Not only did Nastase grant the DGIPI greater powers than those of either the SRI or the SIE (which need warrants to carry out such activities), but he bypassed the CSAT and/or the Parliament, despite the fact that the ordinance directly involved national security matters, the intelligence mandate, and presidential authority. Rather, he passed it and published it in the *Monitorul Oficial*, the government's *Official Gazette*, in order that it become effective immediately. As expected, the Romanian media and civil society, as well as the international arena, chided Nastase's malign choice to propound the Ordinance, which led to its revocation within a month of its issuance.[26]

Fifth, certain laws on national security and intelligence have remained unchanged since the beginning of the transition to democracy. At that time, security culture/expertise was hardly existent. Romania was not a significant contributor to the international security environment, and, finally, the security environment was different from the current one. Law 51 of 1991, which has remained unmodified, is a telling example in this context. The provisions of the National Security Law are vague, obsolete, and often in contradiction to other parts of the legal system. They mirror the traditionalist and autarchic national security vision of an inexperienced society that had just emerged from a callous Communist dictatorship.[27]

Their content may have been justifiable at a time when Romania was not a member of any regional security alliance, was surrounded by a difficult geopolitical context, and hence felt threatened from each direction. But they are not suitable to the current security environment. Maintaining the Law in its 1991 format has had serious consequences.

Negative Impact of Earlier Legislation

The 1991 National Security Law has stymied the modernization of the intelligence agencies. Current SRI director George Cristian Maior has emphasized on various occasions that the Law has been a main drawback to reform of the SRI. He asserts that the SRI's thorough transformation, which started in 2006 as a natural consequence of Romania's full membership in NATO/EU, as well as of the twenty-first century's capricious security landscape, has been possible due to the SRI's specific internal mechanisms and a Resolution of the National Defense Supreme Council. Remarkable progress in reform of the SRI has occurred in certain areas: for example, planning, management, and restructuring, which happened as the SRI and CSAT basically bypassed the outdated 1991 Security Law. But the reform of additional SRI levels (e.g., demilitarization, which calls for a separate law on the statute of intelligence officers and a career guide for the intelligence practitioners) requires further norms and regulations. The enactment of a new National Security Law is, therefore, highly desired.[28]

Law 51/1991 has also led to the politicization of some intelligence agencies—despite the fact that the new legal framework stipulates political neutrality—or to the abuse of the agencies' exceptional powers, which have, from time to time, been used for vendettas and personal reasons, rather than national security. In this context, in 1996, former SRI Captain Constantin Bucur made public the illegal procedures used for telephone surveillance of journalists and politicians, who were vocal against political authorities of that time. The surveillance was illegal since, according to the press, no mandates for interceptions had been issued. Those mandates showed up only later on. Bucur was investigated by the military tribunal and sent to trial for disclosure of information, on the grounds of violating National Security Law—ironically, the same law that SRI employees should have observed when wiretapping their victims. Yet none of those under surveillance was sent to trial or convicted for any act jeopardizing national security. Therefore, the aim of such interceptions can be surmised as other than having been the protector of national security. As presented in a 1997 report by APADOHR, a judge confirmed that the SRI had wiretapped illegally, having failed to observe the National Security Law.[29]

Another relatively recent example includes the SRI's acting as political police in 2007, with the goal of harassing and bringing to bankruptcy

businessman Dinu Patriciu, one of President Traian Basescu's adversaries. The prosecutors within the Public Prosecutor's Office attached to the High Court of Cassation and Justice, together with the SRI, illegally tapped Patriciu's telephone conversations. He noticed that his telephones were bugged when some of the minutes of his private conversations with various business partners were later published in the press. After this disclosure, SRI was revealed to have monitored Patriciu's telephones based on a warrant granted by the prosecutors. But that mandate was illegal, since, in 2003 the country's Penal Code had been changed to require that such a warrant be granted by a judge and no longer by prosecutors. The ''investigators'' thus knew from the beginning that they could not use in court the illegally obtained data, but their goal was not to prove or disprove that Patriciu was guilty of anything, but rather to ruin him. The ''investigators'' invoked the National Security Law (unchanged since its enactment in 1991), which, as previously noted, stipulates that the prosecutor (not the judge) issue the mandate for phone wiretapping. As expected, the ''investigators'' could find no danger to national security posed by Patriciu. All this indicates that the wiretapping was illegal. Even more worrisome is the fact that the illegally obtained information was further classified as ''state secret''/''top secret,'' and only part of the information was sent to prosecutors for declassification to become evidence. The Court of Bucharest ultimately decided that the SRI had to pay 50,000 RON, plus trial expenditures, to the accused businessman.[30]

Admittedly, SRI was not the only agency involved in political police actions—the DGIA and DGIPI were as well. Vasile Paun of the DGIA, for example, blackmailed and intimidated a journalist of the *Ziua* daily on several occasions; he was also involved in political games under the mandate of Defense Minister Teodor Atanasiu.[31] Likewise, according to Romania's former President Emil Constantinescu, the SIE also broke the law because its agents had illegally monitored the families of the personnel of the Romanian embassies abroad.[32]

Legislative Oversight Deficient

Sixth, despite the development of a robust (at least on paper) legal framework with regard to democratic control, and the creation within both chambers of Parliament shortly after the May 1990 elections of two committees for defense, public order, and national security, parliamentary control was derelict in the early 1990s. According to scholar Larry Watts, the process of defining the structure, functioning, and methods of exercising legislative control was completed in mid-June 1993.[33] In addition, despite a relatively great authority granted to the committees, parliamentary oversight has been challenged by a deficient legislative expertise in intelligence matters,

poor cooperation, and coordination among parliamentary committees as well as between former and current members of the oversight committees, and the unhelpful stance of the intelligence agencies when requested to forward information and data to the committees.[34]

Seventh, a few laws have been approved by Parliament without previous rigorous debate. A recent example is the enactment of Law 298/2008, which lacked a relevant discussion within both chambers of the Parliament or its commissions, probably because Parliament viewed the Law as a compulsory EU directive, whose passing was unavoidable. The Committee on Human Rights of the Chamber of Deputies vetoed the Law, but its action did not really count, as it has only a consultative role. In addition, the Committee merely granted a negative vote to the draft Law, while failing to include any explanations and/or further suggestions and indications. Currently, various political and government representatives have called for the amendment of the Law (especially Article 20), made several proposals in that regard, and even called for a public debate before amending the Law.[35]

Eighth, although legislation pertaining to freedom of information has been enacted, it did not immediately herald greater transparency. Access to information has been complicated, as the government institutions have tended to invoke national security in order to withhold information. With regard to the ''Ticu Law,'' in particular, the CNSAS was not functional until 2005 because of the refusal of the intelligence agencies to hand over the archives, squabbling among CNSAS management, the authorities' opposition regarding which files to make public and which not, among other reasons.[36] In addition, in January 2008, the ''Ticu Law'' and the CNSAS had to face yet another challenge: eight years after the enactment of the 187/1999 Law, Romania's Constitutional Court (CC) voted unanimously that some articles of the Law (which made reference to the establishment, composition, and revoking of the CNSAS members) were unconstitutional and that, hence, up to that date the CNSAS had functioned illegitimately. The Court's magistrates justified their decisions by holding that (1) the CNSAS had acted as a parallel court/tribunal; (2) CNSAS limited the right of defense of those investigated and took decisions behind closed doors without making the final decisions public; and, (3) CNSAS had administered and assessed evidence (in order to issue a verdict), which should have remained the job of magistrates only. The Court also declared unconstitutional yet another provision of the law, which stipulated the termination of the mandates of those parliamentarians whose declarations of not collaborating with the Securitate were proven to be false. This was actually the case of Deputy Mona Musca, who had to give up her parliamentary position after the CNSAS had accused her of collaborating with the Securitate. (She had previously stated in writing that

she had not been involved with the Securitate during the Communist era.) The CNSAS may have indeed transformed itself into a parallel tribunal, and have been unconstitutional, as were its verdicts. But some questions are raised here though. Why did the Constitutional Court come up with this conclusion eight years after the CNSAS was created? Why did this happen after the EU accession, and not before, when Romania's membership was pending? Did the Court's decision have anything to do with the fact that the CNSAS may have "bothered" important people after making public the names of over 500 Securitate agents and sixty collaborators? Moreover, did the Court's decision have anything to do with the fact that some of its own members had previously been suspected of having collaborated with the Securitate, and one of the judges had even had to testify at a hearing by the CNSAS in 2007? And, why did the Court act in 2008 when Romania was having its local and parliamentary elections? Were magistrates or others afraid that the CNSAS would disclose the identities of more persons, including potential candidates for the upcoming elections? CNSAS member Mircea Dinescu stated that it was not mere coincidence that the CNSAS law became unconstitutional "precisely in an electoral year and with two million files in custody."[37]

The Court's decision did not abrogate the Law 87/1999, nor did it dismiss CNSAS, but it clearly curbed the Council's leverage. In compliance with the Constitution, the law had to be suspended for forty-five days, within which the CNSAS could not exert its legal competences, during which time the Parliament had to make changes to the law to mirror the Court's decision. In the meantime, the Executive Branch attempted to alleviate the problem of CNSAS's "45-day death sentence" by adopting an Emergency Ordinance in February 2008 (completed in October by Law number 293 of 14 November 2008), which essentially "recreated" the CNSAS and made amendments to specific items in the old law, such as removing the phrase "political police" from the text, as well as giving the CNSAS a new role, namely to function as a research institute. Since Parliament did not change the law to correspond to the provisions of the Court's decision after forty-five days, CNSAS became a research institute. And the verdicts on its research cases would subsequently have to be given by a tribunal. Although these undertakings do not directly involve the effectiveness and the legal framework for the organization and functioning of Romania's intelligence agencies, they are worth addressing because they question the country's democratic change and the authorities' willingness to avoid the ghosts of the nation's horrendous past meddling in its present. Yesterday's Securitate thugs and enforcers should not become today's or tomorrow's decisionmakers.[38]

Human right advocates hope that Romania's civil society and media will remain alert and pressure the nation's authorities to find an acceptable

solution whereby the CNSAS will continue to play a central role in ensuring transparency. Although the civil rights group "Asociatia 21 Decembrie" (21 December Association) invoked the right to "appeal," as written in Article 13 of the European Convention for Human Rights (ECHR), stating that the European rule of law prevails over national legislation, and that the Constitutional Court is "no God in Romania," no appeal has been made to the ECHR up to date.[39]

ATTEMPTS TO OVERCOME THE CHALLENGES AND IMPROVE THE LEGAL FRAMEWORK

Efforts to Improve the Legal Framework

During the last decade, Romanian authorities have undertaken some positive steps in changing the legal system on national security and intelligence. The CSAT endorsed and approved various draft documents such as the White Book on National Security and Defense, the National Doctrine of Intelligence, the MIRA Strategy on Public Safety and Order, draft laws on combating terrorism, the emergency situations and civil protection management system, defense planning, organization and functioning of the Romanian Gendarmerie, etc. The CSAT requested that the initiators of the draft laws and regulations take into account the CSAT members' observations and to undertake all the steps and procedures for presenting the documents to the government for evaluation and after that, to Parliament, for approval. The CSAT also endorsed the Protocol of Cooperation on Intelligence for National Security (which delineates the horizontal cooperation among the intelligence services) based on the EU membership requirements on Justice and Home Affairs. This protocol establishes the domains of competence for each agency, clarifies the principles of activity and cooperation in this area, and provides the means to optimize the resources for collection and analysis of intelligence. Each of the draft documents was modified to be in line with the European and Euro-Atlantic standards.[40]

After 11 September 2001, virtually all member countries of the North Atlantic Alliance have considerably reformed their intelligence communities, including their legal basis. As a full NATO member, Romania, too, must implement a new set of laws and regulations on national security, aimed at accommodating its security policy and intelligence activity with the current spectrum of security threats and challenges. From this perspective, the package of laws on national security, forwarded by CSAT to Parliament in 2006, now pending approval, warrants examination. The package comprises laws on a range of issues: (a) the status of intelligence officers; (b) the organization and functioning of the SIE; (c) the organization and functioning of the SRI; (d) national

security; and (e) the activity of intelligence, counterintelligence, and protection. The package addresses important issues concerning the effectiveness, accountability, and transparency of the intelligence agencies, such as reducing their number (e.g., the STS and SPP becoming security rather than intelligence institutions), better demarcation of rights and responsibilities, emphasis on the observance of human rights and liberties (but without affecting agency effectiveness), and the strengthening of the controls over intelligence.[41] SRI director Maior states that the new law package will enable a more vigorous democratic control of the intelligence community, improved relationships with the beneficiaries and consumers of intelligence (to include better feedback), as well as better cooperation with civil society and the private sector—a crucial element for intelligence effectiveness in fighting cyber threats and energetic security challenges.[42]

In 2007, the Chamber of Deputies approved four of the five laws, including the Law on the Statute of the Intelligence Officer. This law—the only one adopted by the Senate—provides for the ''long awaited'' demilitarization of the intelligence services (the officers become either civil servants with a special status or active military cadres), as well as for the rights, responsibilities, and salaries of the intelligence officers. In compliance with the text approved by the Senate, intelligence officers would no longer be allowed to carry out any political activity except for voting. One of the conditions for becoming an intelligence officer is that the candidate—in the event he was a former Securitate officer or collaborator—had not violated human rights and liberties. The law stipulates that any violation or limitation of constitutional rights and liberties by intelligence officers during their work, except for the situations provided by law, entails an administrative responsibility, civil or penal, depending on the situation. But active duty intelligence agents may be preventively searched, detained, or arrested only with the consent of the director of the institution for which they work. As with United States law, the legislation also forbids using as undercover personnel anyone from the legislative, judicial, and executive branches of government, the media, political parties, and religious groups. Another important item is that, in exceptional situations, which involve combating imminent dangers which cannot otherwise be countered, the intelligence agents may use public or private spaces or goods, but only if they respect the public's fundamental rights and liberties. This was stipulated to ensure a real protection of Romania's citizens.[43] Human rights advocates hope that the Parliament elected in November 2008 will keep ''national security'' as a top priority on its agenda, and lead to the adoption and promulgation of the entire package of intelligence-related legislation.

With regard to transparency in general, and disclosure of the Securitate as political police in particular, the CSAT adopted a Resolution in February

2005 urging the transfer of all files from the security services to the CNSAS. Subsequent to receiving a majority of the records in 2006 from all agencies, the CNSAS has published a great number of files upon review, which have exposed the collaboration with the DSS of politicians, academics, intellectuals, athletes, clergy members, and journalists, some of whom have been strong supporters of democratic reforms and transparency since the fall of Communism. In addition, the CNSAS made public information on the Securitate's outrageous recruiting of minors to spy on their families and friends. In 2006, both the Romanian civil society and international groups rated the responsiveness of the public authorities to information access requests as relatively positive, while acknowledging some problems in excessive costs and accommodating ''delicate'' requests.[44] That the CNSAS play a core role in Romania's transparency, by continuing to review and assess the Securitate files, is deemed very important by advocates of civil liberties.

Parallel Efforts to Reform the Intelligence Agencies

The procrastination, for years, of enactment of the new security law package did not discourage the Romanian intelligence agencies from undertaking internal reforms and adjustments in order to tackle the protean twenty-first century's security environment, while striving to remove the Securitate ''shame'' from the post-Communist IC. Overhauling the nation's intelligence services encompassed the following: (a) driving out of the former Securitate personnel; (b) improving personnel selection, promotion, management by recruiting motivated, capable, intelligent, and honest people, using better promotion and evaluation criteria, providing better compensation, as well as improving education, training, and acquisitions; (c) ensuring greater transparency by opening more of the services' activities to the public authorities, civil society, academia, journalists, and the general public; and (d) strengthening cooperation with their domestic and international counterparts.[45] One recent attempt to institute a radical change in a Romanian intelligence organization is the SRI's ''Strategic Vision 2007–2010,'' approved by the CSAT in 2007. The document provided for an ample process of de-bureaucratization as concerns management, information flow, decisionmaking, and the final product to be disseminated; organizational transformation to allow for more flexibility and better horizontal cooperation among SRI structures; and strengthening the agencies' analytical capacity, especially strategic analysis. In particular, in order to avoid what SRI director Maior calls a ''syndrome of local Hoovers''—agents who would hold a position for seven or eight years, as former U.S. Federal Bureau of Investigation (FBI) Director J. Edgar Hoover had—SRI command positions will have a limited

mandate. Also, the SRI will rotate analysts, thus changing their area of specialization, after a certain period of time, in order to avoid routine and monotony due to the prolonged accumulation of information in only one area of expertise, which tends to affect professionalism and creativity. This approach is rooted in EU security strategy, NATO's new strategic concept. Maior also considers desirable the unification of the SIE and SRI into one service, as their competences may intersect due to the overlapping of national and international threats and challenges to national security, although he acknowledges this as a very audacious step which authorities would be reluctant to undertake. The ''Strategic Vision'' was drafted by the SRI's management after an ample consultative process with all SRI personnel.[46] In March 2008, the CSAT approved the proposed resolution on the SRI's structure and functions, which is part and parcel of the strategic vision approved in 2007. Besides this management and organizational transformation, the new concept led to the creation within SRI of the National CYBERINT Center, which will ensure the prevention, protection, response, and consequence management of potential cyber attacks. The Center will enable cooperation with the other Romanian national security institutions, as well as with their NATO counterparts.[47] According to SRI director Maior, the transformation and adjustment of the SRI will continue, based on a ''calendar of modernization,'' as provided for in the strategic vision.[48]

Existing Intelligence Control and Oversight Mechanisms

Formal control and oversight mechanisms set up to scrutinize intelligence do not remain solely within the executive branch, but are shared with the legislature and judiciary. Informal control also exists through the media and other public representatives, as well as international institutions.[49]

In Romania, executive control over the security community stems from the Constitution, the laws and regulations pertaining to the intelligence agencies, National Security Law, Law Number 39 of 13 December 1990 (completed by Law 415/2002) on the Organization and Functioning of the CSAT, as well as other rules and regulations.[50] In compliance with the legal framework, executive control, now exercised by the CSAT, encompasses the issuance of directions with regard to tasking, prioritizing, and making resources available. The CSAT's activity is, in turn, subjected to parliamentary review. Executive control also includes the control exercised by the Prime Minister, mainly in crisis situations,[51] control of the budget of specific intelligence services by the Ministry of Public Finances and the Audit Office, and the authority of the Public Ministry to clear and authorize the legality of specific collection activities carried out by certain intelligence institutions.[52]

Legislative control and oversight are ensured by the standing permanent committees, which oversee the activities of all intelligence agencies, and the special/select committees, which oversee the activities of the SRI and SIE. Parliamentary control is based in the Constitution, the laws and regulations pertaining to the intelligence agencies, the regulations of the two chambers of the Parliament, as well as Decision 30 of 23 June 1993 on the organization and functioning of the Common Committee of the Deputy Chamber and Senate of SRI Oversight, and Rule Number 44 of 1998 on the Setting Up, Organization and Functioning of the Special Parliamentary Commission for Overseeing the Foreign Intelligence Service (SIE).[53] The Romanian Parliament has strong tools to exercise a vigorous control of intelligence: the adoption of laws pertaining to intelligence; the control, review of the budget, and assessment of the draft budgetary allocations; investigations, ensured through either permanent committees or special committees of investigations, interpellations, and questions; along with simple motions and censorship motions.[54]

Judicial oversight now consists of monitoring the use of the special powers by the intelligence services, in order to achieve an appropriate tradeoff between the protection of citizens' rights and intelligence gathered through intrusive means. This effort has unfortunately been very weak in Romania because of the weak legal framework in the field, and because of the high degree of corruption that exists in the country. The judicial system functions through the Constitutional Court's Decision 51/31 January 2008 on the Ticu Law, noted previously. But critics accuse the Constitutional Court of being involved in political games; Court judges who declared the Ticu Law unconstitutional have been labeled "accomplices" of those who want to keep the past in an "obscure zone."[55] On another note though, SRI director Maior pointed out in an interview in 2007 that the justice sector has gradually become more aware of the importance of having effective and professional agencies. Toward that goal, it started a series of investigations on intelligence personnel suspected of wrongdoing, an action described as an outcome of the SRI's "openness" toward addressing such issues.[56]

Informal oversight procedures now include an increasingly powerful civil society and a media that often serves as a stronger oversight mechanism in that it can compel, by various disclosures to the public of intelligence wrongdoing, the government to continue overhauling the intelligence system. Others include the Council for Studying Securitate Archives (CNSAS) which became more effective after 2005, and the Advocate of the People (or Ombudsman). International institutions, such as the European Court of Human Rights in Strasbourg, France, complete the informal system of oversight. Of these, the media and the ECHR have been very effective in keeping the intelligence agencies accountable and responsible.[57]

Including the Public in Drafting and Reviewing Laws on National Security

The Romanian government in general, and its intelligence agencies in particular, have wisely understood the need to make the general public ''part of the solution'' regarding national security and reform of the security sector.

First, the authorities have increasingly involved the public in the process of drafting and reviewing legislation on national security. The adoption of the Freedom of Information Act (FOIA), which enabled public representatives to participate in the lawmaking process, and the round table organized by the Center for Institutional Analysis and Development (CADI) in March 2006—whereby for the first time in the nation's history a national security strategy draft was subjected to public debate before its approval by the president—are a few examples in this regard.[58] A few spirited organizations have also sought to stimulate the government speed-up of the process of passing of the regularly national security laws. In 2008, the CADI initiated a project called ''Security and Liberty in Post-Communist Romania.'' Together with the ''Grupul pentru Dialog Social'' (''Group for Social Dialogue'') organization, the *Revista 22* publication, as well as other Romanian and international partners, it has organized several meetings, and published various articles on democracy and security—a valuable forum among security and intelligence practitioners, civil society representatives, and academics. Topics have included the need of a strategy for reforming Romania's security system; the design of a set of measures of effectiveness for the activities of the security institutions; the addressing of the deficiencies of the current legislation on national security (which remain a major obstacle to the intelligence effectiveness and democratic control of the security institutions), etc.[59] Likewise, the European Institute for Risk, Security and Cooperation Management (EURISC), ALIANTA, Casa NATO, Manfred Worner, Pro-Democracy Association, Media Monitoring Agency, the Association for the Defense of Human Rights in Romania (APADOR-CH), the Center of Juridical Resources, the Center for Independent Journalism, the Center of Assistance for Non-Governmental Organizations, the Foundation for the Development of the Civil Society, as well as other nongovernmental organizations (NEOs), have brought to public debate significant issues regarding national security, the democratization of the security institutions, and other aspects pertaining to national security.

The intelligence agencies themselves have made considerable efforts to develop partnerships with representatives of the NGOs and the media, and through them to reach out to the public, thereby increasing the public's awareness of the need for effective intelligence in Romania.[60]

Fighting the Security Challenges Together with Partners and Allies

Romania's intelligence agencies are enrolled in various regional and international security cooperation organizations, sharing and exchanging information with their partners. The agencies are also present in Iraq, Afghanistan, Bosnia–Herzegovina, Kosovo, as well as other collective peace operations efforts. In response, their NATO and UN partners have expressed their commendation for Romania's new intelligence professionalism on numerous occasions.[61]

DEFICIENCIES PERSIST

In general, placing intelligence agencies under a democratic legal framework is aimed at drawing a clear set of operating norms and a legal mandate for their work, including their special powers. Consequently, the legal framework provides for measures and tools to discipline or dismiss those who misbehave. In other words, the rule of law is essential for the legitimacy of the intelligence system.[62]

Since the dismantling of Communist rule in 1989, Romania has progressively established a legal framework for its intelligence system, covering the mandate, coordination, control, oversight, accountability, and transparency. Yet, despite such a rich array of laws, rules, and regulations, the legal framework is deficient, inconsistent, and confusing, thus conducive to illegalities and misconduct. For example, that the intelligence agencies of a democratic country holding membership in both NATO and the EU continue to conduct political police activities (even if only occasionally) that violate citizens' rights and liberties—precisely the way the Securitate acted twenty years ago—is unacceptable. Similarly unacceptable is that parts of intelligence and security related legislation have remained unchanged since the early 1990s, when Romania was just waking up from a fifty-year Communist nightmare, had little experience regarding intelligence democratization, and when the security threats and challenges were different. Likewise sad is that a very important law on transparency has, out of the blue, been declared unconstitutional eight years after its enactment.

Surprisingly, though, even with this faulty legal framework, and despite occasional wrongdoings, Romania's intelligence agencies have managed to effectively prevent and counter current security threats and challenges, both domestically and internationally. The fact that Romania has not faced major terrorist threats is probably due to the work of the intelligence agencies, even if this aspect is less evident to outsiders. Sergiu Medar, the former head of the DGIA and presidential security advisor, has stated that the greatest disadvantage of the world's intelligence services is that everybody sees perfectly when they are making mistakes, but nobody

knows when they do something good.[63] But Romania now holds full membership in prestigious collective security organizations, and its troops, including intelligence units, have been substantial security providers. SRI director Maior earlier stated that the SRI's credibility in the world of strong intelligence agencies is great, a status that should ultimately be important for the Romanian state and its citizens.[64] In addition, the intelligence agencies have been under democratic control by the executive, legislative, and, less perfectly, the judiciary, for a few years now. These mechanisms have been backed up by an assertive civil society and media, as well as international institutions. These efforts have resulted in greater domestic awareness of the relevance of intelligence, an increase in qualified candidates for jobs in these institutions, and a greater trustworthiness of the Romanian intelligence agencies by their counterparts abroad.

Nevertheless, the onus is still on the Romanian government to consolidate and strengthen its intelligence and security legal framework. Currently, 23 of the 80 national security and intelligence laws, rules, and regulations need to be re-elaborated or amended in order to concur with the 2003 Constitution, and with Romania's NATO and EU member status.[65] Admittedly, the elected Romanian legislators will be required to dedicate considerable time and resources to clarify and update the legislation in congruence with the country's NATO and EU membership; make the legal framework more assertive with regard to the intelligence community's respect of the rule of law and citizens' liberties; and, improve intelligence control and oversight, especially, at the judicial level. Once the national security laws are fully endorsed and effectively promulgated, Romania's intelligence agencies will presumably be more careful in infringing upon human rights and liberties, become more professional and accountable, yet also more flexible and quick to adjust to current security challenges emanating from at home and abroad.

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[32] Marian Sultanoiu, ''Talpes: Presedintele trebuie sa stie cand se imbata sotiile ambasadorilor'' (''Talpes: The President Needs to Know When Ambassadors' Wives Get Drunk''), *Gandul*, 23 January 2009.

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[34] Most of the challenges to effectiveness of the democratic control of intelligence agencies have step by step been overcome—from legislators' expertise, to access to and protection of classified information. For more information, see Razvan Ionescu and Liviu Muresan, ''The Monitoring Exercise of Instruments and Mechanisms for Parliamentary Oversight of the Security Sector in Romania,'' (pilot project) of the EURISC Foundation, the Commission for Defense, Public Order and National Security of the House of Deputies, Parliament of Romania, and with the support of Geneva Centre for the Democratic Control of Armed Forces (DCAF), Bucharest, Romania, 2004; Cristiana Matei, ''Romania's Transition to Democracy and the Role of the Press in Intelligence Reform''; and Florina Cristiana Matei ''Romania's Intelligence Community: From an Instrument of Dictatorship to Serving Democracy,'' *International Journal of Intelligence and CounterIntelligence*, Vol. 20, No. 4, Winter 2007–2008, pp. 629–660.

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[36] For a detailed review of the transparency endeavors, see Florina Cristiana (Cris) Matei, ''Reconciling Intelligence Effectiveness and Transparency: The Case of Romania,'' *Strategic Insights*, Volume VI, Issue 3, May 2007.

[37] Detailed information on the ''Ticu Law'' and CNSAS could be found at the following articles and websites: ''Curtea Constituţională a trimis motivarea în cazul deciziei privind Legea CNSAS'' (''Constitutional Court Sent its Motivation with regard to its Decision on CNSAS Law''), http://www.astazi.ro/gotostire.php?url=http%3A%2F%2Fwww.realitatea.net%2F140782_NEWS-ALERT–Curtea-Constitutionala-a-trimis-motivarea-in-cazul-deciziei-privind-Legea-CNSAS.html; ''Decizie a Curţii Constituţionale privind CNSAS'' (''Constitutional Court Decision on CNSAS''), http://www.bbc.co.uk/romanian/news/story/2008/01/080131_cnsas_cc.shtml; Tudor Borcea, Alina Vintila, ''Legea de functionare a CNSAS, declarata neconstitutionala'' (''Law on CNSAS Functioning Declared Unconstitutional''), http://www.ziua.net/news.php?data=2008-01-31&id=3059; http://www.cdep.ro/pls/steno/steno.stenograma?ids=6435&idm=1&sir=&sep=and&idv=4413&idl=1&nav=%3Ca%20href=%22/pls/steno/steno.cautare%3Fcam=%26com=0%26leg=2004%26topic1=0%26topic2=0%26topic3=0%26topic4=0%26topic5=0%26nrp=%26anp=%26idv=4413%26sir=%26sep=and%26ts=0%26dat1=13-12-2004%26dat2=18-03-2008%26ord=0%26pag=20%26idl=1%22%3EInterogare%3C/a%3E%20%26gt%20%3Ca%20href=%22/pls/steno/steno.lista%3Fcam=%26com=0%26leg=2004%26topic1=0%26topic2=0%26topic3=0%26topic4=0%26topic5=0%26nrp=%26anp=%26idv=4413%26sir=%26sep=and%26ts=0%26dat1=13-12-2004%26dat2=18-03-2008%26ord=0%26pag=20%26idl=1%26pags=1%22%3ERezultate%3C/a%3E; ''CC arată că a declara neconstituţională Legea CNSAS nu desfiinţează instituţia'' (''CC Indicates that Declaring the CNSAS Law Unconstitutional does not Eliminate the Institution''), http://www.astazi.ro/gotostire.php?url=http%3A%2F%2Fwww.mediafax.ro%2Fsocial%2Fcc-arata-ca-a-declara-neconstitutionala-legea-cnsas-nu-desfiinteaza-institutia.html%3F1688%3B2359884; http://rss.astazi.ro/pagina/17/revendicari%20legea%2010/; http://www.cnsas.ro/main.html; and Ion Longin Popescu, ''Asul Zilei: Constantin Ticu Dumitrescu'' (''The ''ACE'' of the Day: Constantin Ticu Dumitrescu''), *Formula As*, 806, 1–7 April 2008, http://www.formula-as.ro/2008/806/spectator-38/asul-zilei-constantin-ticu-dumitrescu-9133

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[46] See the following: http://www.sri.ro/index.php?nav=birou&subnav=comunicate&dnav=detalii&id=221; ''Pledez pentru unificarea SRI si SIE'' (''I Am For the Unification of SRI and SIE''), an interview with George Cristian

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[49] For detailed information on control and oversight mechanisms of the intelligence community in Romania, see: Cristiana Matei, ''Romania's Transition to Democracy and the Role of the Press in Intelligence Reform'' and Florina Cristiana Matei, ''Romania's Intelligence Community: From an Instrument of Dictatorship to Serving Democracy.''

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