
NEWS FROM ROMANIA: ETHNIC CONFLICT IN TIRGU MURES

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INTRODUCTION

States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of ...

b. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution ...


*UNITED NATIONS INTERNATIONAL CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RACIAL DISCRIMINATION
(Ratified by Romania in September 1970)*

The increasingly tense relations between Hungarians and Romanians in Transylvania¹ finally exploded into violence in the town of Tirgu Mures on March 19-20, 1990. Five people died from the violence and over 300 people were injured, many of whom remain in the hospital at the present time. In mid-April, Helsinki Watch sent a mission to Romania to investigate the Tirgu Mures events and especially the government's response to the violence.² Helsinki Watch interviewed both Romanian and Hungarian, as well as independent, eyewitnesses to the events, and viewed several hours of documentary film taken on March 19 and 20. In addition, Helsinki Watch spoke

¹ See *Destroying Ethnic Identity: The Hungarians of Romania*, Helsinki Watch, February 1989.

² Participants in the mission were Holly Cartner, staff attorney for Helsinki Watch, and Robert Levy, senior staff attorney for the New York Civil Liberties Union.

to leaders of both ethnic communities, to members of a local investigative commission, and to the prosecutors assigned to investigate the events.


Doorway at the headquarters of the Uniunea Democratica Maghiara din Romania (UDMR) in Tirgu Mures. The windows were broken during the violence on March 19-20.

It is impossible to determine which group took the first steps toward the violence of March 19-20. Certainly the roots of the problem are centuries old. But even in the period since the December revolution, it seems likely that many individual acts on both sides contributed to an escalation of tension between Romanians and Hungarians. With regard to the specific events of March 19-20, both Hungarians and Romanians point to various facts to support their claims that the other side caused the violence. Helsinki Watch sets out below a chronology of events which it believes to be supported by its investigation. One conclusion is beyond doubt: the Romanian government failed to anticipate the danger inherent in the rising tensions in the region and failed miserably in responding to calls for assistance once the violence started.

What is more, an investigation of the violence by local officials seems to have focused almost exclusively on Gypsies who supported the Hungarians on March 20. Over 75 percent of those under investigation and 100 percent of those tried and convicted thus far are Gypsies. This is surprising given that the Gypsies by most accounts represented only a very small percentage of those in the square and were not implicated to any significant extent in physical violence. Widespread discrimination against Gypsies in Romania and their vulnerability to official abuse gives rise to suspicions that they are being made scapegoats for the events in mid-March.

Furthermore, whether or not they are guilty of offenses related to those events, the procedures used thus far to try and convict them violate due process and Romania's obligations under international human rights agreements.

CHRONOLOGY OF EVENTS

The Events of March 19, 1990

Events immediately prior to March 19 had produced a situation in Tirgu Mures that was increasingly tense and ripe for ethnic violence. As early as January, Hungarians began to demand more cultural rights, including the reopening of the Bolyai University and the reestablishment of Hungarian-language schools. On February 10, a group of some 100,000 Hungarians demonstrated for Hungarian schools, each demonstrator carrying a candle and a book. This demonstration was followed by Romanian protests against separate schools. On March 15, relations between the two sides deteriorated further when ethnic Hungarians celebrated the 142nd anniversary of the 1848 Revolution, displaying Hungarian flags and celebrating the holiday with groups of Hungarians who had come from Hungary.

On the morning of March 19, a meeting of the County Council was scheduled to address the rising tensions between Hungarians and Romanians. At around 10 a.m., a crowd of Romanians gathered outside the City Hall to call

for the resignation of Karoly Kiraly, Vice Chairman of the Provisional Council of National Unity (CPNU) and Elod Kincses, a Hungarian Vice President of the County Council. Some Romanians entered the City Hall, where Kincses' office was located, and the secretary of one of the Council members was hit. At that point, the County Council decided to cancel the meeting. The crowd gradually left the City Hall and made its way to the headquarters of the Democratic Union of Hungarians in Romania (Uniunea Democratica Maghiara din Romania or UDMR) where their protest continued. Around 3 p.m. Adras Suto, a well-known ethnic Hungarian writer and leader of the UDMR, arrived at the headquarters for a meeting. Eyewitnesses report that within 15-20 minutes of Suto's arrival a group of several hundred Romanians, mostly from villages outside Tirgu Mures, appeared in front of the headquarters armed with sticks, metal rods and bottles.

Hungarians have claimed that these peasants from the outskirts of Tirgu Mures were organized by supporters of Vatra Romaneasca (Romanian Hearth), a nationalist Romanian organization dedicated to the preserving Romanian culture from foreign influence, and transported into town in buses and trucks supplied by Vatra. Istvan Simon reported to Helsinki Watch that he personally saw two buses and three large trucks full of peasants arrive in front of the Cultural Palace in the center of Tirgu Mures and head up the hill toward the UDMR headquarters. According to Simon, these peasants were armed with their farm tools, as well as sticks and bottles. Helsinki Watch was not able to confirm the involvement of Vatra Romaneasca in the organization of the buses and trucks.

According to Sander Zolesak, the President of UDMR for the city of Tirgu Mures, who was in the headquarters on March 19, the UDMR members debated whether or not they should try to leave the building, but by 3:30 p.m. it became clear that they could not safely exit because of the increasingly angry crowd gathered in front. At around 3:30 p.m. the first calls to the police and army were made. Several times during the ensuing half-hour, representatives of the UDMR, including Istvan Kiraly and Andras Suto, called police and army officials requesting protection from the crowd. The police station was situated approximately 300 meters from the UDMR headquarters. The crowd began to force its way into the building at about 4 p.m. and about 60-70 members of the UDMR fled to the attic where they barricaded the entrance with a heavy metal basin used for collecting water.

The crowd of angry Romanians smashed windows throughout the building as they rushed upstairs to the UDMR headquarters, where they spent the next 3-4 hours ransacking the Party office, shredding files, books, and newspapers found there.³ Some of the mob, carrying sticks and bottles of gas, made their way to the stairs leading to the attic where they threatened to set it on fire.

During this time, from approximately 4 p.m. to 8 p.m., eyewitnesses report that there were some police officers standing in front of the building. However, all reports, including an eyewitness account by a member of the Norwegian Helsinki Committee, indicate that the police were merely "observers" of the devastation of the headquarters. There was no effort on the part of the police to intervene and the police at no time told the crowd to disperse.

Eyewitnesses also reported that busloads of armed Romanian peasants from the neighboring villages of Hodac and Ibanesti arrived sometime that afternoon and joined the anti-Hungarian demonstrators. A member of the Norwegian Helsinki Committee described seeing at least one bus with armed villagers parked at the Party headquarters. The local prosecutor's office placed the peasants' arrival at 5 p.m. A representative of the Vatra Romaneasca, stated that the armed peasants were in Tirgu Mures to attend a musical festival and responded to requests for help from Romanians.

At around 8 p.m., approximately 20 soldiers accompanied by Colonel Judea, a retired army officer and president of the Front of National Salvation in the County Council, entered the building from the back. Col. Judea

³ Various political parties also had offices in the same building as those of the UDMR. These offices were also devastated as the crowd rushed through the building. The only offices which were apparently not damaged were those of the National Peasants' Party Christian and Democratic, and the Association of Former Political Prisoners, both of which are located on the first floor of the building.

asked those hiding in the attic to leave the building quickly because he could not guarantee their safety if the building were set on fire. Many of those in the attic, however, did not trust Col. Judea and refused to leave. About 15 minutes later, Col. Judea returned and again insisted that those in the attic leave immediately as they were in grave danger. According to Zolesak, as well as others interviewed by Helsinki Watch who were in the attic, Col. Judea assured them that the building would be cleared before they exited and personally guaranteed their safety. Col. Judea then left, and when he returned he told those waiting in the attic that everything had been arranged and that a covered truck was waiting for them in front of the building. Around 9 p.m., Suto and about 15 other members of the UDMR started down from the attic. As they exited through the building they were attacked by people who remained inside. According to these witnesses, the soldiers and Col. Judea were nowhere to be seen as they exited.

The covered truck was parked some 10-15 meters to the right of the entrance to the building. After the Hungarians exited, they were forced to walk through the angry crowd to the truck. As they climbed into the truck, the crowd attacked, tearing the canvas cover of the truck and beating those inside. An eyewitness to the attack on the truck, Dr. Peter Kovacs, stated that the truck did not drive off immediately once all the UDMR members were inside, but instead waited for about 10 minutes before driving away. Many of those in the truck were severely beaten during the intervening time.

Seven Hungarians were hospitalized, including Andras Suto who is currently in a Boston hospital receiving treatment for injuries sustained during the attack. Those who remained in the attic refused to leave until around 10 p.m. when the building was empty, and they were able to escape without injury.

The Events of March 20, 1990

On the morning following the devastation of the UDMR headquarters, a crowd of ethnic Hungarians began to gather in front of the Town Hall to protest the attack on the UDMR headquarters the previous evening. The crowd demanded that Kincses be reinstated in the County Council and that President Iliescu be called to Tirgu Mures to deal with the situation. By the early afternoon there were an estimated 15,000 Hungarians in the square in front of the City Hall. Both Romanian and Hungarian members of the County Council tried to calm the crowd and, in fact, promised that Iliescu would come to Tirgu Mures.

At around 1 p.m. Romanians began to get off from work and a crowd of approximately 3,000 began to gather at one end of the square. Some of those gathered carried signs of Vatra Romaneasca. By this time it was clear that the situation was extremely dangerous, and the first calls were placed to President Iliescu and Minister of Defense Stanculescu in Bucharest. At approximately 2 p.m., word spread through the crowd that buses of Romanian peasants from neighboring villages were again heading toward town and, according to eyewitness reports, there was near mass hysteria among the Hungarian crowd.

A line of some 50 policemen was placed between the two sides at approximately 2 p.m. However, the line was only one policeman deep, with no weapons or protective gear, and was obviously ridiculously insufficient to keep the two sides separate. At this time General Scricciu, a Reserve officer and member of the County Council, also asked the Chief of Police and the Army to block off the entrances to the city and was given assurances at around 2:30 p.m. that the police had already blocked all roads. Unconfirmed reports, however, indicate that the police roadblocks were at best insufficient and at worst actually waved the buses through. It is clear that buses and trucks carrying both Romanians and Hungarians from the villages arrived in the town center long after the roads should have been closed.

The tension in the square continued to escalate. Eyewitnesses reported that the two sides facing each other along the police line exchanged insults and began to throw objects over the heads of the police. Both Hungarian and Romanian leaders inside the Town Hall repeatedly called the army asking that all necessary steps be taken to prevent violence. At about 3 p.m., the army promised that troops would be sent. The government in Bucharest also claims that it gave an order at about 3 p.m. to the army in Tirgu Mures to go to the scene. The army in Tirgu Mures, however, claims it did not receive such an order.

Between 5 and 5:30 p.m., trucks full of people from Romanian villages outside Tirgu Mures arrived on back streets behind the Orthodox Church around which the Romanian crowd was gathered. These villagers were clearly

armed and ready to fight. Documentary film shows the villagers from Hodac (a sign which said "Hodac" was clearly displayed on the front of a truck) climbing out of the back of a truck and handing out clubs and other weapons. After approximately one-half hour the villagers gathered at the back as the Romanian crowd pushed forward toward the police line. The video film, as well as testimony of two foreign journalists who were eyewitnesses, reveals that the Romanian villagers suddenly rushed forward breaking the police line and attacking the Hungarians. At this point police disappeared into the crowd and the Hungarians retreated away from the square.

At around 7 p.m., five or six tanks entered the city center and attempted to separate the crowd. However, there were not sufficient tanks or troops to make a restoration of the peace possible and the fighting continued. After the attack by the Romanians, the Hungarians armed themselves and began a counter attack. From that point forward there was an all out street battle involving both groups, with atrocities committed by both sides. Between 9:30 p.m. and 10:30 p.m., Gypsies also arrived in the city to support the Hungarians.

Five people were killed,⁴ some during the early stages of fighting, when a truck full of villagers drove through the Hungarian crowd into the Romanian crowd and finally rammed into the steps of the Orthodox Church. According to the prosecutor for the County of Mures, one Hungarian was hit and killed by the truck, and a Romanian in the back of the truck later died of injuries he received to his neck when the truck hit the steps of the church. The Chief Prosecutor for Mures County also reported to Helsinki Watch that a Romanian was beaten to death when he tried to get out of a bus being attacked by Hungarians. Two Hungarians were also killed in two separate incidents outside the city when a car drove through a barricade that Hungarians had erected to prevent Romanians from entering their villages. In addition to the five deaths, some 269 people were hospitalized (185 Romanian, 83 Hungarian and 1 British) and approximately 100 received first aid at the City Hall.

Interviews conducted by Helsinki Watch, and videotapes of the events confirm that the Hungarians arrived at the City Hall unarmed, and only armed themselves in self-defense at the time of the first Romanian attack. Dr. Zoltan Kolozsvary, now a vice president of the County Council, was in the City Hall on March 20 and was an eyewitness to many of the events. Kolozsvary stated: "We have heard some cries that those from Hodac have arrived and they are coming. It was awful, what I have seen. They were destroyed in that moment -- because the Hungarians had no weapons at all. They were empty-handed, that is for sure. I have seen from the window (of City Hall) the terror of the people as they tried to obtain something, sticks from here, from the building. They destroyed some of the fences here and destroyed benches just to obtain something to use as a weapon. It was awful. It was truly awful."

It appears equally clear that the Romanians gathered in the center were not armed with clubs or metal rods. Instead, it was those coming into the city from outside villages who appear to have been armed with their farming tools as well as with weapons. At about 9 p.m., General Scriciu spoke to Prime Minister Petre Roman in Bucharest and was told that troops would be arriving within the hour. Again, at 9:30 p.m., Prime Minister Roman promised that troops would be arriving within 35 minutes. Kolozsvary reported that he left the City Hall at 3 a.m. and no additional tanks had arrived. Ten tanks arrived in the city center around 5 a.m. on March 21 after most of the fighting had ended.

Helsinki Watch is deeply concerned by the apparent failure of the government to respond in a timely and appropriate fashion to the increasingly dangerous situations presented on both March 19 and March 20. The government had an obligation under international law to protect its citizens from ethnic violence, including violence committed by individuals. Although each side has a different assessment of who is to blame, both the Hungarians and Romanians agree that the army and police failed to protect the citizens of Tirgu Mures and must accept some of the blame for the outbreak of violence. Helsinki Watch calls on the Romanian government to respect its commitments under international law and to guarantee the security of all persons, regardless of their ethnic or national origin, from violence.

⁴ Antal Csipor, Istvan Gemes, Zoltan Kis and Ioan Frandes. Helsinki Watch has not been able to ascertain the name of the fifth victim.

PARLIAMENTARY COMMISSION ESTABLISHED

Ion Iliescu, President of the CPNU, gave a statement to the press late in the evening of March 19 condemning the devastation of the UDMR headquarters and the injury to UDMR members. Iliescu also expressed regret that local authorities, who should have kept order, had not managed to provide security to the UDMR headquarters and had failed to control extremist elements.

On March 20, the Executive Bureau of the CPNU issued a statement quite different in tone from that issued by Iliescu the night before, emphasizing the "privileges" sought by the Hungarians and the behavior of the Hungarians which had "offended the national feelings of the Romanian people." The Executive Bureau also stated that the only interest served by the violence is that of Hungary and accused the Hungarian government of publicly encouraging ethnic Hungarians in Transylvania to increase their efforts toward reunification of Transylvania with Hungary. The Romanian government also issues a veiled threat that instigation by Hungarian officials could jeopardize the political life of Hungarians living in Romania.

A Parliamentary Commission was formed by the Romanian government to investigate the events in Tirgu Mures. This commission was sent to Tirgu Mures after the violence to begin its investigation.

A local investigative commission of three Romanians and three Hungarians was established to work with the parliamentary commission. The Romanian members interviewed by Helsinki Watch reported that they had collected lists of the injured and had taken statements from eyewitnesses. Daniela Soare, one of the Romanian commission members, reported that all information they had collected had been sent directly to the Prosecutor's office. The Hungarian members of the commission, on the other hand, reported to Helsinki Watch that they had sent their data directly to the Parliamentary Commission in Bucharest. Lajos Paltan, a Hungarian member of the commission, stated that he did not trust the objectivity of the Prosecutor's investigation, which was being conducted solely by Romanians.

The Parliamentary Commission completed its investigation on April 28. However, as of the writing of this report, its findings have not been made public. A member of Parliament told Helsinki Watch that he believes the results will not be made public until after the Romanian elections on May 20.

GYPSIES AS SCAPEGOATS

Helsinki Watch is extremely troubled by the investigation of the March 19-20 events currently being conducted by the Prosecutor's Office in Tirgu Mures. It appears that the authorities in Tirgu Mures are attempting to make Gypsies the scapegoats for the violence that occurred. Helsinki Watch interviewed the Chief Prosecutor for the County of Mures who reported that 31 people are under investigation, 18 of whom are under arrest. Of the 31, two are Romanian, five are Hungarian and 24 are Gypsies. In addition, all of those who have been sentenced and/or convicted are Gypsies.

Between 14-18 Gypsies, in addition to the 24 mentioned above, have been tried and convicted of various offenses such as possession of weapons and disturbance of the peace. These Gypsies were tried under Decree 153 which was first published on April 13, 1970, and which was directed against those who were "parasites" of the socialist order. Apparently, this decree was intended to apply to those who were unemployed, but all of the Gypsies convicted under Decree 153 had jobs and many had been employed at the same place for decades.

After the December 1989 revolution, Decree 153 was identified as an extremely abusive tool of the Ceausescu regime. Although it was targeted to be abolished, it remains in force. Portions of Decree 153 are extremely vague and do not adequately indicate the behavior that is being restricted, consequently inviting arbitrary and discriminatory enforcement. For example, some of the Gypsies were charged under Article 2(g) which prohibits the "illegal disturbance of the peace of residents, by producing noise with any apparatus or object, or through screaming or making noise."

In addition to the overly broad language of the decree, the expedited procedure that it requires violates

basic principles of due process. Helsinki Watch interviewed Ildiko Jung, the attorney for seven of the Gypsies tried and convicted under Decree 153. Ms. Jung stated that her clients were arrested on April 28 and the first court hearing was held on April 29. Ms. Jung was given no opportunity to speak to her clients until she saw them in the corridor outside the courtroom and did not see the dossier until a few minutes before the hearing. At that first hearing Ms. Jung requested that the judge find Decree 153 inapplicable to the defendants and set them free. When the judge refused, Ms. Jung asked for an extension to prepare the defense and the judge granted an adjournment until the next day.

On March 30, Ms. Jung presented witnesses who testified to the innocence of the defendants. She also presented evidence of their employment. The prosecutor presented two witnesses whose testimony was in the dossier. One of these witnesses contradicted his previous testimony, stating that he had no memory of what he had seen on March 20 as he had been drunk. The second witness for the prosecution had a long history of convictions and was at the time of the hearing himself in jail for his involvement in events on March 20.

The prosecutor presented a written statement signed by each of the defendants acknowledging his guilt. However, the defendants had no more than a second- or third-grade education and were unable to read the statements written by the police. These statements were contradicted in part by the defendants' own testimonies at the hearing. Moreover, the defendants did not recognize certain facts that were included in the statements. Ms. Jung argued that the police had written statements for each of the defendants and forced them to sign without first having read the statements out loud.

One of the defendants also reported to Ms. Jung that a policeman had held a knife to his throat until he agreed to sign the statement. This was apparently done in the presence of the other defendants. However, the defendant did not want this reported to the judge because he said he was afraid of the consequences if he were then sent back to jail.

On the day of the trial police surrounded the courthouse and restricted the entry of people into the courtroom. Some people were allowed in, but others were not, including an ethnic Hungarian lawyer who wished to observe the trial. In addition, there was a helicopter circling above the courthouse during the period of the trial. Ms. Jung sees these events as part of a general effort to intimidate her and the defendants. All seven defendants were found guilty.

Decree 153 does not allow an appeal to a higher court, but does allow a retrial by the same court with two judges instead of one. At the retrial on April 4, Ms. Jung requested that one of the judges be Hungarian, but her request was refused. Ms. Jung also reported that the judges ordered a Romanian substitute for a Hungarian prosecutor who happened to be assigned to the court for April 4, in accordance with the normal assignment calendar. The verdict was upheld for all the defendants and they were given sentences ranging from 3 months of work with a penalty, to five months in prison.

Ms. Jung consulted her clients immediately after the trial to see if they wanted her to request an extraordinary appeal to a higher court. The defendants, however, expressed fear that the police might try to punish them for such an effort and declined her assistance.

Other attorneys in Tirgu Mures had apparently been unwilling to accept the cases of the seven Gypsies, and Ms. Jung, after she agreed to represent them, has received regular phone calls threatening her physical safety. Ms. Jung reported to Helsinki Watch that the other Gypsies tried under Decree 153 have not been represented by counsel and have all received the maximum sentence of six months.

The proceedings by which these seven defendants were convicted violate the basic concepts of a fair trial as well as Romania's obligations under the International Covenant on Civil and Political Rights and other international agreements to which Romania is a signatory. Helsinki Watch strongly urges the Romanian government to ensure defendants a fair and public hearing by an independent and impartial tribunal consistent with international law, including such minimal guarantees as timely notice of the charges, adequate time and facilities to prepare a defense, the right to consult with an attorney in the preparation of that defense, and safeguards against coerced statements or confessions while in police custody. Helsinki Watch also urges the Romanian government to ensure that the events which occurred in March be investigated in an unbiased manner without discrimination against any group or individual because of ethnic or national origin. Should it be

determined that such discrimination has occurred, Helsinki Watch calls on the Romanian government to guarantee a remedy for the victims in a court of law.

Other recent Helsinki Watch reports on Romania:

Destroying Ethnic Identity: The Hungarians of Romania, February 1989. 64 pages, \$7.50.

News From Romania, January 1990.

Trials in Romania: A Rush to Appease...And to Conceal, March 1990.

This edition of *News From Romania* was written by Holly Cartner and is a publication of the U.S. Helsinki Watch Committee, a nongovernmental organization founded in 1979 to monitor domestic and international compliance with the human rights provisions of the 1975 Helsinki accords. Its Chairman is Robert L. Bernstein; its Vice Chairmen are Jonathan Fanton and Alice H. Henkin; its Executive Director is Jeri Laber; its Counsel is Lois Whitman; its Research Director is Catherine Fitzpatrick; its Washington Representative is Cathy Cosman.

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