**“Silent Lustration”:**

**Public Disclosures as Informal Lustration Mechanisms**

**in Bulgaria and Romania[[1]](#endnote-1)**

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**Abstract:**

Romania and Bulgaria have lagged behind other countries in Central and Eastern Europe in coming to terms with their communist pasts, thwarting or failing to implement lustration and public disclosure programs. However, starting in earnest in 2006-2008, the secret police file repository agencies in Romania and Bulgaria began reviewing the former secret police files of tens of thousands of public and semi-public officials and employees and publicly disclosing the findings. The disclosures cover a range of political and social positions, revealing the former regime complicity of many current bureaucrats, business leaders, office holders, and public personalities. The breadth, depth and transparency of the public disclosures signal a significant shift in approach to transitional justice in both countries. There is evidence that the disclosures are catalyzing bureaucratic and moral changes similar to lustration, prompting preemptive employment vetting by employers, selective voluntary resignations by individuals to avoid disclosure, as well as an increase in citizen engagement with the secret police files.

**Introduction**

Neither Bulgaria nor Romania actively engaged with lustration as part of their post-communist transitions, and as of 2010-2011 both legally foreclosed this option. Lustration laws are specialized forms of employment vetting widely used in Central and Eastern Europe (CEE) after the communist transitions, defined as “the banning of communist officials and secret political police officers and informers from post-communist politics and positions of influence in society” (Stan 2009, 11; David 2011). Lustration involves a punitive employment component, although the criteria for screening, the method of vetting, and the possible punitive consequences varied across the region. Lustration was actively debated from time to time in both countries and both also passed forms of lustration legislation. However, Bulgarian and Romanian political parties and leaders engaged in cycles of lustration manipulation with political rivals alternately calling for, briefly using, or vetoing lustration amendments for political advantage, thereby sullying the process. When Romania’s Constitutional Court blocked a series of lustration provisions and ruled significant components of lustration violated the constitution, and Bulgaria passed an amendment to the constitution officially banning lustration, it appeared that both countries had formally ended future consideration of lustration once and for all (Leviev-Sawyer 2011; Constitutional Court Decision 820/2010).

However, starting in earnest in 2006-2008 and continuing both through the formal rejection of lustration laws to the present, the secret police file repository agencies in Romania and Bulgaria began a process of reviewing the former secret police files of tens of thousands of current public and semi-public officials and employees, and publicly disclosing the information. The disclosures cover a range of political and social positions, revealing the former regime complicity of many current bureaucrats, office holders, business leaders, and public personalities. The current disclosure programs are explicitly framed as a way of “lifting the curtain on the past,” designed to both atone for and alter the legacies of communism.[[2]](#endnote-2) Prior to 2006, the file repository agencies in both countries engaged with limited public disclosures and there was evidence of political manipulation of revealed information. However, the breadth, depth and transparency of the most recent round of disclosures marked a substantial shift in transitional justice.

The public disclosures process is not legally lustration, as there is an explicit prohibition on lustration in Bulgaria and an equally explicit Constitutional Court prohibition on the file repository agency in Romania to engage with lustration. Nonetheless, the extensive process of public disclosures is referred to by both agencies as a form of informal lustration, with the Chairman of the Dossier Commission in Bulgaria dubbing the process “silent lustration.”[[3]](#endnote-3) The lustration is “silent” because of the lack of formal lustration authority, although there is nothing silent about the scope of the public disclosures and the possibilities for bureaucratic change. By bureaucratic change, I mean changes to the personnel and composition of elected offices and public and semi-public institutions. Although public disclosures lack the legal authority of lustration to remove individuals from public office, in structure and function they strive to effect the type of bureaucratic, moral and historical memory accountability seen in other regional lustration programs. [[4]](#endnote-4) This late form of transitional justice is resonating with citizens, who have taken renewed interest in both their personal files as well as the background of individuals in positions of public trust.

The paper highlights the way public disclosures in Romania and Bulgaria signal a shift in approach to transitional justice. It situates public disclosures within the context of regional lustration programs, and suggests that the scope and depth of the disclosures has a bureaucratic change dimension. In particular, there is evidence to indicate that public disclosures are prompting personnel vetting at the employer level, catalyzing voluntary resignations to avoid public disclosure at the individual level, and galvanizing citizen engagement with the files. Importantly, in a moral cleansing sense, the disclosures represent engagement with transparency and accountability measures in order to address the legacies of communism. In terms of both potential bureaucratic change and moral cleansing, public disclosures constitute an alternate form of late lustration --‘silent lustration’ --in the face of legal limitations and prohibitions on lustration itself.

This paper is structured as follows: first I briefly review the evolution of lustration policies in CEE and historically situate the current policies in Romania and Bulgaria. Second, I examine the structure, function, and scope of public disclosures in Bulgaria and Romania, illustrating how the current programs resemble regional lustration programs despite the lack of a lustration mandate. Third, I detail a shift in public support for the revelations over time and provide some evidence suggesting that the disclosure programs are catalyzing both potential and actual bureaucratic and moral changes.

**Lustration in the Post-Communist Sphere**

The definition and implementation of lustration has evolved over time, reflecting regional changes in the criteria for lustration, the scope of lustration and the motives for lustration. Early definitions were heavily influenced by the initial Czech program, which included compulsory and expansive screening procedures and employment penalties: “the disqualification and, where in office, the removal of certain categories of office-holders under the prior regime from certain public or private offices under the new regime” (Schwartz 1995, 161). This original definition focused on personnel changes that resulted from the screening of an individual’s past, reflecting the compulsory employment changes in the Czech, Estonian and Latvian programs and the subsequent expectations of bureaucratic changes from the less punitive screening programs in Hungary and Poland (Stan 2009; Stan 2006). Stan notes that lustration refers to vetting procedures with two different approaches, namely employment exclusion/punishment versus confession based approaches without inherent job loss but with potential employment ramifications (Stan 2009, 84). For example, in places like Hungary, shaming or threat of public disclosure were the methods for instigating ‘quasi-voluntary’ bureaucratic change. In Poland and later Lithuania, forced bureaucratic change was a function of lying about collaboration not the act of collaboration itself (Kaminski and Nalepa 2006; Gibney 1997). Whether directly through employment penalties or indirectly through shaming and pressured resignations, bureaucratic change has remained essential to an understanding of lustration.

The political process that results in lustration also varies across countries (Rosenberg 1995). While lustration is a legally mandated process that requires legislative ratification and is subject to constitutional court reviews, this does not mean the process is apolitical. Political elites, political parties and competition among them, citizens, constitutional courts, and to a lesser extent international institutions can affect the scope, timing and implementation of the laws (Horne and Levi 2004; Horne 2009b). For example, constitutional courts can modify and block lustration (Hungary and Romania), empower modifications to lustration (Poland), or reaffirm the important rule of law dimensions of lustration (the Czech case). There is no set role ascribed to any single actor in supporting or undermining the process; there are cases when reformed communists have rejected lustration and later supported it. The process can become politicized by political parties trying to wield the power of the files to discredit political competitors early or late in the process (Stan 2006; Nalepa 2010). Recognizing a central political dimension to the process of lustration, the discussion of Romania and Bulgaria will draw attention to some of the political elements in each case.

Lustration has taken various forms in practice across the post-communist region, and sometimes these features appear in definitions. With respect to the scope of lustration, initial programs focused on the screening of top public office holders, although this expanded to include a range of public office holders, public positions, semi-public positions, and important social positions (Horne 2009a). In practice, lustration can now include the screening of politicians, academics, priests, journalists, cultural directors, bankers, school teachers, and persons in broadly defined ‘positions of public trust’ for previous secret police collaboration, or regime involvement, or active involvement in the communist party, or simply lying about that involvement, in order to determine their suitability for a range of public and semi-public positions of power.[[5]](#endnote-5) These divergent approaches remain together under an umbrella definition of lustration.

Although the goals of lustration are included less frequently in definitions, the additions add depth to our understanding of what differentiates lustration from other types of vetting. For example, Boed defined lustration as “the purification of state organizations from their sins under the communist regimes” (Boed 1999, 358). Vojtěch Cepl--former justice of the Constitutional Court of the Czech Republic-- defined lustration as a form of “ritual purification” (Cepl and Gillis 1996). In this way, lustration illuminates or sheds light on the past, and therefore catalyzes a type of moral cleansing or purification that complements the expected bureaucratic changes.

At its heart lustration has an employment change dimension and a moral cleansing goal. As we will see with the cases of Bulgaria and Romania, the use of public disclosures in practice mirrors many aspects of symbolic and employment change seen in other post-communist lustration programs.

**Background: Transitional Justice in Bulgaria and Romania**

Romania and Bulgaria lagged behind their regional counterparts coming to terms with their communist pasts, largely delaying, constraining, and failing to implement various attempts at lustration (Stan 2012; Metodiev 2013). Stan suggests that the failure of the Timișoara Declaration in Romania—an early call for lustration-- left an “indelible mark” on lustration, because “it was felt that to launch the lustration process the country had to condemn communism, a step few Romanians were willing to take” (Stan 2012, 91). Bulgaria’s lustration efforts were similarly stymied by an unwillingness to condemn communism. While all parties could agree that the Soviet occupation and forced communist system should be condemned, there was "silence" regarding how to interpret Ceaușescu’s legacy in Romania or Zhivkov’s legacy in Bulgaria.[[6]](#endnote-6) Additionally, opposition to lustration

***Bulgaria: Situating the Dossier Commission in Historical Context***

Bulgaria’s complex political landscape of shifting political coalitions and parliamentary power has affected the proposal of and implementation of lustration legislation. Even at the beginning of the transition, there was mixed support for lustration among the anti-communists, and outright opposition to lustration from the former communist parties (Helsinki Watch 1993). In October 1991, the Union of Democratic Forces (UDF-- a coalition of anti-communist parties) won 110 seats in parliament compared to the 106 for the Bulgarian Socialist Party (the former Communist Party) (Helsinki Watch 1993, 2). This gave the anti-communists a slim majority over the former communists, allowing them to pass lustration legislation but limiting their ability to push for real implementation. Additionally, the UDF split into factions in 1991 with ‘Dark Blue’ proponents supporting a more extensive decommunization program and ‘Light Blue’ proponents calling for a less radical approach to decommunization (Helsinki Watch 1993, 3). These fissures in the anticommunist coalitions affected the scope of lustration proposed and the political will for implementation. Like Romania, opposition to lustration cannot be simplistically blamed on the former communists in parliament; at various times the anticommunists have also rejected lustration and various other actors—such as the President and Constitutional Court—have weighed in to limit or constrain decommunization efforts.

For example, in 1991 the UDF dominated parliament put forward and passed several lustration laws that included provisions to ban selected groups of officials from public employment positions, so in their design the measures resonated with other regional lustration policies. However, the laws avoided public office holders, targeting academic positions and banking positions, and the UDF lost control of parliament in 1992 to Socialists, thereby changing support for the measures almost immediately after passage. For example, the Law on Banking and Credit was passed in parliament but immediately questioned by UDF party President Zhelyu Zhelev, submitted to the Constitutional Court for review, subsequently declared unconstitutional in 1992 (by a Constitutional Court full of former communist appointees) and never implemented (Helsinki Watch 1993, 2). It was eventually abolished by Parliament in 1997 by a Socialist Party led government (Kritz 1995b; Kritz 1995c).[[7]](#endnote-7) Similarly, the 1992 Panev Bill targeted academics and scientific institutions, largely distracting the process of lustration from high ranking office holders (Kritz 1995a), and it was abolished in 1995 by the Socialist dominated Parliament at the time.[[8]](#endnote-8) The 1998 Law on Public Radio and Television resulted in the removal of one person from the Council for Electronic Media. In general, Bulgaria’s exceedingly limited lustration focused on a very narrow group of low ranking public employees, avoided a real overhaul of the political leadership. In essence, there was no lustration in practice.

The same systematic avoidance of transitional justice was evident with Bulgaria’s approach to public disclosure of the secret police files. Although the Socialist Party systematically opposed the opening of the archives, in 1990 the Socialist Parliament created a Special Parliamentary Commission on the State Security Archives chaired by Socialist Party member Georgi Tambuev to oversee the opening of the file archives (Metodiev 2013). Although a scandal involving the publication of a list of informers in parliament undermined this Commission, it demonstrates that even Socialist dominated parliaments have put forward some accountability measures.

In 1997, the UDF won a landslide victory allowing them to form their own government. The reformist Parliament passed the *Law on Access to the State Security Documents* renewing a commitment to open the files and authorizing the appointment of a series of dossier commissions/committees to review the background of officials in positions of power for evidence of communist-era secret police employment or collaboration (European Network 2009). The dossier commissions would have no employment penalty capabilities, but could make their findings public. The commissions included: the Bonev Committee (1997-1999), the Andreev Committee (2001-2002) and the Kostadinov Commission (2006-present).[[9]](#endnote-9) Despite the potential for real accountability, even this truth revelatory function was minimally implemented. The Bonev Committee released a total of only twenty-three names over two years (Metodiev 2013, 78). In February 2001, a UDF dominated parliament revised the law and created The Commission Determining Connections to the Former State Security. The Andreev Committee was chaired by Metodyy Andreev, a UDF legislator, with a reformist agenda. This Committee engaged in a larger verification program, investigating 7,000 individuals and verifying 517 as former collaborators, although only 208 names were publicly disclosed due to Constitutional Court limitations (Metodiev 2013, 78). During this period, there were significant parliamentary changes, with the UDF forces split, the rise of the National Movement Simeon II, and an eventual election victory for the Bulgarian Socialist Party in 2005. Although, the Socialists won, they needed to form a coalition government with several other parties, and the election even gave seats to right wing parties, thereby creating a relatively uncertain political landscape.

The Socialist Party coalition led government passed *Law for Access and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and Intelligence Services of the Bulgarian National Army* in 2006, and appointed a Socialist Party legislator—Evtim Kostadinov—to head the Kostadinov Commission (European Network 2009). Between 2006-2012, the Kostadinov Commission reviewed over 100,000 files and actively and expansively publicized the information.[[10]](#endnote-10) At that time, Bulgaria also constitutionally banned lustration arguing both that the laws were unconstitutional and that Bulgaria no longer needed lustration. Nonetheless, the Kostadinov Commission’s use of public disclosures revitalized the process of ‘silent’ or informal lustration within an environment that officially banned lustration.

In structure the Dossier Commission is a secret police file repository agency, appointed by the National Assembly for a period of five years.[[11]](#endnote-11) Under the previous laws, the Interior Ministry selectively transferred files to the commissions for review. This created the perception that the Interior Ministry really controlled the scope of the investigations and could protect politically connected individuals from investigation. The new law formally transferred physical control over the files to the Commission, creating a newfound degree of institutional autonomy.[[12]](#endnote-12) The commitment of Commissioner Kostadinov, formerly in the Interior Ministry and a Socialist Party legislator, to accountability, has significantly moved forward the Blue Party’s reform agenda, and created an opportunity for policy change. Bulgarian policymakers and academics suggested this Socialist led push for accountability would allow them to better manage the process and therefore consented to an expansive file access law with real implementation.[[13]](#endnote-13) The first Kostadinov Commission included historians and teachers and the second Commission collaborates with academics and historians, thereby improving its credibility.[[14]](#endnote-14) While the Commission is appointed by Parliament, no Parliamentary party can have a majority of appointed positions, thereby setting up institutional limitations on overt political control of the Commission as well. In general, the Commission is not perceived as overtly politicized, unlike previous transitional justice efforts (Metodiev 2013).[[15]](#endnote-15)

In practice, the Dossier Commission acts as an informal lustration agency, reviewing public office holders or those “carrying out or performing public service,” for evidence of collaboration with the State Security Services (*Komitet Durzhavna Sigurnost*—KDS). It is responsible for “The announcement [to the public] of the affiliation of Bulgarian citizens, public office holders or [those who] perform public activities to the authorities.” [[16]](#endnote-16) This requires the verification and publication of the background of all public officials who worked for the post-communist legislative, executive, and judiciary at the national level, the members of local government state agencies, leaders of intelligence services, and the opinion makers (owners, managers and journalists of all private and public media). The inclusion of a category of “opinion makers” resonates with a broad interpretation of the scope of positions for vetting, like that seen in the Czech Republic and Poland.

There is an explicit moral component to the perceived mandate of the Kostadinov Commission. Although there is no explicit institutional change component to the Commission’s public disclosures, there is a clear, albeit informal, change element.

It is not a lustration law by nature. Its application has a moral meaning. History

is the best teacher for the future. But only when the society finds out the truth - be

it pleasant or unpleasant. … Our task is to raise the curtain. Then the audience will be the

one to choose whether to applaud or to hiss at the actors that were directed by the

former secret services. Like every other show, this also has its good and bad

actors. Let us leave it for everyone to make his own choice. We believe that the

society will be the best judge because it has the right to know all about itself.[[17]](#endnote-17)

In sum, both the structure and function of the Dossier Commission are similar to that of lustration agencies in other post-communist states. Moreover, the explicit truth telling revelations and implicit institutional change elements mirror the intended design and impact of other regional lustration programs.

***Romania: Situating the C.N.S.A.S. in Historical Context***

Romania’s attempts at transitional justice in general and lustration more specifically, were erratic and for the first fifteen years of the transition highly politicized. While Romania's Parliament passed several lustration laws, in general the laws were either not implemented and/or often limited or overturned by the Constitutional Court (Iancu 2010).[[18]](#endnote-18) Stan notes that resistance to lustration has come from all political parties and cannot be simplistically blamed on the Social Democrats (nationalists and former Communist Party) (Stan 2012, 92). From 1990 to 1996 both the ruling government and the opposition effectively blocked any movement on lustration policies. In addition, file access and veracity problems, thousands of missing files, and many top officials protected from lustration, all resulted in no real lustration in practice.

For example, in 1999, Law 187/1999 *Regarding the Access to the Personal File and the Disclosure of the Securitate as Political Police* was passed creating the National Council for the Study of the Securitate Archives—C.N.S.A.S after six years of political wrangling.[[19]](#endnote-19) An original version of the law was proposed in 1993 by Ticu Dumitrescu, the leader of the Association of Former Political Prisoners and an outspoken advocate for file access and transparency. The original 1993 proposal was rejected by the left-dominated parliament, but when Dumitrescu proposed it again in 1996, the center-right government was more amenable (Maxfield 2013). In 1999 a significantly amended version of the law was finally passed, surviving attempts by senior members of Dumitrescu’s own National Peasant Party to block the legislation, catalyzing speculation that members of his party would have been revealed as Securitate collaborators. The resulting law kept classified the files of current secret service officers for an additional 30 years, thus perpetuating the secrecy of the *Securitate* and its massive network. Dumitrescu referred to this as “the law of covering up the *Securitate*” because its mandate was so compromised by the continued secrecy surrounding the files and opposition from his own party (Travers and Kanterian 2005).

The C.N.S.A.S. was designed to manage the files from the Romanian secret police or *Securitate*, provide file access, disclose the former agents and collaborators, as well as expose the repressive actions of the former communist system; in essence, it was designed to enable a lustration of the past.[[20]](#endnote-20) Officially the C.N.S.A.S.’s mandate was to disclose previous collaboration-- not to prevent collaborators from taking public office--therefore it did not have a direct formal employment vetting component. However, the original design of the C.N.S.A.S. gave the agency authority to issue lustration verdicts to be used in employment vetting determinations. To that end, the C.N.S.A.S. was structurally hobbled from inception. There were substantial politically induced delays appointing council members, problems funding the agency, and difficulty giving it a building in which to work (European Network 2009, 57-8). Most problematic, the C.N.S.A.S. lacked direct access to the secret police files--they remained with the Romanian Information Service and the External Information Service until major file transfers in 2006— and therefore was unable to fulfill either part of its mandate. Problems with file veracity and selective file destruction were endemic in Romania, as with most other post-communist lustration programs, and remain a problem for an accurate accounting of the past (Stan 2002, 56). [[21]](#endnote-21) Additionally, problems with the C.N.S.A.S.’s objective implementation of the laws, often delivering clearly biased decisions or manipulating information, combined with logistical problems obstructed authentic accountability (Stan 2012, 101).[[22]](#endnote-22)

The landscape started to shift in 2006 with a series of domestic and international political changes. In 2006, the National Liberal party pushed forward an expansive lustration law that passed in the Senate. The Tismăneanu Report was prepared in 2006 and published in December, formally documenting and condemning aspects of the Communist Dictatorship. The timing was designed to allow President Traian Basescu to receive the Tismăneanu Report and formally condemn the communist regime in 2007 while embracing EU membership (Maxfield 2013). He supported his accountability and transparency push by supporting the lustration initiative with a forced transfer of 60,000 files to the C.N.S.A.S (Corlatan 2007).[[23]](#endnote-23) Basescu has acknowledged former involvement with the Securitate himself, albeit suggesting it was minimal, thereby demonstrating that this factor does not obviate an individual from proposing or supporting lustration.

For a short while the C.N.S.A.S. had both files and a legal mandate for lustration, until the Constitutional Court struck down the law in 2008. Even more devastating, the Court ruled that aspects of the work of the C.N.S.A.S. were unconstitutional, arguing that by issuing verdicts on collaboration the C.N.S.A.S. was acting with judicial powers for which it was not vested (Sofia Echo 2009; Leśkiewicz and Žáček 2013, 226).[[24]](#endnote-24) The ruling was highly politicized, contradicted seven of the Court’s earlier decisions, and the widely known collaborator background of one of the judges did not lend it credibility.[[25]](#endnote-25) In the end it was accepted and resulted in the invalidation of all the verdicts of the C.N.S.A.S. and the removal of its power to issue lustration verdicts (Stan 2012, 96). The C.N.S.A.S. described this ruling as an "earthquake" in which it was unclear what future role the agency would have.[[26]](#endnote-26)

The C.N.S.A.S. was not dissolved, but was stripped of its ability to issue decisions regarding the status of collaborators or agents. The C.N.S.A.S.’s new mandate was “to conduct ex-officio verification of the people who run for, or have been elected or nominated to public offices, such as the President of Romania, the Prime Minister, members of the cabinet, members of the Romanian Parliament or the European Parliament” (European Network 2009, 59-60). In this way, the C.N.S.A.S. fulfills an investigative function, verifying the background of individuals, publicly disclosing the information, and submitting the evidence to the Administrative Section of the Bucharest Court of Appeals, which is now charged with adjudicating the case and rendering formal lustration decisions (Leśkiewicz and Žáček 2013). The C.N.S.A.S. cannot make official lustration decisions as it once did, but it does continue to have the power to verify the files and make public the resulting information on collaboration. In both structure and function, the C.N.S.A.S. is an informal lustration agency like the Bulgarian Dossier Commission.

In sum, it is important to note that both Bulgaria and Romania turned away from lustration, rejecting its punitive employment aspects. The rejection in both cases was formalized by Constitutional Court rulings, foreclosing lustration as bureaucratic change devices in both countries. Additionally, problems with the politicization of lustration, disclosures and file access sullied the process in both countries, catalyzing some distrust of the objectivity of these agencies. The following section explores in more detail how these two agencies renewed public interest in lustration and engaged with a process of informal lustration, despite the legal obstacles. While both agencies’ primary role is largely symbolic—disclosing the collaborator/informant past of individuals in positions of power—the disclosures do result in some institutional change and reveal on on-going process of coming to terms with the past.

**Public disclosures as lustration devices**

Public disclosures have a tainted reputation in some post-communist countries, connoting the unauthorized, unverified and politicized public revelations of selected secret police files in order to purge the opposition or shock the government into change. This happened in Poland with the publication of an unverified list of more than 160,000 ‘collaborators’ dubbed ‘Wildstein’s list’ due to the reporter that secretly copied and leaked the names (Kosc 2005). It also happened in Hungary when the newspaper-- *Magyar Hirlap--* published an unverified list of collaborators in order to force the government for more transparency and lustration, and even in the Czech Republic when the Ministry of Interior published an unverified list of secret police informers on its website (Stan 2011; David 2013).[[27]](#endnote-27) Public disclosures in Romania and Bulgaria are legally prescribed and formally administered by the file repository agencies. While public disclosures have their legal problems, information challenges, and potential scope overreach issues, the processes in Bulgaria and Romania more closely resemble lustration than the aforementioned examples of public disclosures as wild west style purges.

***Using the files: ascertaining collaboration***

One of the more contentious aspects of public disclosures and lustration is the use of the secret police files. Given the problems with selective file destruction, continued classification of some files, and the potential misinformation in existing files, the appropriateness of a process based on the use of such potentially flawed information has been actively debated (Michnik and Havel 1993; Varga 1997). The problems are not unique to Romania and Bulgaria; similar problems confronted regional lustration programs, although in the end countries weighed the use of the files and opted to proceed with lustration. Both processes of lustration and public disclosures are necessarily incomplete because of missing files, however both also rest on the belief that there is utility in making transparent the hundreds of thousands of files that do exist. This resonates with the moral and procedural problems all post-communist countries faced to different degrees.

In Bulgaria, the Dossier Commission holds approximately 1,000 linear meters of files and archived materials, and the Commission estimates that 140,000 files were destroyed (Leśkiewicz and Žáček 2013, 8-9). [[28]](#endnote-28) As of 2010, 100,000 archival documents—meaning files and related materials—were held by the Commission. In Romania, the C.N.S.A.S. currently holds 24,000 linear meters of archival materials, and it continues to receive additions from other bureaucratic agencies (C.N.S.A.S. 2012, 5). As of 2012, 50,000 files were still not transferred to the C.N.S.A.S. from the intelligence services but the file transfer process remained ongoing, with 3,456 documents transferred to the C.N.S.A.S. in 2012 alone.[[29]](#endnote-29) As of the 2009 inventory, the C.N.S.A.S. held almost 500,000 files on network informers (Leśkiewicz and Žáček 2013, 222). Both secret police file repository agencies hold the vast majority of remaining files and supporting documents, and the number of existing files is significantly large to suggest a meaningful accounting of the past remains possible.

Determining if an individual was a collaborator or agent with the secret police is an involved process in both countries. Collaboration is not determined by the existence of a file alone. It requires evidence that an individual actively collaborated with the secret police, that an individual signed documents in his/her own handwriting showing real engagement with the security services, and evidence that the information caused harm to others. Given the known problems with file veracity, the agencies are required to verify in multiple ways that an individual was a collaborator or active agent. This reflects the procedures developed to address similar problems determining collaboration in lustration decisions in countries like Poland and Hungary.[[30]](#endnote-30)

In Bulgaria multiple documents were collected by the KDS, including the files themselves, a registration log, and index cards for collaborators. Although many files were destroyed, the registration diary and the index cards remained intact in Bulgaria. The index cards list basic information about each informer, including name, level of involvement, alias, recruitment date and personal facts. The registration log documents the meetings and contacts between agents and collaborators, and the files include extensive information about both the informant and the information he/she conveyed to the secret police. The registration diary has no gaps—it cannot be easily manipulated because it does not allow for information that is out of sequence. In order to determine collaboration, the official number in the file registry must match the code name given for each agent or collaborator, and corroborate the index card and information received in the files, thereby providing a system of cross-checks.[[31]](#endnote-31) The mere presence or absence of a file is not sufficient to conclude collaboration (or lack thereof). Importantly, the registration diary and the index cards allow the Commission to have a better idea of which files were destroyed, contributing to the reconstruction of a more comprehensive understanding of the past.

In Romania, collaboration must be a function of “individual deeds and proof beyond a reasonable doubt concerning the infringement of fundamental rights and liberties” not simply evidence of an association with the *Securitate*.[[32]](#endnote-32) There are four types of files that can be cross checked for accuracy, and there are procedures for ascertaining collaboration that improve the reliability of the process.[[33]](#endnote-33) In particular, the presence or absence of a file does not confirm collaboration. The files must demonstrate the active engagement of citizens with the *Securitate* for personal gain, must include written proof, and include contextualizing factors that might qualify why an individual collaborated or if the collaboration was coerced. When these contextualizing factors are considered, the C.N.S.A.S. Vice President Dr. Cioflâncă suggested that perhaps 50% of people in the files demonstrated *a lack* of real collaboration with the *Securitate*.[[34]](#endnote-34) In other words, the presence of a file does not automatically result in a positive collaboration determination. The number of files collected in Romania led some to believe that file revelations would expose most of society as active collaborators, but that has not materialized. While collaboration determinations could still be subject to manipulation, the current use of the files by the Dossier Commission and the C.N.S.A.S. have included cross-checks, information safeguards, and contextualized understandings of collaboration. Moreover, the collaboration determinations mirror those used by other lustration programs in CEE.

***Bulgaria: Scope of disclosures***

Since its inception the Dossier Commission in Bulgaria reviewed more than fifteen times as many files as all the previous commissions combined; from 5 April 2007- 1 December 2011 112,445 files were reviewed. The Commission reports that of those files verified by December 2011, it identified 6,377 informers and released information publicly on 5,782 files (Sofia Echo 2012, March 8).[[35]](#endnote-35) The verification process encompasses national and local level public office holders, and semi-public and social positions of power, such as the media, the clergy, unions, and cultural figures. **-Insert table 1 --**

The first round of verifications in 2007 focused on higher ranking public officials, including the prime minister, deputy prime ministers, lower level ministers, and deputy ministers. 673 people were examined at the ministerial level and collaboration was announced in the case of 117 people--roughly 17% of ministers. In the National Assembly, 1,794 MPs were examined and collaboration was announced in the case of 140 people or 8%. In the Presidential administration, 105 employees were examined resulting in verified collaboration of 21 people, or 20% of the presidential administration. At the local level, registered mayoral and municipal councilor candidates for local elections were reviewed with 3% of individuals found to have collaborated, or roughly 1, 360 people.[[36]](#endnote-36) During the six month period from July-December 2012 the scope of reviews was similar to previous periods. The Commission reviewed 20, 274 Bulgarian citizens who registered in the election, finding 661 persons or 3% of candidates had a security service background. Additionally, the Commission reviewed 5, 303 persons holding public office or in charge of public activities and of those 161 had KDS affiliations or backgrounds-- constituting approximately 3% of public office holders.[[37]](#endnote-37)

The file reviews are available on the Dossier Commissions’ website, facilitating public access to information. Tables 2 compares the number of files reviewed, publicized and the rate of collaboration. As Table 2 demonstrates, 80-90% of cases of collaboration were publicized, constituting a concerted effort by the Commission to be transparent. In general the Commission reports a 10% rate of complicity found among political appointees and office holders, which is disproportionate to the 1% of the population that were estimated to be official informers.[[38]](#endnote-38) This suggests that individuals who collaborated with or worked for the KDS continue to enjoy disproportionate privileges in the political system. **–Insert table 2--**

The scope of the vetting covers a broad range of institutions, across at least 300 agencies. By the end of 2012, more than 150 agencies established regular verification relationships with the Commission, meaning they had on-going Commission verification of existing and new personnel.[[39]](#endnote-39) Even employees in sub-units in organizations are vetted, such as the State Agency for Child Protection, the State Agency for Youth and Sports, the Commission on Commodity Exchanges and Wholesale Markets, and the Water and Gas and Electricity companies*.*[[40]](#endnote-40) This type of regularized employment vetting is a significant shift in approach to lustration.

There remain limitations on the vetting process with only those public office holders appointed after 2006 eligible for disclosure, which leaves a vast number of political officials ineligible for vetting.[[41]](#endnote-41) Nonetheless, both the numbers of files reviewed as well as the scope of positions vetted reveal that the public disclosures in Bulgaria constitute a systematic attempt to lustrate individuals in public and semi-public positions of trust and perceived importance. They also demonstrate what people have assumed but been unable to verify; namely, the continued penetration of many former collaborators in positions of power.

***Romania: Scope of public disclosures***

After the 2008 ruling the C.N.S.A.S. continued its role as file repository and an informal lustration agency, responsible for screening the background of public and semi-public positions and publicizing the information. The C.N.S.A.S.’s new operating authority under Law 221/2009 changed the screening rules, prompting a significant increase in requests for employee verification. Ironically, focusing only on the public disclosure function the C.N.S.A.S. screened more individuals than before the legal change, despite the fact that the ruling was designed to strip the C.N.S.A.S. of lustration authority. Between 2009-2010, there was a 455% increase in requests for file verification, with almost 40,000 requests submitted to the C.N.S.A.S. in 2010 as compared to the 8,771 requests in 2009 (C.N.S.A.S. 2010, 15).[[42]](#endnote-42) Commissioners Petrescu and Cioflâncă explained that the C.N.S.A.S. is better able to avoid the media spotlight and therefore the investigations remain less sensationalized, something especially important given the previous problems. [[43]](#endnote-43)

The size and scope of public disclosures increased when the C.N.S.A.S. was stripped of its formal lustration capacity. According to the C.N.S.A.S. Annual Reports, by 2009 it verified 52,546 files, which gives it a file disclosure function similar to that of Bulgaria’s Dossier Commission. For the 2012 elections, the C.N.S.A.S. screened 6,423 candidates for local elections and 2,362 candidates for Parliament election rolls (C.N.S.A.S. 2012).[[44]](#endnote-44) As Table 3 demonstrates, there was a significant increase in the number of files reviewed and the number of informants publicized. By 2012, more than 700,000 files were publicly released. This marks a significant improvement in transparency and accountability compared to Romania’s previous approach to transitional justice. **-insert table 3 –**

The C.N.S.A.S. has a legal mandate to verify the background of individuals standing for elected office and a host of top level appointed political positions. In addition, the C.N.S.A.S. also takes verification requests from employers, NGOs, businesses and interested parties across a range of public and semi-public sectors, and reviews the files of employees or potential employees. The C.N.S.A.S. can also initiate an investigation into anyone serving in one of the public or semi-public positions covered by the law. Despite many setbacks in its structure, function, and legal authority, the C.N.S.A.S. has continued to engage in an active process of public disclosures.

***Targeting social positions***

Both Bulgaria and Romania’s public disclosure programs extend beyond top office holders, and encompass a range of non-elected and socially resonant positions. In this way the programs mirror the lustration of individuals in broadly construed positions of public trust seen in the late lustration program in Poland (Horne 2009). Although they have not removed individuals from positions of power, the attention to socially salient figures galvanized popular attention to the multifaceted legacies of communism. In some ways, citizens were more aggrieved by the unexpected revelations of complicity by public personalities and social figures than of political figures for whom they expected complicity.[[45]](#endnote-45)

For example, revelations about the complicity of the clergy in both Romania and Bulgaria emotionally resonated with society. In Bulgaria, the Commission revealed that eleven of the fifteen top positions in the Bulgarian Orthodox Church’s governing body—the Holy Synod—were held by former KDS collaborators, including the [Patriarch of Bulgaria](http://en.wikipedia.org/wiki/Patriarch_of_Bulgaria) (Leviev-Sawyer, 2012a). The clergy did not file denunciations of lay people but gathered information about what was going on within the Church and wrote denunciations of fellow clergymen as a means of self-promotion (Leviev-Sawyer, 2012b).[[46]](#endnote-46) The Church refused to apologize or retire the officials and even went on the offensive with respect to the media and the Commission (Sofia Echo 2012, March 18). The revelations resonated negatively with the population, and changed perceptions about the trustworthiness of the Church as a cultural institution.[[47]](#endnote-47) One report showed approval of the church fell 17% in the three months after the revelations; 42% of the most religious individuals polled thought the clergy should resign (Sofia Echo 2012, March 5).

The Orthodox Church in Romania was also actively complicit with the *Securitate*. While public disclosures of Church complicity in Romania were not surprising, the depth of complicity catalyzed a similarly negative response from citizens (Stan and Turcescu 2005). Some high ranking clergy members in the Church made public confessions, resulting in a catharsis with society.[[48]](#endnote-48) The disclosures were especially politically resonant, and in 2008 the Church was legally removed from the list of positions with compulsory lustration. While the Church can still be vetted, C.N.S.A.S. can no longer initiate proceedings but must wait for specific requests by the Church.[[49]](#endnote-49)

The “credit millionaires” or “successful capitalists” present the most novel category of disclosures to date. In Bulgaria, the focus of this series of lustration initiatives was on “those who got rich through dark deeds as communism came to an end in Bulgaria,” in other words, people with financial market connections who used their positions to siphon off wealth during the turbulent economic transition (Sofia Echo 2012, February 24). This includes traders, managers of banks, members of management of supervisory bodies of companies, insurers and reinsurers, stock exchanges, public companies, organized and informal securities market and investment firms (Leviev-Sawyer 2011). While support for the initiative was overwhelming, with Parliament unanimously voting to empower the Dossier Commission with the ability to investigate this social class, as of 2013 it still lacked final approval and it was uncertain if it could pass constitutional court reviews (Sofia Echo 2012, April 4). Nonetheless, the motion is popular, tapping into the widespread disappointment citizens feel with the current political system and the high levels of corruption and perceived unequal gains from the transition (Center for the Study of Democracy 2012).[[50]](#endnote-50)

Although Romania does not have a formal “credit millionaire” lustration category, C.N.S.A.S. has similarly investigated businessmen and media magnets for evidence of questionable wealth and political access derived from their previous networks under the communist system.[[51]](#endnote-51) The provocative investigations of politically powerful millionaires Dinu Patriciu and Gigi Becali galvanized the public, drawing attention to the way former regime privileges could translate into current positions of power (Nine O’Clock 2013; Nine O’Clock 2012).[[52]](#endnote-52) In particular, the case of Dan Voiculescu demonstrates the links between current political and economic influence and former Securitate networks. C.N.S.A.S. revealed that Voiculescu , one of the richest men in Romania and a Conservative Party Senator until his resignation in 2012, was a former collaborator with the Securitate (BBC 2006). This revelation prevented him from an appointment in the Popescu-Tăriceanu government, which he contested but lost on repeated appeal (Nine O’Clock 2011; Bogdan 2011). In addition, in 2013 he was found guilty of fraud in a separate case related to privatization, although the courts continued to postpone the sentence as late as April 2014 (Nine O’Clock 2014). C.N.S.A.S. cites the need for these types of disclosures as a way to “show people that [lustration] is getting rid of bad social capital,” although the actual efficacy of the measures remains unclear. [[53]](#endnote-53) The use of public disclosures in Bulgaria and Romania to tackle the vestiges of the secret police networks in current business activities resonates with similar regional attempts to use lustration measures as anti-corruption devices late in the transition (Horne 2009).

**Citizen Engagement with the files**

There is mixed information on citizens’ attitudes toward the public disclosures and lustration in general. On the one hand, public opinion polls in Romania and Bulgaria taken at the start of the expansive disclosure programs in 2006 showed low support, reflecting both the failure of previous efforts and the belief that government should focus on solving current economic and political problems like corruption and unemployment. Over time the initial negative perceptions changed and citizen support for and actual engagement with the process grew.

For example, in 2006 43% of Romanians polled believed that *Securitate* officials occupied positions of power in politics and the economy, but only 37% of individuals supported the removal of collaborators and agents from positions of power (Stan 2012, 94). Polls completed in 2010 by the Institute for the Investigation of Communist Crimes and the Memory of Romanian Exile echoed these findings, showing only 37% of citizens thought file access was important and 31% supported lustration, while 52% thought neither lustration nor file access were important issues today (Stan 2010). These polls reflect both citizen fatigue with transitional justice in the face of material problems, as well as a failure of previous measures to accomplish real change.[[54]](#endnote-54) There is also a growing nostalgia among citizens and the youth for the stability of the past, reflected in favorable public opinion polls about communism and Ceaușescu, with citizens indicating a desire for more economic and political security.[[55]](#endnote-55)

Similarly, the previous failed attempts at lustration in Bulgaria delegitimized the work of the Dossier Commission before it even started. Many politicians and academics believed that citizens did not really care about lustration, suggesting both that the time had passed for such measures and the focus should be on curbing corruption, building the economy, and relieving unemployment. [[56]](#endnote-56) The Dossier Commission engaged in a massive public relations campaign to change citizen perceptions through demonstrated file transparency and objectivity. Recent public opinion polls show that citizen attitudes toward the work of the Commission are improving. In March 2008, 44% of Bulgarians polled said they supported public disclosure of past state security service involvement, rising to 50.5 % in March 2010. [[57]](#endnote-57) In February 2012, 57% of citizens polled said they thought information about the past secret police service of all public employees should be disclosed and 25% of individuals wanted to expand the scope of the files to be vetted.[[58]](#endnote-58) There is also growing interest among younger people in the work of the Commission, with support more than doubling by 2012 to 29% of youth polled.[[59]](#endnote-59) The trend lines indicate growing support for the process of public disclosures, with a critical caveat that despite the improvement total public support remains at just over half of the population.

Citizen use of the public reading rooms in Romania and Bulgaria, and citizen requests for file information indicate higher levels of actual popular support than the polls suggest. Over time citizen interest and use of the files in Bulgaria has gone up, with a consistently full public reading room and increased requests for file access.[[60]](#endnote-60) Romania provides precise figures on citizen file usage. The C.N.S.A.S. reported there were a total of 659 requests for use of the reading room in 2006, with 1,011 requests by 2008, and 2,088 requests by 2011. In 2012, the reading room for the C.N.S.A.S. logged more than 4,000 visits, with more than 18,000 files accessed between both researchers and private individuals (C.N.S.A.S. 2012, 15). This represents a 500% increase in requests for access to the reading room. The number of individuals requesting access to their own files in Romania continues to increase, with a total of 816 requests in 2006, 1,311 requests in 2008, and 1,729 requests by 2011, or a 110% increase over six years. In 2012 there were 3,653 new requests for documents in the archives, and 1,117 new users of the archives. In addition, there were more than 500,000 copies requests from individuals and the courts. The number of copies requested in 2012 was approximately 100% more than the number of copies requested in 2008 (212, 614) or 2009 (264, 417) (C.N.S.A.S. 2012, 15). In sum, levels of public engagement with the files have increased not decreased with time. Citizens’ actual use of the files belies the reported low support for file access and disclosures. This suggests that citizens perceive something important about the disclosure programs that they did not at the start of this process.

**Possibilities for change**

In the absence of compulsory employment penalties for collaboration, have public disclosures resulted in bureaucratic change? There are no clear statistics on the number of individuals removed from positions of power as a result of the public disclosures, nor can we know who opted out of politics in order to prevent disclosure. However, the same is true in places like Poland and Hungary with voluntary lustration removal structures, so this is not unique to Bulgaria and Romania. Even in places with clearer employment removal provisions like the Czech Republic, the employment implications of lustration remain unclear. Nonetheless, like their regional lustration counterparts, both the Dossier Commission and the C.N.S.A.S. note evidence of bureaucratic change as a result of actual or potential file revelations.

In Bulgaria, the Dossier Commission reports that recruiting and employment efforts in public agencies are influenced by the disclosure process. Since lustration is not legally permitted in Bulgaria, employment changes are possible only if agencies pre-screen candidates for collaboration prior to hiring and therefore before the formal verification process even begins. The Commission noted this allows for the circumvention of the judiciary, which can block constitutionally prohibited lustration efforts. In particular the Commission cited the Ministry of the Interior, the Ministry of Culture, the Ministry of Health and the Ministry of Justice make preliminary background checks on individuals before filling positions, and remove individuals from consideration if there is evidence of collaboration.[[61]](#endnote-61)

In Romania, the C.N.S.A.S. has power to pressure candidates to voluntarily resign positions through the issuance of a “preamble.” Specifically, the C.N.S.A.S. can issue a statement or a "preamble" documenting the degree and type of collaboration discovered in the files, even though it might not be sufficient evidence for a formal judicial adjudication of the case by the Bucharest Court of Appeals. [[62]](#endnote-62) More specifically the 2008 legislation changing the responsibilities of the C.N.S.A.S. also changed the burden of proof to demonstrate collaboration. The C.N.S.A.S. has to prove that the collaboration both violated human rights and that the acts were anti-regime, meaning in some way they also violated the norms of the regime at the time. While it is relatively easy to show that collaboration violated someone’s human rights, such as the right to privacy, it is much harder to demonstrate the second prong of the test. Therefore the new law in some ways shielded individuals from positive collaboration determinations because many cases didn’t technically violate the norms of the Ceaușescu regime. Nonetheless, the use of preambles allows information about collaboration to be publicized on the C.N.S.A.S.'s website and/or included in the Official Gazette and prompts employment reviews by employers. It promotes what Petrescu calls a “moral condemnation” of collaboration, preventing individuals from hiding collaboration that might not be technically actionable by the Court of Appeals.[[63]](#endnote-63)

There is a noticeable aversion to having one’s reputation tainted by the stain of collaboration. The C.N.S.A.S. President cited the significant number of trials in which individuals legally contest allegations of former regime collaboration because they do not want their legacies marred. In particular, the C.N.S.A.S. notes that media magnates and business leaders spend significant sums hiring the top legal firms to contest collaboration allegations in trials that can last seven years.[[64]](#endnote-64) This suggests that public shaming through file disclosures is perceived as meaningful by citizens, demonstrating the potential power of disclosures to catalyze bureaucratic changes.

In both Bulgaria and Romania disclosures are starting to impact political office holders. Some individuals self-lustrate, or remove themselves from consideration for public positions out of fear of a positive disclosure. Since nearly all file reviews are publicized, the transparency of the process creates a real threat of public revelation. With respect to political parties, both the Dossier Commission and the C.N.S.A.S. argued that political parties vet their party lists and are less likely to bring known secret service agents or collaborators forward for elections as happened in the past. [[65]](#endnote-65) In Bulgaria the Commission alleged that information about former regime complicity has electoral consequences, providing an edge to “clean candidates.” [[66]](#endnote-66) Ultimately, the true power for bureaucratic change rests with citizens who can vote candidates in or out of office on the basis of this information. Some intellectuals and policymakers in Romania and Bulgaria see this informal system of lustration as a transparent way of creating a new elite—a gradual process but one with a moral mandate. [[67]](#endnote-67)

**Conclusion**

Bulgaria and Romania are engaged in an expansive file access and disclosure program involving the revelation of former regime collaboration of tens of thousands of individuals in current positions of political and social importance. The logistical and temporal limitations on this active public disclosure process remain unclear. The President of the C.N.S.A.S. estimated that the process of disclosures in Romania still has 15-20 years to go. [[68]](#endnote-68) Bulgaria’s Commission also estimated that public disclosures would continue until a new generation of political leaders takes power with no communist ties to the past.[[69]](#endnote-69) If legally permitted the process of public disclosure could continue, resulting in a late but extensive form of transitional justice. However, the history of interventions in both countries to limit lustration casts doubt on the longevity of the measures, in particular if the disclosures roil political leaders.

The cases expand our understanding of lustration measures, suggesting an informal variant of the dominant regional approach to lustration. The structure of public disclosures in Romania and Bulgaria, from the type of individuals targeted for screening, to the scope of positions screened, to the transparency of the processes, echoes other regional lustration programs. In terms of function, the public disclosures mirror the bureaucratic change and moral change elements found in other post-communist programs. In particular, the use of shaming and/or the threat of disclosure to prompt voluntary employment resignations bears a strong resemble to the cases of lustration in Hungary and Poland. Therefore, despite the absence of lustration laws in Bulgaria and Romania there is an informal lustration process going on.

The paper suggested several indirect methods by which disclosures could prompt bureaucratic change, and explained shifts in citizen responsiveness to public disclosures over time. There is evidence that some employers are prescreening candidates prior to hiring, and that individuals are voluntarily resigning before public disclosure. Given the growing interest of citizens in their own files and the files of public figures, there is a possibility of electorally induced bureaucratic change. Together these mechanisms have the capacity to effect incremental bureaucratic changes. This paper has developed three possible mechanisms for change, but future research will need to explore to what extent public disclosures do in fact change voting patterns and the composition of public and semi-public positions.

As a cautionary conclusion, while it is remarkable that the Commission and the C.N.S.A.S. have “lifted the curtain” on the past in such a public and transparent way, the potential for extra-legal expansions of their mandates remains. Since the lustration processes in both Bulgaria and Romania were mired by political manipulation in the past, it is important that extra-legal substitutes for lustration remain bound by rule of law considerations and due process safeguards in order to prevent a sullying of the disclosure procedures in the future.**References**

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| **Table 1: Bulgarian Kostadinov Commission file reviews by category** | | | |
| **Persons registered for elections—Verification (Article 26, Para.1)** | | **Persons in Public Positions --Verification (Article 21, Para 1, Sections 1-2)** | |
| Year 2007 | 15,700 | Year 2007 | 2,311 |
| 2008 | 30, 829 | 2008 | 6,641 |
| 2009 | 3,486 | 2009 | 8,443 |
| 2010 | 56 | 2010 | 11,810 |
| 2011 | 13,764 | 2011 | 12,593 |
| **Source**: Bulgarian Dossier Commission, Summary of Activities 5 April 2007-1 December 2011, http://www.comdos.bg/Доклади\_пред\_Народното\_събрание. | | | |

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| **Table 2: Bulgarian Dossier Commission’s Public Disclosure Activities** | | | |
| **Period** | **Files reviewed** | **Collaboration**  **Found** | **Files Actually**  **Publicized** |
| 20 July -20 Dec 2010 | 4,763 | 777 | 683 |
| 20 Dec 2010-20 July 2011 | 10,914 | 921 | 771 |
| 1 July - 19 Dec 2011 | 22,602 | 790 | 648 |
| 19 Dec 2011- 1 July 2012 | 14, 048 | 495 | 426 |
| 1 July-1 Dec 2012 | 20, 274 | 650 | 603 |
| **Source:** Compiled from various annual reports by the Dossier Commission, <http://www.comdos.bg/Доклади_пред_Народното_събрание>, last access August 18, 2013; and Dossier Commission Reports (Dokladi pred Narodnoto sbranie) <http://www.comdos.bg/Доклади_пред_Народното_събрание>. | | | |

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| **Table 3: Romania-- the C.N.S.A.S. file requests** | | |
| **Year** | **Individual new file requests** | **Files released by C.N.S.A.S. to public** |
| 2006 | 816 | 111,191 |
| 2008 | 1311 | 357,274 |
| 2012 | 3653 | 716,946 |
| **Author compiled from *Raport de activitate privind anul , various years (Annual Activity Report)*, C.N.S.A.S.,** [**http://www.cnsas.ro/rapoarte.html**](http://www.cnsas.ro/rapoarte.html) | | |

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| **Table 4: Romania—the C.N.S.A.S. Public Disclosure Activities** | | |
| **Year** | **Number of files reviewed** | **Number of informants revealed** |
| 2005 | 1690 | 49 |
| 2006 | 2715 | 270 |
| 2007 | 17,734 | 341 |
| 2008 | 14,268 | 610 |
| 2009 | 13,097 | 739 |
| 2010 | 16,868 | 847 |
| 2011 | --- | 867 |
| 2012 | 6,423 local election candidates  2,362 parliamentary candidates | 858 |
| **Author compiled from *Raport de activitate privind anul , various years (Annual Activity Report)*, C.N.S.A.S.,** [**http://www.cnsas.ro/rapoarte.html**](http://www.cnsas.ro/rapoarte.html) | | |

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2. Bulgarian Dossier Commission’s mission statement, http://www.comdos.bg/, last accessed February 2, 2014. [↑](#endnote-ref-2)
3. This framing of Bulgaria’s program as a form of “silent lustration” comes from author interview with Chairman Evtim Kostadinov, Bulgarian Dossier Commission, Sofia, Bulgaria, July 12, 2012. [↑](#endnote-ref-3)
4. Interviews with Chairman Kostadinov, Dossier Commission, Sofia, Bulgaria, July 12, 2012 and his counterpart in Romania, Dr. Dragoş Petrescu, Chairman of the Board, C.N.S.A.S. Offices, Bucharest Romania, October 12, 2012. [↑](#endnote-ref-4)
5. Latvia and Estonia used communist party membership and citizenship requirements as lustration criteria, while most other countries used secret police collaboration. See Pettai 2013 and Wezel 2013. [↑](#endnote-ref-5)
6. Author interview with Dr. Bogdan Murgescu, Department of History, University of Bucharest, Bucharest Romania, October 17, 2012; and interview with Dr. Iskra Baeva and Dr. Evgenia Kalinova, Department of History, University of Sofia “St. Kliment Ohridski” Sofia, Bulgaria, July 11, 2012. [↑](#endnote-ref-6)
7. Interview with Dimitar Markov, Senior Analyst/Project Direction, Law Program and Judicial Reform Unit, Center for the Study of Democracy, Sofia Bulgaria, July 2-4, 2012 [↑](#endnote-ref-7)
8. Interview with Dr. Baeva and Dr. Kalinova. [↑](#endnote-ref-8)
9. The name of the Commission reflects the name of the director (European Network 2009, 6-15). [↑](#endnote-ref-9)
10. While no figures on total individuals reviewed are available, this still constitutes a significant increase in files and individuals reviewed. Bulgarian Dossier Commission, “Obobtsheni Danni za deinostta na KRD Opgdsrsna ot 5 april 2007 g. do 1 dekembri 2011 g. (Summary of Activities 5 April 2007-1 December 2011) <http://www.comdos.bg/Доклади_пред_Народното_събрание>, accessed December 5, 2013. [↑](#endnote-ref-10)
11. Note, the National Assembly is the unicameral parliament and chief legislative body in Bulgaria. “Members of the Committee,” Dossier Commission, <http://www.comdos.bg/Състав_на_комисията>, accessed August 20, 2013. [↑](#endnote-ref-11)
12. Interview with Chairman Kostadinov. [↑](#endnote-ref-12)
13. Interview Alexander Stoyanov, Director of Research Vitosha, Sofia Bulgaria, July 5, 2012. [↑](#endnote-ref-13)
14. Interview with Dr. Baeva and Dr. Kalinova. Although both thought the Commission was credibly implementing its job, each thought that association with the files and the process of file accountability was unsavory and politically complicated. [↑](#endnote-ref-14)
15. Interview with Mr. Markov and Dr. Stoyanov. [↑](#endnote-ref-15)
16. See Articles A2 and 12 of the *Law for Access and Disclosure of the Documents*. [↑](#endnote-ref-16)
17. *Letter from* *Chairman of the committee: Evtim Kostadinov.* Bulgarian Dossier Commission,

    <http://www.comdos.bg/media/Nashite%20izdania/spisanie-2-final-(9).pdf>, accessed August 1, 2012. [↑](#endnote-ref-17)
18. For example, see Constitutional Court Decision No. 820/2010. [↑](#endnote-ref-18)
19. <http://lege5.ro/Gratuit/gmzdqnzthe/law-nr-187-1999-on-the-access-to-the-personal-file-and-the-disclosure-of-the-securitate-as-a-political-police>, accessed January 25, 2014. [↑](#endnote-ref-19)
20. For additional information on the CNSAS, see <http://www.cnsas.ro/>, accessed February 4, 2014. [↑](#endnote-ref-20)
21. Dr. Gabriel Andreescu, former dissident and now university professor, explained that he found falsifications in his personal file. Author interview, Şcolii Naţionale de Studii Politice şi Administrative, Bucharest, Romania, October 10, 2012. Dr. Petrescu said the most common complaint is that people think their files should be larger and conclude that information must have been destroyed because the files are not more substantial. A common struggle remains simply proving to people that their file is intact. Personal interview. [↑](#endnote-ref-21)
22. Interview with Dr. Andreescu. [↑](#endnote-ref-22)
23. Parliament passed Emergency Ordinance No. 16 (2006) which expanded the scope of the existing "lustration" law (187/1999) and specified a wider range of positions to be lustrated (Leśkiewicz and Žáček 2013, 226). [↑](#endnote-ref-23)
24. Romanian Constitutional Court (Curtea Constiţutională a României) Decision No. 51 of 31 January 2008, declaring Law 187/1999 unconstitutional. [↑](#endnote-ref-24)
25. Author interview with Dr. Adrian Cioflâncă, Member of the Collegium, C.N.S.A.S., Bucharest, Romania October 17, 2012. [↑](#endnote-ref-25)
26. Author interview with Dr. Cioflâncă. [↑](#endnote-ref-26)
27. Author interview with Dr. András Bozóki, Professor Department of Political Science, Central European University, Budapest Hungary, April 2, 2013. [↑](#endnote-ref-27)
28. Interview with Chairman Kostadinov. [↑](#endnote-ref-28)
29. Interview with Dr.Cioflâncă. [↑](#endnote-ref-29)
30. In Poland, the harm has to be material and demonstrate a violation of human rights. Author interview with Mr. Jacek Wygoda, Director of the Lustration Bureau (*Dyrektora Biura Lustracyjnego*), *Instytut Pamięci Narodowej (IPN)*, Warsaw Poland, July 17, 2012. In Hungary the collaboration requires either a handwritten statement from the collaborator, documentation of payment received for collaboration or an official report signed by the collaborator using his/her codename. Typed reports are not sufficient to determine collaboration. Author interview with Dr. Gergö Bendegúz Cseh, Deputy Head of Department, Historical Archives of the Hungarian State Security, Budapest, Hungary, April 4, 2013. [↑](#endnote-ref-30)
31. Author interview with Chairman Kostadinov, followed by a site tour of the archives and an explanation of the process at the Dossier Commission Headquarters, July 12, 2012. [↑](#endnote-ref-31)
32. An excerpt from law 187/1999 (European Network2009, 57). [↑](#endnote-ref-32)
33. The files include information files, network files, documentary files and penal or criminal files. The network files in particular document persons who collaborated with the *Securitate*. [↑](#endnote-ref-33)
34. Interview with Dr. Cioflâncă. [↑](#endnote-ref-34)
35. Interview with Chairman Kostadinov. [↑](#endnote-ref-35)
36. “Reports to the National Assembly,” the Dossier Commission, <http://www.comdos.bg/Доклади_пред_Народното_събрание>, accessed August 16, 2013. [↑](#endnote-ref-36)
37. Republika Bilgariya Komiciya Za Razkrivane Na Dokumentite I Za Obyavyavane Naprina dlejenost Na Bilgarski Gradjedani KBM Drjeavna Sigurnost I Razuznavatelnite Sludjei Na Bilgarskata Narodna Armiya (Commission of the Republic of Bulgaria for Access and Disclosure of the Documents and Announcing Affiliations of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army), <http://www.comdos.bg/media/Dokladi/doklad--2-2012.pdf>, accessed August 15, 2013. [↑](#endnote-ref-37)
38. These figures represent the most current information available from the Dossier Commission as of December 2013. For complicity figures see Metodiev 2013, 76. [↑](#endnote-ref-38)
39. “Checked Institutions,” <http://www.comdos.bg/provereni-institutsii>, accessed August 16, 2013. [↑](#endnote-ref-39)
40. Dossier CommissionDecision No. 37, (10/06/2008), <http://www.comdos.bg/>, accessed August 16, 2013. [↑](#endnote-ref-40)
41. Chairman Kostadinov cited these limitations on and argued that screening should be expanded in temporal terms back to 1990 and allow rechecks of agencies to account for recent hires. Author interview. [↑](#endnote-ref-41)
42. *Raport de activitate privind anul 2010 (2010 Annual Activity Report)*, Consiliul Naţional Pentru Studierea Arhivelor Securităţii, <http://www.cnsas.ro/rapoarte.html>, accessed August 10, 2013. [↑](#endnote-ref-42)
43. Author interviews with Dr. Petrescu and Dr. Cioflâncă; See also the C.N.S.A.S.’s website at [www.cnsas.ro](http://www.cnsas.ro) for additional details on files available and reviewed. [↑](#endnote-ref-43)
44. This represents the latest figures available. C.N.S.A.S. *Raport de activitate privind anul 2012 (2012 Annual Activity Report)* p. 15 <http://www.cnsas.ro/rapoarte.html>. [↑](#endnote-ref-44)
45. I am grateful to Dr. Csilla Kish for highlighting the similarities with the Hungarian case. Author conversation, Budapest Hungary, April 11, 2013. [↑](#endnote-ref-45)
46. Author interview with historian Dr. Momchil Metodiev, Red House Centre for Culture and Debate, Sofia Bulgaria, July 9, 2012. [↑](#endnote-ref-46)
47. Interview with Dr. Metodiev. [↑](#endnote-ref-47)
48. Author interview with Dr. Petrescu. [↑](#endnote-ref-48)
49. Ibid. [↑](#endnote-ref-49)
50. Momchil Metodiev emphasized the public outrage over credit millionaires and the popularity of the proposed lustration amendment, author interview. [↑](#endnote-ref-50)
51. Interview with Dr. Petrescu. [↑](#endnote-ref-51)
52. I am grateful to an anonymous review for suggesting the inclusion of these Romanian business leaders in particular. [↑](#endnote-ref-52)
53. Interview with Dr. Petrescu. [↑](#endnote-ref-53)
54. Author interview with Dr. Mircea Stanescu, Historian National Archives, Bucharest, Romania, October 10, 2012. [↑](#endnote-ref-54)
55. Author interview with Historian Dr. Octavian Roske, National Institute for the Study of Totalitarianism, Bucharest, Romania, October 15, 2012; and Interview with Professor Dr.Murgescu. [↑](#endnote-ref-55)
56. Interviews with Miriana Ilcheva, Research Fellow Law Program and Judicial Reform Unit, Center for the Study of Democracy, Sofia Bulgaria, July 2, 2012 and Dr. Maria Yordanova, Director Law Program, Center for the Study of Democracy, Sofia Bulgaria, July 4, 2012. [↑](#endnote-ref-56)
57. The Committee for Disclosing the Documents and Announcing Affiliations of Bulgarian Citizens to the State Security and Intelligence Services of the Bulgarian National Army, 2008-2012. *Social Barometer, National Centre for Public Opinion Survey*, <http://www.comdos.bg/Социологически_барометър>, accessed August 10, 2013. [↑](#endnote-ref-57)
58. Ibid, section 8. [↑](#endnote-ref-58)
59. Ibid, section 3. [↑](#endnote-ref-59)
60. Interview with Chairman Kostadinov, and interview with Vladimir Todorov, Institute for the Study of Communist crimes in Bulgaria, Sofia Bulgaria, July 10, 2012. [↑](#endnote-ref-60)
61. Interview with Chairman Kostadinov. [↑](#endnote-ref-61)
62. Interview with Dr. Petrescu. [↑](#endnote-ref-62)
63. Ibid. [↑](#endnote-ref-63)
64. Ibid. [↑](#endnote-ref-64)
65. Author interview with Dr. Petrescu and Chairman Kostadinov. [↑](#endnote-ref-65)
66. Author interview with Chairman Kostadinov. [↑](#endnote-ref-66)
67. Author interview with Dr. Ognian Shentov, Chairman Center for the Study of Democracy, Sofia, Bulgaria, July 13, 2012; and interview with Dr. Metodiev. [↑](#endnote-ref-67)
68. Author interview with Dr. Petrescu. [↑](#endnote-ref-68)
69. Author interview with Chairman Kostadinov. [↑](#endnote-ref-69)