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The Nazi Uniform, the racial laws, and Romania of the year 2009

The Center for Legal Resources condemns the lack of reaction from the Romanian state authorities and from political parties to the discriminatory and racist incidents in Romania of the year 2009, incidents which remind us of, and even repeat, experiences which we thought locked within a dark past of human history. Following the lack of reaction from the Social Democrat Party, or the unhappy reaction of Romania's President, and in general the blameworthy passivity of Romanian state authorities to the irresponsible and of a criminal nature gesture of Constanta's mayor, Radu Mazare, who wore the uniform of the Wermacht with Nazi symbols, accompanied by his son as well, also wearing a Nazi uniform, another incident, less present in the media, reminds us once again of Hitler's Germany. What we refer to is the so-called "Protocol" which has been imposed exclusively on the Roma from Sanmartin locality, Harghita county, following an interethnic conflict between the majority Hungarians and the minority Roma from the locality. The "Protocol", elaborated and imposed on race criteria, reminds us very much of the racial laws against the Jewish community. The CLR also draws the attention on the fact that, especially in the context of an economic crisis, inadequate sanctioning of racism may lead to incalculable consequences in the search for scapegoats.

Starting from a conflict between a few Roma and Hungarian ethnics, and on the background of accumulated tensions in the locality of Sanmartin, starting with May 31st 2009, violent, systemic and repeated attacks came from Hungarian ethnics, having as target the goods of all the Roma, including the arson of a house. Roma ethnics left their homes taking refuge in the woods, and not all have thus far come back to their homes, children included, because of the continuous threats and intimidation from the Hungarian community, including in the presence of police officers. In one of the reconciliation meetings organized by local authorities, a protocol in 11 points was adopted, and was imposed exclusively on the Roma, as a condition to be allowed back to the locality.

Such a protocol, destined to one part of the community on ethnic criteria, closed under the supervision of local authorities and implemented by them with the help of majority Hungarians, points to the principle of the racial laws of Nazi Germany. Putting discrimination into law was the necessary step in order to "justify" the Holocaust.

Furthermore, provisions of the Protocol of Sanmartin like: "Whoever does not own land of at least 0.50 hectares may not go to the fields and own horses. Dead-line: permanent" or "The clarification of the statute of private property both for land and for constructions. Dead-line: 15 days", aside from being illegal, abusive and discriminatory, redefine the laws of property outside the Romanian Constitution. Both the fact that the Roma do not own land for agriculture in general and the unclear situation of Roma lands and constructions, - a frequent problem among the Roma, but not exclusively a problem of this ethnicity - come under the responsibility of the Romanian state. The fact that state authorities accept regulations in the sphere of property such as those imposed on the Roma, reveal a state abdicating from its obligations of regulating and applying the law.

Other provisions of the protocol such as: "Every day civilized behaviour. On a permanent basis" or "Using the communal pool in hygienic conditions" demonstrate the racist argumentation of the protocol, assuming that the Roma do not respect civilization standards (we do not know exactly whose standards or civilization) and do not wash, thus bringing an offence to the dignity of the Roma in general and putting aside all international legislation in the field of human rights, non-discrimination and minority-protection, to which Romania is party.

We also condemn the fact that the Democratic Alliance of Hungarians in Romania declines any responsibility for what is happening in Sanmartin, taking into account that the mayor of the locality is part of DAHR. In this way, DAHR, which has thus far been a champion of minority rights, becomes an accomplice, together with the Romanian state authorities, to the implementation of a racist and illegal protocol.

This generalized lack of reaction, shows just how much Romanian decision-makers have knowledge and understanding of the terrible meanings of a history which humanity has promised to never again repeat, just how prepared they are to recognize and sanction racist arrangements and actions when these appear, and especially when they are being implemented by, or with the complicity of authorities and police forces, and just how able they are to influence the public discourse and behaviour towards the respect for human dignity.

The CLR also draws the attention on the fact that situations of rising tensions have increased in number, that another conflict took place in the locality of Sanraieni, Harghita county in July, and that in other European countries, racially motivated crimes against the Roma have already taken place. On the background of the economic crisis and the anti-Roma campaign developed in the past few years in parallel with the one in Italy, the lack of an adequate and law abiding reaction from the Romanian state authorities as well as the lack of public condemnation of the acts of collective blaming of the Roma followed by acts of popular justice, may lead to the spreading of the phenomenon, with incalculable consequences, both internally and externally for Romania, already condemned by the ECHR for interethnic conflicts from the '90s.

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