



The American Hungarian Federation

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Romania: Reversing Lawful Church Property Restitution Through Criminal Prosecution

July 12, 2012

The American Hungarian Federation (the “Federation”)* is deeply concerned that the prosecution of former state secretary Attila Marko, Silviu Vlim and Tamas Marosan in connection with the restitution to the Reformed Diocese of Transylvania of the Szekely Miko Evangelical Reformed College (“MEC”) in Sfantu-Gheorghe Romania is baseless and a blatant attempt by the authorities to further stall and in this instance, reverse the lawful restitution of church properties. Close monitoring of the proceeding and public scrutiny will, the Federation hopes, ensure that Romania will comply with applicable restitution laws and respect due process requirements.

Background: Prompt and Fair Restitution Denied.

Following the Communist takeover in Romania after the Second World War, the authorities illegally seized properties of the historical Hungarian churches, depriving these institutions of income and making their existence precarious. Twenty-two years after the collapse of Communism, restitution of these properties has been proceeding at an exceedingly slow pace so that a significant number of the affected properties have yet to be returned to their rightful owners. The painfully slow restitution process prompted Tom Lantos, the late Chairman of the House Foreign Affairs Committee, to sponsor H. Res. 191 (2005), which was adopted by the Congress and urged Romania to “provide equitable, prompt, fair restitution to all religious communities for property confiscated by the former Communist government.”

Despite this unequivocal expression of congressional opinion, Romania’s pledges to its Hungarian minority to respect minority rights, and its promises to abide by the rule of law when it was accepted into the European Union and NATO, Romania’s restitution process has not improved. On the contrary it is in danger of being reversed if not halted altogether. For example, in thirty-seven percent of the requests for restitution, a decision is still outstanding. Of the agricultural and forestry cases, twenty-three percent, and of the religious property restitution requests sixty-two percent have been adjudicated.

* The Federation, founded in 1906 as an umbrella organization representing a broad cross-section of the Hungarian American community, supports democracy, human and minority rights and the rule of law in Central and Eastern Europe. It also strongly supports continued United States engagement aimed at advancing comprehensive security by promoting Western values in the region.

An even more egregious development occurred in the spring of 2012 when the Romanian government proposed that it would not return properties, but rather pay compensation of a mere fifteen percent of the values over ten to twelve years. U.S. Ambassador Mark H. Gitenstein rightfully criticized this proposal as not being the “right solution.” He further observed that Romania should comply with the European Court of Human Rights, which has ruled in favor of just and expeditious property restitution.

The MEC Case: A Study in Intimidation, Re-nationalization of Restituted Property and “Legalized” Theft.

Attempts to re-nationalize restituted properties continue. A blatant example is the MEC case. The college was built by contributions and owned and operated since 1859 by the Reformed Church until its seizure. Thereafter it was used by the Romanian state for its own purpose. In addition, the Communist regime 'sold' the flats that are part of the college and formerly used by the teaching faculty. In May 2002, the property was duly restituted to the Reformed Church. Romania thereafter sued for the nullification of the restitution (thereby seeking to re-nationalize it), monetary damages from the Reformed Church and the imposition of severe criminal penalties for the officials who had ruled in favor of the restitution. The evidence appeared to be unassailable that MEC belonged to the Reformed Church in 1948 when it was illegally nationalized. Moreover, the officials of Sfantu-Gheorghe, e.g., members of the city council and mayor, testified in the pending proceeding in support of the legality of the restitution of MEC to the Reformed Church.

Nevertheless at the conclusion of the first stage of the proceeding on June 29, 2012, the three individual defendants received three year prison sentences (Vlim's sentence being suspended), the Reformed Church was ordered to pay 1M lei, and the property was re-nationalized. The Hungarian community justifiably views this case not only as a property restitution case but also as a proceeding directed against the community and a manifestation of intolerance and discrimination. At a minimum it violates the rule of law and Western values and norms.

Conclusion.

As the proceeding has not run its course, close monitoring by the United States Embassy would have a salutary effect and promote, fair and expeditious restitution as well as justice for the defendants, just as the public expressions of concern had relative to the Romanian government's ill-conceived proposal to halt all restitutions and pay a fraction of the properties' worth over a considerable period of time.