



32 YEARS OF FAILED PROPERTY RESTITUTION: THE FORGOTTEN RELIGIOUS INJUSTICE IN ROMANIA

**IN THE PAST 10 MONTHS, POSITIVE DECISIONS GREW BY 0.56 %.
MEANWHILE, THE NEGATIVE DECISION GROWTH WAS 2.19 %**

INTRODUCTION

0.56 % - this is the percentage by which Romania managed to raise its success rate since our last, July 16, 2021 report on failed minority religious property restitution. Comparing the official data obtained from the Romanian restitution body (referred to as NAPR, National Authority for Property Restitution) by the Hungarian Human Rights Foundation, we can see that in the past 10 months the Romanian authorities have raised their game by 0.56 % and to date resolved - whether through restitution in integrum or through compensation - only a fraction (16.06 percent) of the 16,424 religious properties illegally confiscated by the State between 1945 and 1989.

THE NUMBERS SPEAK FOR THEMSELVES

Comparing the two batches of first-hand data obtained on July 8, 2021 and April 29, 2022, we see a gloomy pattern emerging: the negative decisions outnumber the positive ones by far.

In the past 10 months the NAPR:

- rejected 655 more claims, thus their total number grew to 7,754 (47.19%)
- constrained the churches to withdraw 24 more claims, thus this number reached 1,117 (6.79%)
- sent 23 more claims to "other authorities" for resolution, thus this number is now 1,235 (7.51%)
- has 3,363 (20.46%) claims on backlog
- In addition, 322 claims are being litigated.

IN SUM: 61.49 percent of claims have been decided against minority religious denominations. Ten months ago this number was 2.19% lower and "only" 59.3 percent. The percentage of the positive decisions grew by 0.56%. The growth of negative decisions was four times higher (2.19%).

2,559 of the total confiscated buildings were taken from **four historic Hungarian churches** - Roman Catholic, Hungarian Reformed (Protestant), Lutheran and Unitarian. These consist of former schools, hospitals, orphanages and other social institutions. For the past 32 years, 58.92 percent of these Hungarian minority properties are still not fully restituted by the state.

HOSTILE ACTIONS AGAINST MINORITY RELIGIOUS INSTITUTIONS

The evidence clearly shows a **track record of deliberate and cynical actions by the Romanian authorities** to violate the rights of the four historic Hungarian churches, the Greek Catholic and Jewish communities. This is done not only through neglect, but by inadequate legislation and implementation, renationalizing certain properties after restituting them and, most significantly, legally persecuting and scapegoating civil servants who try to implement the rule of law in regards to property restitution. Fear and silencing are the impact of these scandalous measures, especially on the Hungarian minority, which is **the victim of simultaneous ethnic and religious discrimination in Romania.**

The failure to give back these buildings and institutions to their rightful owners **is not an abstract injustice** but a severe, continuous and complex rights' violation affecting the daily lives of millions of people. An entire generation of ethnic Hungarians, Greek Catholics and Jewish youth has grown up since 1989 denied the full means and resources to build democracy and civil society.

Justice is not the National Authority for Property Restitution's (NAPR) mandate. Rather, it favors the State with the intent of retaining valuable properties for itself. For the past few years, NAPR has a newer pretext for rejecting claims: alleging that Hungarian church claimants and the original owner are not the same legal entity, nor legitimate successors.

U.S. governmental action? Successive Romanian governments simply ignore Congressional resolutions, State Department letters, and intervention by the special envoys. Spearheaded by **Congressman Tom Lantos**, H.Res 191 was already unanimously adopted in 2005, 17 years ago, calling on the Romanian government to provide "equitable, prompt, and fair restitution to all religious communities for property confiscated." Its clauses are still in effect today!

THE PERSECUTION OF RELIGIOUS LEADERS AND CIVIL SERVANTS CARRYING OUT THEIR DUTIES

HUNGARIAN ROMAN CATHOLIC SCHOOL IN TÂRGU MUREȘ

In May 2022, the Romanian Supreme Court upheld a decision to dissolve the Hungarian Roman Catholic High School in the city of Târgu Mureș/Marosvásárhely. Romanian extremist organizations had twice brought suit against the reconstituted institution first established in 1702, and nationalized by the communists in 1948. Restituted on paper, in 2004, the church has never been able to take full possession of its property. The local court dissolved the reconstituted institution in 2017 after a legal challenge by the county prefect representing the national government. Hope arose in 2018 when a Hungarian-Romanian bilateral agreement was reached on the school, and an August ministerial decree allowed the school, as well as a Romanian Orthodox Theological Lyceum in Timisoara/Temesvár to be established. The recent Supreme Court decision clearly discriminates against Hungarians since there have been no legal challenges to the Romanian-language school.

WESSELÉNYI REFORMED HIGH SCHOOL

On August 24, 2021, the latest intimidation attempt aimed to halt the Hungarian Reformed Church's legal battle to reclaim the **Wesselényi Reformed High School** in Zalău/Zilah, the regional Prosecutor's Office initiated criminal proceedings against Romania's two Reformed bishops: **István Csúry**, Bishop of Királyhágómellék Diocese and **Béla Kató**, Bishop of the Transylvanian Diocese. Both high prelates were summoned to the Zilah prosecutor's office on **suspicion of falsifying documents, giving bribes and misusing a forged document, charges they categorically deny.**

The restitution process was perversely confused by the charge against the two Bishops, sending a clear message to everyone involved that reclaiming nationalized church properties is an extremely dangerous endeavor in Romania.

After 19 years, the fate of the property is back to square one. The NAPR refused to return the school building, so the decision was challenged by the Diocese. The church lost the case, but later the Supreme Court nullified the original verdict and sent the case back for retrial. On December 2, 2021 the Court of Appeals in Cluj-Napoca ruled in favor of the church but on January 3, 2022 the Zalău/Zilah Mayor's Office appealed this decision, thus the case has returned to the Supreme Court.

The case of the Wesselényi High School is linked on numerous levels to a similar institution a couple of hundred of miles to the East: the Székely Mikó Protestant High School in Sfântu Gheorghe/Sepsiszentgyörgy.

Attila Markó, an ethnic Hungarian and former Member of the Romanian Parliament, was falsely charged with "official abuse of power" for deciding to return the **Székely Mikó Protestant High School** to its rightful owner, the Hungarian Reformed Church. The building had been confiscated from the Church in 1948 and the decision to return it was straight-forward. Nevertheless, in June 2012, the court sentenced three members of the NAPR involved in the decision – **Attila Markó, Tamás Marosán and Silviu Clim** – to three years of imprisonment. Due to this, Mr. Markó was forced to resign from the Romanian Parliament. Several Members of Congress wrote to **Secretary Kerry** on their behalf in 2013 and 2014, to no avail.

Mr. Markó was forced to resign from the Romanian Parliament.

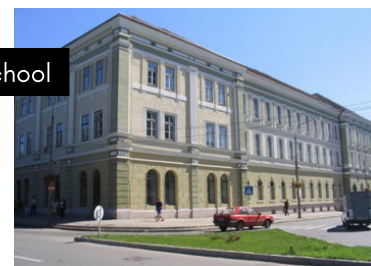


SZÉKELY MIKÓ HIGH SCHOOL

On November 22, 2018 the Romanian Supreme Court ruled for the state and renationalized the Hungarian Protestant High School in the town of Sfântu Gheorghe, leaving the European Court of Human Rights as the only recourse for justice. **For the fourth time in 70 years, this property has been stolen from its rightful owner, setting a dangerous and chilling legal precedent in the country:**

First nationalized in 1948, the NAPR restored the property in 2000 to the Church. Nationalized again in 2012 after the State began criminal proceedings, the courts took the school away from the Church, and sentence the 3 members of the NAPR for their decision 12 years prior. In 2016, it was nationalized for the third time. In 2018, the Romanian Supreme Court denied the rightful owner's appeal, thus nationalizing the institution for the fourth time.

Székely Mikó High School



THE BATTHYÁNEUM LIBRARY

After a 23- year legislative battle, the Romanian Supreme Court delivered its most lethal blow for religious property restitution in May 2021 when it ruled against the Alba Iulia Roman Catholic Archdiocese's claim for the **Battyáneum Library and Astronomical Observatory**.

By far the most significant and valuable property, the Library's collection of 65,000 volumes holds 1,650 incunabula (printed books before 1501) counting for three quarters of all such books in the country. The most valuable piece in the collection is the Codex Aureus a hand-written Bible from the Charlemagne period considered priceless.

In 2012 the European Court of Human Rights (ECHR) in Strasbourg found for the Church (ECHR Decision 33003/03), stating that Romania had violated Protocol No. 1 of the European Convention on Human Rights by delaying the restitution of the building for 14 years. Cynically, the state paid the 25,000 euro fine in 2015, but never returned the property, continuing to aggressively pursue its interests and force the rightful owner into decades of futile litigation.

The Battyáneum Library



SUMMARY

WHAT NEEDS TO BE DONE TO ACHIEVE GENUINE RELIGIOUS FREEDOM IN ROMANIA

After 32 years of delays and obfuscation, apathy and fatigue in achieving complete, fair and equitable religious property restitution is understandable.

The *US State Department* acknowledges the following in the *2021 Country Reports on Human Rights Practices in Romania*, "While the pace of resolving restitution cases at the administrative level increased, the number of properties returned involving churches and national minorities was disproportionately low. The number of cases resolved annually has remained approximately constant over the past three years (an average of 1,300), but the number of positive decisions remained extremely low. Religious communities disputing these rulings continued to go to court and incur additional costs. As of October there were 3,852 pending requests for restitution from religious denominations." Awareness of this issue is only step one, and it is time we double down on action for change.

As an ally and strategic defense partner of the United States, this entrenched human rights violation must be elevated to the highest level, placed front and center of bilateral relations. Establishing a clear-cut action plan with a firm timetable is a reasonable expectation, and a reachable goal, if the political resolve exists.

Hungarian Human Rights Foundation

Monitoring the human rights conditions, since 1976, of 2.5 million ethnic Hungarians living as minorities in Croatia, Romania, Serbia, Slovakia, Slovenia, and Ukraine.

United States: 120 East 90th Street, Suite 5D, New York, NY 10128; tel: 1-212-289-5488; e-mail: info@hhrf.org

Magyarország: 1255 Budapest, pf. 66.; tel: +36-30-639-2545; e-mail: viktorehhrf.org

Romania: str. Moșilor 9., 400001 Cluj; tel: +40-735-445003; e-mail: mazsehhrf.org