



Fear of Re-Nationalization of Former Church Properties

The National Anti-Corruption Directorate (DNA) Chief Prosecutor has filed charges against the members of the Special Committee on Church Property Restitution (SCCPR) in Romania, because they returned the Szekler Mikó Boarding School of Sepsiszentgyörgy (Sfantu Gheorghe) to its rightful owner, the Reformed Church.

According to the Chief Prosecutor's communiqué of December 2010, his office charged several individuals with "corruption" including: Attila Markó, State Secretary on Minority Issues, Tamás Marosán, former legal advisor for the Transylvanian Reformed Church District, and Silviu Clim, former councilor for the Ministry of Justice.

Specifically, the three SCCPR members are accused of financial damages of 1.3 million Euros (or 1.7 million USD), by the Romanian state, for returning the Szekler Mikó Boarding School back to its original owners. Consequently, their private bank accounts were frozen indefinitely by the DNA. The principal charge: misuse of official power at the expense of public interest entailing severe consequences.

The Chief Prosecutor's office published an official statement, claiming the restitution committee members returned the private church property, based on a land register and land certificate filed in 1990. However, the land certificate was later deemed "invalid" and the land register was unacceptable, because it had no authorized Romanian translation. Further, the Chief Prosecutor objected to the documents submitted by the Transylvanian Reformed Church District, because they were photocopies and not originals.

Initially, in April 2002, the Ministry on Public Administration (MPA) declared that the Szekler Mikó Boarding School could not be returned to the Reformed Church. However, in May 2002, the restitution committee obtained a court decision that awarded and returned the private church property back to the Reformed Church.

The church property currently hosts two educational institutions; Szekler Mikó Boarding School and the Reformed Boarding School. The Sepsiszentgyörgy (Sfantu Gheorghe) local government will not be a party to the litigation. The trial will be held in the Sepsiszentgyörgy (Sfantu Gheorghe) jurisdictional court.

"The lawsuit may give birth to a dangerous legal precedent; leading to other instances of re-secularization of already returned church properties," Béla Kató, Deputy Bishop of the Transylvanian Reformed Church District, expressed in an interview. "The church never demanded anything that was not originally held by its ownership. Even if there are some people who are not sharing this opinion, the Hungarian community in Sepsiszentgyörgy (Sfantu Gheorghe) will always stand by the truth."

He added that the Reformed Church properly reclaimed legal ownership over the Benedek family estate. At the time, the Benedek family, who are actually ethnic Hungarian, threatened the church district representatives that if they did not give up their claim to the property in question, they would also lose the school building, Béla Kató recalled.

The Deputy Bishop emphasizes that the Reformed Church will not yield to blackmail. He believes that the National Anti-Corruption Directorate is exploiting a single individual accusation in order set a legal precedent that prohibits churches from legally obtaining possession of their former private church property. Moreover, all of these former church properties are currently in the possession of the Romanian State.

Béla Kató's full account reveals that the private church property was held in title by the town of Sepsiszentgyörgy (Sfantu Gheorghe) immediately prior to its conveyance, by way of restitution, to the Reformed Church, following the May 2002 court decision. Both today and in the past, the local government acknowledges that the Reformed Church claim to the private church property is legally valid.

The legal restitution of the private church property in 2002 cannot be considered illegal. There is no legal justification for the "re-nationalization of former private church properties" that for all intents and purposes were never returned to begin with.

As such, this new level of "legal gamesmanship" by the Romanian government solidifies its international image as a corrupt nation. The trial is bound to embarrass Romania and the EU on the world stage.

Once again, the constitutional rights of ethnic Hungarian minorities are violated, as well as, their human rights. For their sincere efforts, the members of the restitution committee will pay a huge price. Their names will be dragged through the mud. Of course, this poses a bold and threatening deterrent to anyone involved in obtaining the restitution of private church property in Romania.



The Szekler Mikó Boarding School in Sepsiszentgyörgy (Sfantu Gheorghe).

"I am prepared, if necessary, to bring my case before the European Court of Human Rights in Strasbourg (France), I stand by my actions, while this unjust accusation is a footprint of blind Romanian justice," stated Attila Markó, who expressed his opinion, at the request of Transylvanian journal *Krónika*.

According to the State Secretary on Minority Issues, who is now accused of corruption himself, the truth is obvious.

However, the Romanian justice system cannot wait to convict a Hungarian individual, based on a complaint raised by another Hungarian. Furthermore, they disregard the importance of revealing the identity of the culpable party, responsible for this farce by initiating the law suit.

"It is a great shame for the Hungarian community in Romania that a Hungarian person supports the re-nationalization of the returned church properties," Attila Markó declared.

The State Secretary reported that a legally binding court decision conveyed title of the Szekler Mikó Boarding School to the Transylvanian Reformed Church District. The decree was deemed lawful, with no other valid claims of outstanding ownership pending. Although he did not know the full details of the arrangement, based on a few items, it is his suspicion that the whole case had been fabricated, in order to re-nationalize the private church properties.

The denunciators in the corruption charges could be two families from Sepsiszentgyörgy (Sfantu Gheorghe). Four years ago, they reported the case. In their opinion, the Reformed Church obtained possession of the Szekler Mikó Boarding School based on "forged documents."

After the Reformed Church filed a lawsuit, seeking restitution of the former teacher residences, the accusation was recorded. In the meantime, the teacher residences were purchased by the families, who had been renting them. Since 1982, Levente Benedek, an economist, and his family lived in the apartment on Kónsza Samu Street. In 1997, they purchased the property from the home management company.

In order to obtain the property, Mr. Benedek performed an investigation in the archives, where he found 658 documents were recorded. According to these documents, he claims that the Szekler Mikó Boarding School had never been a private church property.

Mr. Benedek contends that the Szekler Mikó Boarding School was illegally returned to the Transylvanian Reformed Church District. Further, Levente Benedek stated to *Krónika*, "The church fell victim to its own greed. Had it let me mind my own business, this investigation would never have taken place."

According to the "apartment owner", the Szekler Mikó Boarding School in Sepsiszentgyörgy was built, through capital provided by the Hungarian State and the town, along with public contributions. In the mid 1800s, the property was placed under the jurisdiction of the Reformed Church, by a royal decree. But the private church property was not conveyed by title. The physical school building remained independent of the Reformed Church, as a sovereign legal entity, until it was nationalized.

In its property title search, the Transylvanian Reformed Church District found the 1948 Communist legislation, which nationalized the property. In it, the current Szekler Mikó Boarding School is identified as the Reformed Church Boy's School and is listed as private property deeded, by property title, to the Transylvanian Reformed Church District.

Deprived of the estate for decades, the Reformed Church believes it should be returned. The Reformed Church contends that the original land register was compiled in 1900. As such, it must have been based on an earlier land register, which designated the Reformed Church as the private property owner of record.

While it is true that that the Szekler Mikó Boarding School was built from public subsidies and public donations, it does not change the private church property ownership, by the Transylvanian Reformed Church District. During the last several years, State subsidies and foreign assistance has funded the construction of churches, tabernacles, and schools throughout the Reformed Church in Romania. But these private church properties are legally owned and titled to the Reformed Church - not the sponsors. This is the position of the Reformed Church.

The Reformed Church accuses the current residence owners of malice, having bought their properties with the knowledge that they could be returned to their historical and legitimate owner - the Transylvanian Reformed Church District. In 1996, Béla Bíró, Principal of the Szekler Mikó Boarding School, warned the local government and the home management office not to sell the residences, because they would be claimed by the Transylvanian Reformed Church District.

The former Communist regime illegally confiscated 2,140 properties from the four traditional Hungarian churches in Romania (Roman Catholic, Reformed, Unitarian and Lutheran).

The international community has clearly and repeatedly called on Romania to remedy this flagrant human rights violation, notably in Opinion No 176 (1993) on the application by Romania for membership of the Council of Europe and Parliamentary Assembly Resolution 1123 (1997) on the honoring of obligations and commitments by Romania. H. Res. 191, unanimously adopted by the United States House of Representatives on 23 May 2005, identified eight specific steps the Romanian government needs to take for genuine restitution to occur.

One year before Romania's EU integration, the European Parliament emphasized "the need to speed up implementation of the law on the restitution of property" (Article 21, European Parliament Resolution on Romania, 15 December 2005). The European Parliament's resolution emphasized a critical shortcoming of the Romanian judicial system: laws adopted at EU or US pressure are not implemented, or implemented with long delays.

Despite various government ordinances, two laws (501/2002 and 247/2005) and countless deadlines for implementation, the Hungarian denominations have regained legal possession of only half of their property, as of December 2010.

Previous Transylvanian Monitor issues are available at: www.emnt.org

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