

BULLETIN

OF "CAROL I" NATIONAL DEFENCE UNIVERSITY

<https://buletinul.unap.ro/index.php/en/>

Contributions to the elucidation of a controversial episode. The Ciulei Case. (2)

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Abstract

Based on previous documentation, not necessarily the subject of this article, we can state that the administration of military justice in the War of the Integration was not a perfect process, among the most important criticisms being the judicial errors recorded, on the one hand, and the interference of commanders in the act of justice, on the other. The fact that the members of court martial panels were appointed by the commanders of the major units with which they operated, from the divisional level upwards, was a procedure that naturally facilitated the existence of subordination relationships, with a direct effect on the administration of justice. Another explanation for the low quality of justice is the lack of specialized training of the members of the councils of war and courts-martial, the training of the officers called upon to carry out military justice being encumbered by the educational system of the time. It is in this context that the trial of Second Lieutenant Constantin Ciulei should also be analyzed, which thus takes on new meanings and significance. The disciplinary situation of the troops called for an exemplary punishment, which was swiftly carried out and significantly impressed the audience, and the fact that Ciulei was an officer was an asset that ensured the notoriety of the event.

Keywords:

court-martial; summary execution; deserter; military justice; miscarriage of justice.

Article info

Received: 26 June 2024; Revised: 22 August 2024; Accepted: 7 November 2024; Available online: 17 January 2025

Citation: Corciu, L. 2024. "Contributions to the elucidation of a controversial episode. The Ciulei Case. (2)". *Bulletin of "Carol I" National Defence University*, 13(4): 54-76. <https://doi.org/10.53477/2284-9378-24-49>



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Validation

As we promised at the beginning of this article, we will address, one by one, all the hypotheses put forward in the two articles in *Magazin Istoric* and *Avântul*, with arguments drawn from primary sources. Thus, we do not consider as valid the first hypothesis, according to which Ciulei's being put on trial would have been done to confuse the suspicions of the commander of the 2nd Army, since putting Ciulei on trial was Sturdza's second option; the first one, as we have already presented, was to shoot him on the spot, to set an example to the demoralized troops. A summary execution, which did not involve sending him before a full court.

Moreover, it is obvious that those questionable retreats of the 7th Mixed Brigade, which had drawn the attention of General Averescu, (Monkevitz and Vinogradski 2019, 33) involved the defensive deployment of the entire brigade and required a higher level of decision, and could not be attributed to a second lieutenant (Monkevitz and Vinogradski 2019, 33), etc.

Neither do we consider valid the second hypothesis, according to which Sturdza, suspected of treason, *would have put everything on Lieutenant Ciulei, whom he blamed for having withdrawn from the position, without orders, together with his subunit.*

Firstly, on December 26, 1916, Sturdza was not suspected of treason. His previous decisions to withdraw, unjustified in General Averescu's opinion, had caused his displeasure, but from here to the suspicion of treason was a long way off.

General Averescu did not understand Sturdza's repeated retreats, probably fearing the proximity of the sector occupied by the 7th Mixed Brigade to the Russian troops. The decisions in Sturdza's sector could have negatively influenced the relationship with the Russian allies, although, paradoxically, they seem to have had an excellent impression of the 2nd Army troops. In his memoirs, the Russian General Nikolai A. Monkevitz wrote about "*the regiments of General Averescu's heroic army*", mentioning that he had the opportunity to meet them several times and that he was amazed by their "*iron discipline, (...) impeccable organization*", etc.

Secondly, it was not the retreat on *Momâia* that General Averescu referred to in his memoirs, but the retreat at *Soveja*, which had taken place two days earlier, on December 24. And, thirdly, it was not Ciulei, but Mărculescu, who had been accused of the hasty escape from *Momâia*.

In our opinion, the third hypothesis, according to which *Ciulei was suddenly accused* (s.n.) *of treason by Colonel Sturdza*, is not valid either. This *suddenness* induces the idea that Ciulei was, in relation to Sturdza, *the scapegoat* or the guilty one, a momentary solution, a sudden solution for what happened on *Momâia*. The accusation of treason brought against Second Lieutenant Ciulei was not an untimely act, in the sense that it did not come *suddenly*. Initially, Sturdza wanted to set an extreme example to the troops by executing Captain Mărculescu and Second

Lieutenant Ciulei, both officers, both commanders of sub-units, in front of their own subordinates, without trial. The failure of this plan led, in fact, to the initiation of treason charges against both of them. Sturdza's only option was to refer the matter to the royal commissioner of the 1st Infantry Division since the accusations had been made public and the attempt to execute the two officers had failed.

Why did Sturdza refer the matter to the 1st Infantry Division? On the one hand, this echelon had the competence given by the Code of Military Justice to deal with the case, and on the other hand, the court-martial, as a military court, could be organized only from the division echelon upwards, by order of the commander of the respective structure. Except the officers, who were, as a rule, tried by the court martial constituted at army level.

Sturdza could not organize his own court-martial at the 7th Mixed Brigade, and besides, neither Captain Marculescu nor Second Lieutenant Ciulei belonged organically to the 7th Mixed Brigade but had been seconded to this large unit.

The entire staging of this *summary execution* was, in our opinion, a spontaneous gesture on Sturdza's part, intended to impress the audience and to set an example for the soldiers, who should have been aware of the possible consequences they would have faced if they had risked a similar gesture.

We believe that Sturdza's intention to punish Mărculescu and Ciulei was not premeditated, and the arguments supporting this claim invalidate, in our opinion, the hypothesis of Prof. Nicolau's article. The assertion is based on the fact that Sturdza witnessed the performance of the two men on *Momâia*, a fact confirmed by the testimonies of Major Constantinescu and Lieutenant Marinescu. Moreover, at the time of execution, neither Mărculescu nor Ciulei were tied up, as required by the firing squad procedure, nor even disarmed.

Nor do we consider as valid the fourth hypothesis, according to which *Second Lieutenant Ciulei was convicted because the court-martial was intimidated by the situation of the accuser*. The expression "*situation of the accuser*", used by the press of the time, probably referred to Sturdza's position in the army and society. The claim about Sturdza's influence in society is questionable. Even in his memoirs, he mentions that he felt threatened by the Brătianu family, and his and his family's political orientation was clearly pro-German and deeply anti-Russian. We also have reservations about Sturdza's alleged influence in the army, especially among the officers of the 2nd Army, but in particular on the members of the 2nd Army's court-martial court-martial panel, whom we have managed to identify and will present later.

As for the influence Sturdza may have had on General Alexandru Averescu, from the latter's memoirs it emerges that Sturdza did not enjoy a privileged position, but on the contrary, Averescu did not even want him in his subordination, considering him a vain, "*more a nuisance than a help*". (Averescu 1992, 104).

The fact that Sturdza was changed from the command of the 15th Infantry Division, subordinated to the 2nd Army, where he had been initially appointed, to the

command of the 10th Infantry Division, subordinated to the 1st Army, which was being replenished in northern Moldavia, could be interpreted as a clue in support of this claim. This is why we subscribe to the opinion (Otu and Georgescu 2011, 137) that at the time of the trial of Second Lieutenant Ciulei, Sturdza had no way to intimidate the trial panel, since his disappearance had already been reported, in unspecified circumstances, since the night of January 23/24, 1917.

The fifth hypothesis, according to which *Ciulei was executed and Sturdza deserted*, is misrepresented in terms of the chronology of events. As we have already said, Sturdza had already deserted on the night of January 23/24 and was initially considered missing. The corpse of his ordinance, the footprints in the snow leading to the enemy lines, and the personal luggage in which his diary was found, fueled suspicions of a possible act of treason. However, the confirmation of treason came after the capture of Crăiniceanu, on January 28, at noon, and officially materialized in the afternoon of the same day, after he confessed to the meeting with Sturdza and the manifests instigating treason were found.

Ciulei was tried on January 26, sentenced to death, and executed on the morning of January 28, at 10.00 a.m., at the firing range in Bacău, where the 2nd Army command post was located, whose court-martial had tried him. Thus, at the time when Ciulei was dying in front of the firing squad, Crăiniceanu had not yet been caught, and Sturdza's desertion was still at the stage of disappearance under unsolved circumstances.

The sixth hypothesis, that *Ciulei was innocent, but suspected Sturdza's links with the enemy*, is also groundless. Sturdza did not intend to shoot Ciulei because he suspected his links with the enemy. This theory emerged later, perhaps promoted by Marculescu himself, as we shall see from his memoirs, and was certainly fueled by the theories woven after Sturdza's defection.

Ciulei could not have suspected Sturdza's connections with the enemy, first, because he had joined the 7th Mixed Brigade only a few days before, and like most of the newcomers, officers and troops alike, did not even know him.

Secondly, Ciulei was at a much lower level of the military hierarchy, not even part of the brigade staff. He was a junior officer, according to the denomination of the time, whose place was in the middle of his subunit, which would not have allowed him to be around Sturdza to see how, and above all, what he thought.

It is even very probable that the position of commander of the battalion reserve was entrusted to Ciulei by his former comrade and hospital colleague, Captain Mărculescu, precisely because this would have facilitated a cantonment near him, knowing that, as a rule, the battalion reserve is usually located near the command point, and its commander is at the battalion commander's disposal.

Neither the last hypothesis, according to which *Sturdza realized that he could have unmasked and dismissed Ciulei, influencing the court-martial towards a decision to*

sentence him to death, can be validated, in our opinion, based on the arguments that we will present below.

We first state that this last hypothesis tested is, in fact, a combination of two of the hypotheses argued above. The first one induces the idea of Sturdza's premeditation of the act of desertion, or at least of its existence, even in latent form, since December 26, 1916, when the episode of the failed execution of Mărculescu and Ciulei took place. The second one suggests that Sturdza's decision to make an example of the two, but especially of Ciulei, was motivated by the fear of not being unmasked, and thus influenced the court-martial to sentence the latter to death. The fact that, in our opinion, Sturdza could not have influenced the court-martial of the 2nd Army is a statement that we have argued above, and that is also shared in the book by professors Petre Otu and Maria Georgescu.

As for Sturdza's decision to go over to the enemy, we cannot assess the exact moment, but it was certainly after December 26, 1916, when the *Momâia* episode took place. We believe that regardless of his political beliefs and the notoriety of his pro-German attitude, the crystallization of the idea of going over to the enemy camp took place after he effectively surrendered command of the 7th Mixed Brigade, and this event took place on January 4, 1917.

The memoirs ([Scărișoreanu 1934](#), 174) of General Romulus Scărișoreanu show that as early as December 26, 1916, Sturdza would have been appointed to command the 15th Infantry Division, which is why Scărișoreanu, then a colonel, would have been called to take command of the 7th Mixed Brigade. But his immediate superior at the time, General Eremia Grigorescu, knew nothing about this appointment, and Sturdza's appointment never materialized. The situation validates ([Averescu 1992](#), 104) what was recorded, on the same date, in the memoirs of General Alexandru Averescu, who confirmed Sturdza's appointment as division commander, but also clearly stated that he did not want him as a subordinate and that he hoped "*to get rid of him*" ([Averescu 1992](#), 104).

In fact, some sources ([Kapri 1926](#), 14) indicate a close connection between the moment when Sturdza decided to switch to the enemy camp and the change of the decision of the Great General Headquarters which, although it had initially appointed him to the position vacated by the promotion of General Eremia Grigorescu, in command of the 15th Infantry Division, subordinated to the 2nd Army, changed its decision by appointing him to command the 10th Infantry Division, which was in the depth of its own device, in the north of Moldavia.

Probably feeling rejected by his hierarchical superiors, which questioned his performance so far in command of the brigade, his refusal to be entrusted with the command of a renowned division, in contact with the enemy, and his being sent in the proximity of the "*real enemy*" ([Kapri 1926](#), 8), as he used to say, were decisive in Sturdza's "*wretched decision*" ([Kapri 1926](#), 6).

What is more, the decoration that King Ferdinand gave him personally, following the meeting a few days earlier, was no more than a pale consolation. Or the candy that should have sweetened the bitterness of frustration. According to this logic, at the time of December 26, 1916, the hypothesis that Sturdza had given in to *the fear of not being unmasked* cannot be considered as a motive for his actions against Mărculescu and Ciulei.

Court

However, the question still remains: *Why the rush to try and convict Ciulei?*

In an attempt to answer this natural question (Otu and Georgescu 2011, 137), as to the reason for the haste with which this case was tried, we have found a possible explanation in the memoirs of Lieutenant-Colonel Mihai I. Buttescu. The former commander of the "Regina Elisabeta" 2nd Hunting Regiment considered General Gheorghe Mărdărescu, Chief of Staff of the 2nd Army, guilty of having appointed General Gheorghe Mărdărescu, the chief of staff of the 2nd Army, as president of the court-martial (the court-martial was appointed by order of the commander, s. n.) (Buttescu 2012, 314) a former subordinate, an obedient character, categorized by the author as *an instance of nepotism*, in the person of Colonel Alexandru Alexiu, "*who sentenced to death for reasons not sufficiently investigated (the case of Lieutenant Ciulei) and executions were daily* (s.n.)".

From the verifications carried out in the documentation of the present work, it emerged that this assertion is confirmed, both in terms of the existence of the previous subordinate relationship of Colonel Alexandru Alexiu to General Gheorghe Mărdărescu and in terms of Colonel Alexandru Alexiu's fulfillment of the function of President of the 2nd Army's Court Martial.

Thus, in 1915, Colonel Alexandru Alexiu served as commander of the *Infantry Shooting School* at Mihai Bravu, General Gheorghe Mărdărescu being his immediate boss, then *Technical Inspector of the Infantry*. Moreover, in the 1918 *report card* of the first one, General Gheorghe Mărdărescu stated: "*I know his (Colonel Alexandru Alexiu's) activity in the campaign (Colonel Alexandru Alexiu, s.n.) as he was under my orders almost all the time* (Romanian National Military Archives File no.6, f.30)". As for the confirmation of the second assertion, we have identified "*Address no. 16004*" (Romanian National Military Archives, file no.1691, f. 9-10) dated January 23, 1917, by which the court martial of the 2nd Army forwarded to the Military Justice Service of the General Headquarters a table with the nominal composition of the court-martial that functioned in the subordinate divisions.

In the first position of the table attached to this address is Colonel Alexandru Alexiu, President of the court martial of the 2nd Army. Next to him, the court panel, which may also have convicted Ciulei, was composed of Major Constantin Tănăsescu, Major Nicolae Opran, Captain Ion Glogoveanu, and Captain Titus

Carapancea. We approach the composition of the trial panel as a possibility and not as a certainty since the panel could have been made up of the president and three permanent members, depending on the rank of the accused and the dispositions of the appointing commander. The 2nd Army also had Lieutenant Colonel Gheorghe Pangrati as Royal Commissioner, and Major Mihail Protopopescu as substitute Royal Commissioner. It is therefore confirmed that, at the time of the trial of Second Lieutenant Constantin Ciulei, Colonel Alexandru Alexiu, commander of the 2nd Army Training Center ([Romanian National Military Archives](#), file no.6, f. 27), was acting as president of the trial panel.

Moreover, we also identified ([Romanian National Military Archives](#) file no. 37, f. 694) an order signed by Colonel Alexandru Alexiu, in his capacity as president of the trial panel of the 2nd Army court-martial, by which Captain Mărculescu, who had not been caught until that moment, was sent to trial at that court-martial as a deserter, together with Second Lieutenant Zodilă, who was mentioned above, and who was known to have willingly joined the enemy, also on the same day.

As for the claim regarding the rhythmicity of executions, the information is partially confirmed by the summary entitled “*Monograph of Military Justice during our War*” ([Romanian National Military Archives](#) file no. 924, f. 1), more specifically, by what is recorded in the “*Statistical table of the number of death sentences by rank and deeds of those sentenced to death by military criminal courts during the war 1916-1918 executed until June 1, 1918*” ([Romanian National Military Archives](#), file no. 924, f. 14), where the court martial of the 2nd Army is credited with 49 executions, by far the most of all court-martial and war councils during the period analyzed.

However, we are not certain that all these executions were due to the zeal of Colonel Alexandru Alexiu, as Lieutenant-Colonel Mihai I. Buttescu claims, which gives us the right to have reservations about his claims.

Of course, there are also other opinions regarding the speed with which the court-martial of the 2nd Army tried the Ciulei case, “*an unfortunate chain of events*” ([Otu and Georgescu 2011](#), 137), which was due to the general context in which the Romanian army was operating, and the need to restore order and discipline, even by urgently repressing serious acts. We will analyze this opinion below.

Concerns

For a better understanding of the events in this case, we have also analyzed the correspondence between the General Headquarters and the 2nd Army on this subject. Headquarters was concerned about the situation in the sector of the 7th Mixed Brigade, whose initial report on the events of December 26, 1916, it considered “*very confused*” ([Romanian National Military Archives](#), file no. 160, f. 23), and requested, by “*Telegram No. 4478*” of December 31 ([Romanian National Military Archives](#), file no. 160, f. 23), 1916/January 13, 1917, clarifications from the 2nd Army, its higher echelon.

The situation that the General Headquarters considered *confusing* was the one reported telegraphically by the 2nd Army, which in turn relayed to the General Headquarters “*Report No. 2709*” (Romanian National Military Archives, file no. 160, f. 21) of December 28, 1916 by Colonel Alexandru Sturdza. In this report, Sturdza accused the officers of the battalion commanded by Mărculescu, and Mărculescu in particular, of the inadequate condition of the troops under his command and, in particular, of the event of December 26, 1916, on *Momâia*.

Ever since he took over the 7th Mixed Brigade, Sturdza claimed that Mărculescu had shown *complete inertia* in the exercise of his command. He was not aware of the number of troops he had under his command, and for several days in a row, he had reported a strength of 500 soldiers, while in reality he had 700 soldiers under his command, whom he had not organized until that date, and 400 more were about to report.

As for the event of December 26, 1916, on *Momâia*, Mărculescu was accused of leaving the men to their own formations, “*unhinged, unoriented and unsupervised, and the officers were reporting fantastic (untrue, s.n.) news from [to] the enemy uncontrolled by the captain*” (Romanian National Military Archives, file no. 160, f. 21).

From this report, we also learn that Sturdza accused Mărculescu of the fact that every day in the sector under his responsibility there was panic, in which the officers took part, and that they were understood to have agreed to go over to the enemy. The most serious accusation, however, was that, on December 26, 1916, when the German attack occurred and the 3rd Company was broken up, not only was Mărculescu 1 km behind his battalion’s positions, *at the roast*, according to Sturdza, but he also fled, leaving it to the latter to re-establish the position. He later reported that he would *hold his position* on the road, as he had been deserted by the soldiers.

“*This commander was, in my opinion, the main culprit for the betrayal of the officers and the troop*” (Romanian National Military Archives, file no. 160, f. 21), Sturdza concluded and concluded the report by summarizing the act of Mărculescu’s execution, which I have already described above.

This report was transmitted to the General Headquarters by the 2nd Army with “*Telegram No. 2881*” of December 29, 1916-January 11, 1917, and naturally aroused the concern and puzzlement of the higher echelons. Concern, on the one hand, because of the serious accusations of *treason* and *flight from the enemy* against an entire battalion, headed by officers and its commander, and puzzlement, on the other hand, because of the ambiguous account of the execution of an officer.

By “*Telegram no. 4478*” (Romanian National Military Archives, file no. 160, f. 22) of December 31, 1916/January 13, 1917, signed by General Constantin Prezan, transmitted through the telegraph machine “*Hughes*”, the General Headquarters asked the 2nd Army to ask Sturdza to report *clearly and precisely* what measures he had taken against the officers he accused of having transmitted false information about the enemy, what measures he took the first time when panic broke out in the sector of his units when exactly he found that the officers were agreeing with the soldiers *to go over to the enemy*, to nominate the officers accused of treason, etc.

From the contents of the telegram, but especially from the tone and attitude of the General Headquarters, it is clear that the good faith of Colonel Alexandru Sturdza was not questioned at that time. On the contrary, the higher echelons even inquired about the measures taken against the commander of the platoon in charge of the failed execution of the two officers, who, in the opinion of the General Staff, should have been immediately sent to the 2nd Army's council of war and the result of the sentence should have been communicated to the higher echelons as soon as possible. In *Telegram no. 4478*, General Gheorghe Mărdărescu, Chief of Staff of the 2nd Army, sent a reply to the General Headquarters in the form of "*Telegram no. 2942* from January 13, 1917, which is deciphered (Romanian National Military Archives file no. 160, f. 09-10) in the same fonds. It presents the official version of the events on *Momâia*, dated December 26, 1916, stating that Sturdza had ordered Marculescu, during a visit to his sector only the day before, "*to immediately execute the panic provocateurs*" (Romanian National Military Archives, file no. 160, f. 09v).

Another element of interest for our investigation is the fact that General Mărdărescu stated in *Telegram no. 2942* that Sturdza moved on December 26, in the sector of Mărculescu's battalion on *Momâia*, "*on purpose to set an example*" (Romanian National Military Archives, file no. 160, f. 09v). The German attack and the surrender of the 3rd Company took place while Sturdza was at the very command point of Mărculescu's battalion, followed by the entire battalion, including its commander, fleeing from their positions.

The position was re-established, the 2nd Army telegram states, by Sturdza and Lieutenant Marinescu who accompanied him, "*with men hastily assembled and the fire of his (Sturdza's, n.n.) revolver*" (Romanian National Military Archives, file no. 160, f. 09v). Once the situation on *Momâia* was re-established, the fugitives were assembled in the quay, "*with the officers in front of the front*" (Romanian National Military Archives, file no. 160, f. 09), Colonel Sturdza, the telegram stated, would have proceeded to a summary search, after which he would have announced the verdict: *the death sentence of Captain Stelian Marculescu and Second Lieutenant Constantin Ciulei, who, according to what the Chief of Staff of the 2nd Army reported, were executed on the spot.*

Here we would like to point out that, contrary to what is recorded in the source quoted in *Magazin Istoric*, in which Colonel Alexandru Sturdza allegedly ordered "*some soldiers to shoot at them and he himself fired a few rifle shots*" (Romanian National Military Archives, file no. 160, f. 09), the telegram of General Gheorghe Mărdărescu officially records the version in which Sturdza himself shot the two officers: "*It was not the time, nor was it opportune to have formed a firing squad; the brigade commander himself fired*" (Romanian National Military Archives, file no. 160, f. 10).

The darkness certainly contributed greatly to the missed execution, but Sturdza rather shot only Mărculescu, not Ciulei. Probably when he saw that Sturdza was about to kill him, Ciulei jumped into the nearby river and fled through the woods,

being caught later, while Captain Stelian Mărculescu, “wounded in the neck and left arm” (Nicolau 1974, 87), fell motionless in the snow.

According to the 2nd Army report, the latter, presumed dead, then jumped up at the approach of the medic and stretcher bearers, “threatening them with a revolver” (Romanian National Military Archives, file no. 160, f. 10) and fled into the woods.

The trial

Returning to the moment when the fugitives of the battalion commanded by Mărculescu were gathered on the *Varnița-Răcoasa* road, we deduce from the reports that Sturdza had arrived there after having re-established his position on *Momâia*, together with Lieutenant Marinescu of the 10th Călărași Regiment and the fugitives they had managed to turn back under the threat of revolvers. At about the same time, Polihroniade arrived, having rounded up the fugitives, including Ciulei from *Varnița*. Determined to set a drastic example, in fact, the main reason why he had come to *Momâia*, Sturdza gathered the fugitives of the battalion in the quay, “with the officers in front of the front” (Romanian National Military Archives, file no. 160, f. 10), as the 2nd Army report shows, after which two other stages also mentioned in the report followed: their *summary trial*, ending up with their *execution*.

We did not find in our documentation how exactly the execution took place, given that the 2nd Army *Telegram no. 2942* shows that the officers were in the carriage, in front of the other fugitives. We later found out from Polihroniade’s reports that all the officers in the battalion were considered responsible, and ten of them, including Mărculescu and Ciulei, were even nominated.

It is possible that after the guilt of Mărculescu, in his capacity as commander, and Ciulei, the latter, as I have said, as commander of the reserve that should have executed the counterattack, the others were put in formation and Sturdza fired at the former. The 2nd Army report says that Mărculescu fell motionless in the snow, and was considered dead, after which the troop uncovered and a prayer was said. There followed an “*admonitory*” (Romanian National Military Archives, file no. 160, f. 10) speech by Sturdza, to make a good example of the spectacle the people had witnessed, after which the troops left for their positions under Major Constantinescu.

It seems that Sturdza would have ordered that the body of the “executed” should be brought to him, which is why the battalion doctor and the stretcher-bearers approached the place where he lay motionless in the snow, and Mărculescu “*jumped up threatening with his revolver and fled into the woods*” (Romanian National Military Archives, file no. 160, f. 10v).

The telegram ends with an assurance to the higher echelons that order had been restored, proof that the troop had successfully held their positions the next day, repelling a German attack. However, the higher echelon was assured, as a safety

measure, a machine gun was in position behind the front, aimed (Romanian National Military Archives, file no. 160, f. 10v) at this troop's position, in case the example just set might not be enough.

Queries

It appears from *Telegram no. 2942* that Sturdza had had no interaction with Ciulei up to the time of his summary execution. It is clear to us that Polihroniade knew Ciulei, but there is no indication that Sturdza knew him. *And yet, why did Sturdza want to kill Ciulei*, as one of the hypotheses goes?

First of all, Sturdza had come to *Momâia* on December 26, because the position was a very important point on the Romanian-Russian front, and he understood the vulnerability of this sector for which he was implicitly responsible. Only two days before, on December 24, Sturdza's brigade had withdrawn "*without apparent cause, precipitately and without warning me in time*" (Averescu 1992, 102), as General Averescu wrote in his memoirs, turning Christmas Eve into the worst day of his life. At the same time, Sturdza realized that this important sector was occupied by a *close* battalion, to whose previous training he had not been able to contribute, commanded by an officer he knew he could not count on.

General Scărișoreanu also mentions the fighting cohesion and discipline of such a unit in his memoirs, when he recounts the decision of the 7th Infantry Division, to which he was subordinate, to exchange a company from the 3rd Hunters Regiment, which had initially been given to him in support, for a company from a supplementary regiment, made up of the remnants of other units, which had been found useless behind the 2nd Army: "(...) *in addition to its lack of homogeneity, it also presented itself in a disheveled appearance that did not inspire any confidence, which is why I never send it to the 1st line, and keep it only in reserve*" (Scărișoreanu 1934, 193).

Secondly, Sturdza had come on *purpose* to set an example because in the battalion's sector, every day, the panic was occurring, and what was even worse, these panic manifestations were attended by officers.

Panic

In our opinion, the rapidity with which Ciulei was tried, sentenced, and executed has nothing to do with Sturdza, but with a much more dangerous phenomenon. It was *panic*, a phenomenon that frequently occurred among demoralized and tired troops, who fled from their positions or, worse, deserted voluntarily to the enemy. Until January 19, 1917, the General Headquarters had not been informed of this phenomenon through the operational communications of the 2nd Army but had learned about it from enemy communications.

More precisely, the moment they realized that the Germans were not lying in their communiqués about the number of those captured, but that the figures were even higher, and that everything had happened in such a short time and on such a small front sector, they realized that they had to take drastic measures.

Panic, individual or collective fear, is taken to extremes, and manifests itself on the battlefield through *non-combat*, refusal to fight, throwing down weapons and equipment, fleeing from position or voluntary surrender, or a combination of the above. In this kind of situation, fear persists, it does not go away easily, but it can be controlled. The level of this control is a projection of troop morale and one of the key concerns of the officers of that troop. They should have been firm, an example of moral stability and courage, and should have constantly encouraged their subordinates.

Sturdza had foreseen the possibility of this phenomenon in his brigade's units since the beginning of the war. On September 20, 1916, he issued the "*Circular on Preventing Panic Panics*" (Romanian National Military Archives, file no. 21, f. 176) in which he described panic to his subordinates as a symptomatic phenomenon that had occurred in past and present conflicts in our and other armies, and he set specific tasks for commanders at all levels of command.

The main feature of this phenomenon was considered to be *contagion*, followed by *rapid transmission* among the troops, originating from rumors, noises, unexpected movements, shouts or alarm signals, etc.

Sturdza assured his subordinates that "*Panic does not exist in any environment, a well-trained troop (...) and which knows its commanders well, a troop where (...) brotherly solidarity reigns (...) between officers of all ranks and soldiers (...) does not become alarmed as easily as another, where the chiefs live apart from their inferiors, where trust does not exist and authority is imposed only through disciplinary power*" (Romanian National Military Archives, file no. 21, f. 176).

In order to avoid such harmful manifestations, Sturdza ordered the company, squadron, and battery commanders to talk to the men every day, to *orient the troops* by a simple, sincere, and confident exposition of the situation, and above all to forbid, and even punish, the spreading of rumors.

This circular order concluded that, by their attitude, officers could greatly influence the troops, and could keep it from panic, through the power of moral authority: "*The problem to be solved (sic!), he added, is a matter of education, organization, and leadership and in the first line (first of all, s.n.) of personality and character*" (Romanian National Military Archives, file no. 21, f. 177).

We know from the communication of the 2nd Army that on December 25, so only a day before, Sturdza had given Mărculescu the order to immediately execute those of his subordinates who were spreading panic rumors. This order was a *blank check*, and Sturdza probably had no warning of any such measure. At the time of reading this article, and knowing Mărculescu through the prism of the characterizations

of his hierarchical chiefs, it is clear to us that Sturdza's expectations of a man of Mărculescu's temperament were totally unrealistic. Lacking energy, melancholic, sickly, complexed by a nervous tic and a clumsy, peevish expression, Mărculescu would have been impossible to impose himself on his subordinates, as we have said earlier, let alone shoot them.

As for Ciulei, although in Sturdza's eyes, he shared the guilt jointly and severally with the entire battalion's officers, this was not the aggravating circumstance of his status, but in our opinion, the position held in Mărculescu's battalion, that of battalion reserve commander.

The explanation could be, in our opinion, linked to the very role of the battalion reserve which, as a rule, intervenes in the battle by executing the counterattack when the battalion's defensive line is breached. It would therefore have been Ciulei's task to enter the battle and counterattack with the two platoons subordinated to him when the Germans occupied the battalion's positions on *Momâia*. However, Lieutenant Marinescu's testimony shows that at the first contact with the enemy, the second lieutenant in command of the battalion reserve fled with the platoons of his subordinates. Also, Polihroniade's report shows that he would have found Ciulei in *Varnița*, far behind the front, with the two platoons he commanded. This argumentative construction invalidates, once again, the hypothesis that Sturdza premeditatedly wanted to kill Ciulei because he had guessed his intentions to switch to the enemy and that later, for the same reason, he would have court-martialed him.

Sturdza knew Mărculescu before the event on *Momâia*, as he himself said, from *Câmpuri*, when he personally went to see him because he reported considerably lower numbers than in reality. However, there is no evidence to suggest that Sturdza had previously known Ciulei. Sturdza knew Mărculescu, but he did not appreciate him at all, considering him absolutely inert in the exercise of his command and lacking empathy with the situation of his subordinates, about whom he did not know, as I said, not even approximately, how many there were.

Although at first glance this accusation might not seem very serious, in the context of the resubordination of his battalion to the 7th Mixed Brigade, Mărculescu should have known at all times exactly how many soldiers he had under his command. Anyone who has served in the army or has any connection whatsoever with such a system understands that according to its manpower, a sub-unit is assigned to the food rule, its equipment, armament, and ammunition are distributed and its missions are determined.

If it had been true that Mărculescu had reported a strength of 500 soldiers, when the real strength was 700 men, it would have meant, in terms of food alone, 200 fewer meals a day for his subordinates. The result of this administrative "oversight" would not have been in any way able to raise the morale of the troops, given the living conditions on the 2nd Army front, which I have presented.

Press releases

From December 31, 1916/January 13, 1917, when General Gheorghe Mărdărescu informed the General Headquarters about the events of December 26 on *Momâia*, until January 20, 1917, I have not found anything of note in the military archives on this subject. On December 28, as I have mentioned, Ciulei had been arrested in the house of a householder in *Verdea*, and court-martialed, and his case was following its hierarchical course.

In the meantime, Sturdza had handed over command of the 7th Mixed Brigade on January 4, 1917, and was appointed to command the 10th Infantry Division, an appointment which, as I have argued previously, seems to have led him to decide to betray.

Something did happen in the present case, however, between December 31, 1916, and January 20, 1917, something that may also explain the haste with which Second Lieutenant Ciulei was put on trial, convicted, and executed. A reason other than Sturdza's influence on the 2nd Army court-martial panel, is a hypothesis on which we have ruled, presenting our arguments above.

Thus, it is quite possible that the General Staff, not Sturdza, wanted to set an example in order to stop the phenomenon of desertion, and Ciulei was considered to be the right example. He was already in the custody of the military authorities after he had tried to flee, his case was already under investigation, and the accusations against him were related to a subject in which the Great General Headquarters showed an undisguised interest.

Otherwise, it would not explain why since December 31, 1916, when General Mărdărescu had fully informed the General Headquarters about what happened on *Momâia*, the reaction of the higher echelon came only on January 19, 1917, when General Cristescu asked the 2nd Army, with "*Telegram no.4710*" ([Romanian National Military Archives](#), file no. 160, f.52), to report on the veracity of what was claimed by the enemy's communications, an aspect that we have detailed above.

"*Telegram no.4720*" ([Romanian National Military Archives](#), file no. 160, f. 48v) of January 20, 1917, by which the General Headquarters asked the 2nd Army to 7th Mixed Brigade to report the incident of the surrender of the 3rd Company of battalion commanded by Captain Marculescu. The telegram was coded and of a coded character secret, requesting urgent details on the incident, insisting on whether the subunit had been captured by "force majeure or good or "force of will" (sic!). The report also had to give the names of the officers responsible for the event. The answer from the 7th Mixed Brigade also came through the 2nd Army, which sent "*Telegram no.3133*" ([Romanian National Military Archives](#), file no. 160, f. 49) dated January 21, 1917, encrypted and extra-urgent, in which the entire leadership of that battalion, not only Captain Stelian Marculescu, was accused. The officers of this battalion were characterized as "*uneducated and untrained*", and Captain Stelian

Mărculescu was accused that, on 26 December 1916, at the time of the intentional surrender on *Momâia*, he was 1 km behind the front, preparing his own meal.

The novelty of the situation is that this *Telegram* was not signed by Sturdza, but by Lieutenant-Colonel Pascu, who had taken command of the 7th Mixed Brigade after Sturdza's appointment to command the 8th Infantry Division, also part of the 2nd Army. It should be emphasized that, although the 7th Mixed Brigade had a different commander, the accusations against Mărculescu were maintained in the same vein as during Sturdza's time, a situation for which there are at least two explanations: the first, that the new commander of the brigade did not want to deviate from the "line" drawn by his predecessor, and the second, that this was simply the truth.

The cumulative effect of these two telegrams, we believe, hastened the trial of Ciulei, who, by "*Sentence No. 20/1917*" ([Romanian National Military Archives](#), file no.11, f. 410) of the court-martial of the 2nd Army, was sentenced to death and executed on the morning of January 28, 1917. A few hours later, Crăiniceanu was caught with a packet of instigating manifestos on his person, an event that clarified Sturdza's disappearance but could not change Ciulei's fate, which was already sealed.

Justice

The administration of military justice in the War of Integration was based on the provisions of the Code of Military Justice, adopted in 1873 according to the French model, promulgated by "*High Decree no. 828 of April 5, 1873*" ([Monitorul Oastei 1873](#)) and entered into force in October of the same year. It was republished in 1881, after which it was successively amended and supplemented in 1881, 1894, 1905, 1906, 1916, and 1917, in accordance with the social, economic, and legislative changes that Romanian society had undergone, but also in an attempt to keep pace with the reality of the battlefield, with Romania's entry into the War of Integration. The most significant amendment to the Code of Military Justice, in the economy of the present case, is the adoption of the additional Title II in the form of "*Law on the deletions, amendments, and additions to the Code of Military Justice for the time of mobilization and war*" ([Official Monitor 1916, 7529-7530](#)), registered under No. 3245 of 21 December 1916/3 January 1917.

The amendment of the Code of Military Justice, which added a Title II, was perhaps one of the most important legislative measures adopted at that time, "*an act based on military psychology*" ([Zidaru 2006, 70](#)), and the entire special subject matter relating to military justice was amended to take account of the *need to repress* certain acts.

It was a particularly difficult context for Romania which, at the time of the adoption of this measure, had lost, according to some authors, in the few months since the beginning of the campaign, two-thirds of the country's surface area and

approximately 250,000 soldiers, dead, wounded and missing (Torrey 2014, 352), i.e. two-thirds of the individual weapons, half of the machine guns, and a quarter of the artillery, according to other sources (Bărbulescu *et al.* 2014, 343).

The adoption of Additional Title II created the legal framework necessary to penalize new crimes, such as *treason, espionage, self-mutilation, causing panic in bad faith, creating or spreading false news*, etc., and led to the tightening of penalties, with a view to swift and exemplary repression.

The activity of *courts-martial* in times of mobilization and war was regulated by the provisions of Articles 19-35 of Title II of the Additional Title. They functioned at the headquarters of each corps, at the headquarters of independent divisions or of those operating in isolation, and wherever the exigencies of the service required.

According to the "*Instructions on Courts-Martial*" (Official Monitor 1917, 195-201), appointments to the *courts-martial* were made by the commander of the major unit with which the court-martial was functioning, each court-martial having attached to it a *royal commissioner* (prosecutor, n.s.), who also acted as a *reporter*, with somewhat similar duties to the examining magistrate.

The procedure required that convictions of military convictions, as well as convictions for treason and espionage, whether the subject was military or civilian, were immediately brought to the attention of the commander who had given the order for the court-martial, accompanied by a report from the royal commissioner. Once approved, the sentence of the court-martial became final and enforceable by law, and was to be executed, regardless of whether the convicted person would have used the appeal remedy, given that it had been lifted by Royal High Decree no. 7 of January 10/23, 1917.

It should be emphasized that the swiftness of the court martial proceedings, together with the harsher punishments applied by the Code of Military Justice, were means of maintaining an appropriate level of discipline among the military, an imperative demanded by the constantly dynamic situation at the front.

The amendment of the Code of Military Justice overlapped with the adoption of controversial measures, such as the decree of a state of siege and the suspension of the right to appeal. The latter was adopted by King Ferdinand I after Romania entered into the war, by "*Royal High Decree No. 2930 of September 16/29, 1916*" (Official Monitor 1916, 6266), based on the provisions of Article 67 of the Code of Military Justice. This stipulated that the right of appeal for persons convicted by sentences of the councils of war could be temporarily suspended during wartime by royal decree, based on the opinion of the Council of Ministers (government, n.d.).

Royal High Decree no. 2930 was issued in the legal context of the existence of a state of siege throughout the country, instituted as a result of the circumstances created by Romania's entry into the war. The decision of King Ferdinand I was justified by the temporary nature of the measure, and was based on the report of the Minister

of War, Vintilă I.C. Brătianu, registered under no. 8257 of September 16/29, 1916, which stated: “Sire, (...)) *In the difficult times we are going through, the need to maintain military discipline firmly and to the highest degree, imperatively demands the decree of this suspension of appeals to the review board, for only in this way will the exemplary nature of the sentences pronounced by the war councils be able to produce their effect (sic!), by executing them immediately after the sentences of conviction have been pronounced*” ([Official Monitor 1916, 6266](#)).

A measure “adjusted” to the difficult period that the Romanian army was going through in the 1916 campaign if we were to be guided by the date on which the supporting documents on the basis of which this High Royal Decree was issued were published in the Official Gazette.

Judging by the date of the issuance of the normative act, September 16/29, 1916, *the difficult moments* referred to in the report of the Minister of War, and which certainly contributed to the adoption of this measure, were represented by the series of military failures suffered by the Romanian army campaign up to that date.

The most resounding of these was the fall of the fortified bridgehead of *Turtucaia* on August 24/September 6, 1916, only 60 km from Bucharest, an event considered to have been a “*national catastrophe*” ([Kirițescu 1927](#)).

It also contributed to the critical situation in Dobrogea, where the Romanian-Russian-Serb troops had lost the battle for *Bazargic* (August 25/September 7, 1916), and *Silistra* ([Kirițescu 1927, 423](#)) had been evacuated without a fight (August 26/September 8, 1916), the loss of the *Merișor* Pass and the mining town of *Petroșani* (September 7/20, 1916), as well as the withdrawal of *the Olt Corps* ([Kirițescu 1927, 294](#)) under the pressure of the German army in the *Battle of Sibiului* (September 16/29, 1916).

In addition to the stated purpose of strengthening military order and discipline, the suspension of the right to appeal was also intended to raise the army’s fighting capacity and to discourage any kind of demobilizing actions, given that the *appropriate measures*, according to the expression mentioned in the report, had not been established in the Ministry of Justice, but in the Ministry of War and the General Headquarters. The General Headquarters had ordered the establishment of courts-martial by “*Order of the Day No. 322 of January 12/25, 1917*” ([Homoriceanu 1916, 89](#)), in the First and Second Armies, in the fifteen infantry divisions, in the two cavalry divisions, and the Fleet of Operations. Therefore, from January 12/25, 1917, 21 courts-martial, with their associated military prosecutor’s offices, were in operation at the General Headquarters and the Army of Operations.

Thus, in the absence of an appeal to the Superior Court of Military Justice, the decision of the court-martial was subject to the approval of the commander of the echelon in which it was operating, and once approved it was *immediately* put into execution. After the war, this post-judgment procedure, involving the command

in the administration of justice, gave rise to the most comments and generated the greatest distrust of the objectivity, impartiality, and independence of the military justice system.

Repair

Captain Mărculescu survived both this strange incident and the war, and although wounded in the arm and neck, he somehow managed to sneak behind the Romanian front to a military hospital in Botoșani. At the time of his appearance, the Sturdza scandal was in full swing, so his status changed instantly, from *deserter* to victim of the Sturdza traitor and, implicitly, *hero*.

Was Mărculescu guilty or not? Polihroniade's accusations against Mărculescu were taken as true by Constantinescu, who wrote his own resolution on the report and forwarded it to Sturdza. These allegations were later reconfirmed by Constantinescu in his statement to the Royal Commissioner on February 28, long after Sturdza's defection had been reported.

They were also confirmed by Captain Marinescu in his statement to the Royal Commissioner, and by Lieutenant-Colonel Pascu in the report sent by telegram to the 2nd Army to be forwarded to the General Headquarters. This report, which tried to enlighten the higher echelon about the transfer of the 3rd Company to the enemy, had been drawn up a few weeks after Sturdza had handed over command of the brigade, but it conveyed the same idea: "*The battalion was badly led*" (Romanian National Military Archives, file no. 160, f. 49).

From the beginning of his career until the beginning of the war, Stelian Marculescu was characterized as a mediocre officer. The first change in his image in the eyes of his superiors can be seen in the *summary rating sheet* covering the period August 15, 1916 - August 8, 1917.

Issued under the letterhead of the 9th Infantry Regiment Râmnicu Sărat, this report sheet contains the first praise, obviously contrary to what had been recorded until then. Sărat, and the same colonel Alexandru Jecu, to whom we promised to return, commander of the 5th Infantry Division's March Regiment, former commander of Captain Stelian Marculescu, when he was in the 48th Infantry Regiment.

In the view of the new hierarchical chiefs, Mărculescu is "*energetic and presentable in front of the front, he has the eye of the field and of the unit commander, he knows the military regulations well and presents them with great precision*" (Romanian National Military Archives file no. 39, f. 25). Beyond these assessments, the fact that he is presented as the one who thwarted Colonel Sturdza's plans to desert, an episode considered by the evaluators as "*a true heroic novel*" (Romanian National Military Archives, file no. 39, f. 25), is unique, without any other details or arguments being presented.

The only one who remained consistent in his initial assessment was General Aristide Razu, who, although he seems to have compromised on Mărculescu, maintained the pre-war line and contradicted the other commanders' assessments. General Razu noted: *'Although lacking in energy, his goodwill in service compensates for his lack of military training'* (Romanian National Military Archives, file no. 39, f. 25). The fact that, as a result of these commendatory assessments, Mărculescu was exceptionally proposed for promotion to the rank of major, and even through a special report, leads us to believe that this change of attitude towards him could have been a *moral reparation* for what happened on the evening of December 26, 1916.

The story he told to his superiors, in which he presented himself as the one who had held back the German troops that were about to break through the front in General Mannerheim's sector, and who had surprised the first attempts of treachery by Colonel Sturdza, certainly contributed to this. It was for this reason, according to the report, that Sturdza tried to escape and shot him *"and only thanks to his presence of mind (...) he escaped the bullet sent into his chest (...) as he parried the shot by lying down"* (Romanian National Military Archives, file no. 39, f. 26). No further comments!

Mărculescu was promoted to the rank of major on November 1, 1917, and in the following years, he continued to receive laudatory assessments from his regimental commander, the same Colonel Todicescu, who did not hesitate to propose in his report card for 1918-1919 that he be promoted to the rank of lieutenant-colonel, exceptionally, and that he be given command of a regiment.

These proposals were not accepted by the higher echelons, the commander of the 5th Infantry Division, General Ioan Vernescu, considering that during the period under evaluation, no circumstances had arisen that would entitle Mărculescu to be exceptionally promoted. This opinion was also shared by the commander of the III Army Corps, General Dumitru Strătilescu, former commander of the 1st Infantry Division, who had had Mărculescu under his command.

Moreover, he noted that the claim already made by the regimental commander that Mărculescu had prevented Sturdza from deserting *"is not supported by any document"* (Romanian National Military Archives, file no. 39, f. 30), and he was even surprised that this *claim* came from an officer, whom he considered worthy, of the caliber of Colonel Todicescu.

After 1919, Major Stelian Mărculescu's activity and training were again unfavorably evaluated. He participated with the 9th Infantry Regiment of Râmnicu Sărat in the campaign in Bessarabia, in defense of the Dniester, after which he was transferred to the Mobilization Bureau of the 48/49 Infantry Regiment of Buzău. He was promoted to the rank of lieutenant colonel on April 1, 1920, a rank with which he went into reserve in 1932.

In the summer of 1917, Second Lieutenant Constantin Ciulei was decorated (Official Monitor 1917) with the Order of *the Crown of Romania*, with swords, in the rank of *Knight*, for the bravery and courage with which he led his platoon in the Dobrogea campaign, on September 6, 1916, in the battle of *Caciamac*, “*where he captured the first line of enemy reinforcements*” (Romanian National Military Archives, file no.44, f. 05), and where he was wounded.

Captain Marculescu was also decorated (Romanian National Military Archives, file no. 44, f. 03), but following the Transylvanian campaign in the fall of 1916, with one of the highest distinctions of the Romanian state, the *Order of the Star of Romania*, with swords, in the rank of *Knight*. The distinction was awarded to him for the courage and courage with which he led his company in the battles of *Bodza-Van* (today Sita Buzăului, s.n.), where he drove the enemy out of the village after a bayonet attack and captured over 100 prisoners. Mărculescu was decorated by the same High Royal Decree (Official Monitor 1917) no. 681 of July 10, 1917, by which Ciulei had been decorated.

Coincidence or moral reparation?

We cannot know. What is certain is that the proposals for these distinctions were submitted to the Decorations Bureau of the Royal General Staff on a table of proposals initiated by the 8th Infantry Regiment Buzău, and were appropriated and supported by the commander of the 5th Infantry Division, General Aristide Razu. General Razu exercised, at least theoretically, the command of the 5th Infantry Division between December 23, 1916, and July 29, 1917, but it is possible that the actual takeover of the command of the 5th Infantry Division from General Constantin Petala was made later, perhaps even after the events of December 26, 1916, on *Momâia*.

Thus, unless General Aristide Razu marked his debut in command of the division precisely with the proposals for the promotion of Mărculescu and Ciulei, which he should have promoted within the first three days of his appointment, it is quite possible that the proposals for the decoration of the two officers were made after Ciulei's execution and Sturdza's desertion, and thus had every chance of representing, in fact, a moral reparation.

Conclusions

Thus, based on our in-depth study of the subject, as well as of the arguments that we will present below, we consider ourselves justified in believing that Sturdza is not to blame for Ciulei's death. Sturdza will go down in history as a traitor, but Ciulei's death cannot be attributed to him, even if it was he who sent him to court-martial. In our opinion, the succession of telegrams exchanged between the General

Headquarters and the 2nd Army clearly shows the interest of the military authorities in a quick and exemplary solution to the case of the “traitor” Ciulei. Sturdza could not have such an influence in the echelon commanded by General Alexandru Averescu, but the influence of the echelon above him, the General Headquarters, not only can be considered, but the Telegram of January 21, which we have mentioned above, is even conclusive in this respect.

Thus, we can say that Sturdza could not have influenced the court-martial of the 2nd Army regarding Ciulei’s trial, but the General Headquarters could have, which had suddenly become not only concerned but also interested in the subject. Having learned about the real situation of deserters and those captured by the enemy, a situation that had not appeared until then in the daily reports of the 2nd Army, the General Headquarters feared that an event like the one on Momâia, when a whole company had gone over to the enemy of its own free will, an act which resulted in the abandonment of positions and the capture of battalion-level troops, could have caused a possible contagion among the already demoralized 2nd Army troops, who were wintering at the front without the possibility of being replaced.

In our opinion, the seriousness of the acts reported by the General Headquarters did not necessarily consist in the voluntary surrender of the troop or the flight of the others from the enemy, but in the fact that on Momâia these acts were committed by a constituted subunit, together with the officers and non-commissioned officers who should have commanded it and ensured that this kind of acts did not take place. This state of affairs took place in the circumstances already described, in which even summary executions were permitted, and commanders were allowed to have the right of life and death over their subordinates.

All these measures, which we shall euphemistically call “derogatory” from the legal provisions, were adopted in the hope of maintaining order and discipline among the troops, as an alternative to military justice, a process that was considered much slower. When the same commanders chose this route, the system implemented a military justice that was insensitive to the circumstances, opaque to legal and procedural arguments, inaccessible even to elementary logic, and in which the specialized training of the officer-judges was not a priority.

Moreover, it allowed and encouraged among the members of the panels the desire to satisfy the “demands” of the high commanders, directly proportional to the level of command they exercised, to the detriment of the principle of the supremacy of law. A deeply subjective system of military justice, which gave the commanders of the echelons before which these courts-martial functioned the right to appoint judges from among their subordinate officers, and at the same time to validate their sentences.

That is the essence of this case. Regardless of how, and especially how quickly, Second Lieutenant Ciulei had been tried by court-martial, his death sentence was carried

out on January 28 only after it had been validated by the decision-makers of the 2nd Army, *the Mărdărescu - Averescu tandem*. And General Averescu had been informed since January 23/24, 1916 about the strange disappearance of Colonel Sturdza, and suspected, according to his own words, since January 27, that he had deserted.

Certainly, Sturdza's act of treachery remains just as reprehensible, but he cannot be blamed for the circumstances in which Ciulei was tried and executed. These remain the responsibility of the decision-makers of the General Headquarters and the 2nd Army, those who wanted to set an example and ordered the court-martial to put him to trial as quickly as possible, even though the minimum procedural requirements were not met, those who validated his death sentence, even though the person who had accused Ciulei was suspected of desertion. These are, in fact, *the unfortunate circumstances* mentioned at the beginning of this article, to which Second Lieutenant Constantin Ciulei fell victim, the one tried, sentenced, and executed after a sham trial, and whose guilt no longer matters.

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