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Summary of the Incident that happened in Temerin on June 26, 2004 (Compiled by the Civil Mozgalom – CM – Civil Movement)

June 26, 2004 is the day since when those Hungarian young men from Temerin have been imprisoned being sentenced for attempted murder and to 61 years in prison. According to the charge, these 5 young men caused serious bodily harm to Zoran Petrović, a Novi Sad resident, in the market place of Temerin on the night of June 25. István Máriás jr. (22) was sentenced to 15 years, Zsolt Illés (26) to 13 years, Zoltán Szakál (25) to 11 years and 6 months, József Uracs (29) 11 years and 6 months, and Árpád Horváth (19) to 10 years of imprisonment. This sentence was confirmed also on the second instance by the Supreme Court of Justice.

1. The circumstances of the incident according to the parents, witnesses and the offended parties

According to the parents, in the early hours of June 26, Zoran Petrović (38) appeared in a condition influenced by drugs and alcohol in Temerin, after participating in a bigger fight in Novi Sad. First, he was at a private house where he started provoking the hosts – intruding into family matters – therefore he was asked to leave. Then he went to the Evergreen, a pub in Temerin, where he initiated a series of incidents: took drinks, cigarette packets from the guests, and those who objected it were insulted by Petrović or he spat into their drinks. It was here for the first time when police assistance was asked for but the police refused to visit the scene not having enough reasons as they said. Then, Petrović started to fight with a person in the pub so he was showed the door. In the streets he immediately found an elderly man to provoke. About 200 meters from the Evergreen is the Kaja, another pub, and during his walk there, Petrović insulted and provoked many groups (no matter to their ethnicity) as the witnesses say. This place, the Kaja is known as the headquarters of drug-dealing and the locals had reported it to the police several times. The parents say that Petrović started provoking the people there, too but he was asked to leave and when he returned he was showed the door again. "As we heard, after this he crossed the street and provoked Zoltán Szakál for the first time," the parents say. Since Zoltán Szakál could not calm Petrović down, they started grappling. After the incident, Petrović went to the benches on the market place and provoked István Máriás. "This happened on the market place, the place where the young congregate in the evening hours," the relatives explain.

One of the important facts is that the accused, namely István Máriás, Zsolt Illés, Zoltán Szakál, József Uracs, and Árpád Horváth have not been in the same group of friends. The parents agreed that before the incident, friends were only Máriás and Horváth while Szakál and Uracs only knew each other. When the offended party started a quarrel with István Máriás which turned into a fight, Zsolt Illés approached them hearing the noise, and according to a parent, he said: "If he (that is, Petrović) is insulting the Hungarians, then slam him in my name, too." As our conversationalists say, this was it then, but Petrović started to insult the under age girls at the market place, to sexually molest them and to insult the Hungarians' mothers. This caused a new incident. One of the accused, István Máriás demanded from Petrović to take back his insulting words about the Hungarians. Petrović did not want to which started a fight again. By this time, all of them were under the influence of alcohol since they had left their homes drinking beer, wine and brandy in no order. Petrović took off his clothes and in his underpants provoked the young people there, sexually molested the girls, even pulled their hair. One of the girls smacked him. It was not enough to him; he pawed two other under age girls. It could be that this was the time when a bag of drugs (various sedatives, ecstasy) fell out of his pockets and it was immediately eaten up by the young people there. Many witnesses can affirm this, they were speaking about it during the proceedings, but during the trial it was not recorded. As the relatives say, at this time Árpád Horváth and his girlfriend, unaware of the situation, arrived to the scene. It could be because of the daze or the sexual molesting, but it is a fact that Petrović's provoking behaviour and words caused a rising indignation and many wanted to persuade him to get dressed. Among them were István Máriás and Árpád Horváth, too. Another scuffle broke out, Petrović pushed Máriás so hard that he fell onto the wall and his hand was hurt. According to Mr Horváth, Árpád's father, this was the moment when Máriás had enough and a new fight was started. It had an audience of tens (about 50-60) of young people. Later, only four or five witnesses were interrogated by the authorities. There is no answer to the question: "Why?"

The parents say that Máriás and Horváth left the scene after the fight, and possibly a new group picked a quarrel with Petrović, and then a third one... It cannot be known for sure. The fact is that Petrović fell on the ground but it is impossible to judge whether due to the fights or the influence of drugs and alcohol. (1)

2. Detention of the young men, court hearings, deficiencies and contradictions of the investigation, opinions

Mr Horváth, Árpád's father: "They came at about 10-11 o'clock on Saturday morning, June 26.

They said nothing, did not explain, and just said that the young man had to go with them. An hour later they brought him back but only to take his last night clothes with him. They took him away again. The young men told me that the investigation (confession – remark of the CM) was forced out with beating.

When they were taken to the prison in Novi Sad, they were assaulted for several days. My son was beaten by seven or eight men, they pulled him by his hair like maniacs, hit him on his eyes.” (From the conversation with the relatives – remark of the CM.)

According to the relatives, the local police commander later announced: “I could have taken at least fifteen of them into custody.” Why these five young men were arrested? No one knows the answer yet. The parents say that the young men were interrogated and about 1:30pm they were taken to blood and urine test. The urine test showed that all of them had a minimum quantity of alcohol. The parents say that the official report states that all the young men are of 0 blood type although Árpád Horváth is undoubtedly of A Rh+. The relatives are at a loss to explain this fact. They question why it was written so.

Mr Horváth, Árpád’s father: “Who took the blood samples from Temerin? And once they had the samples, why did they take blood twice more from the boys? The samples were exchanged. It is only a thought, it is not sure, but if they have the first blood sample and it is frozen, they could show that it was the real one.” (From the conversation with the relatives – remark of the CM.)

The families are sceptical about the results of the investigation, since Árpád’s parents state that their son was so unconscious in those morning hours that he did not even know where he was when the police came for him. The court did not want to acknowledge that the young men were under the influence of alcohol or drugs when they had their incident with Petrović and when they were arrested, although, the parents say that even a policeman said that they could not interrogate the young men since they were not in a proper condition for that. One of the young men’s lawyers asked twice to have that policeman heard as a witness but the court refused that. The parents are also confused with the fact that the police did the alcohol test only after hours of the arrest although it is the first thing they should have done similarly to when road accidents are examined.

However, in case of the offended the court took into consideration that he was a relapsed drug-user and in the time of the incident he was under the influence of alcohol. (2)

The parents also cannot understand the paradox of the following: if the accused had pushed a huge stick into Petrović’s anus, how could it have been possible that Petrović was sitting on his hospital bed while he was talking to Rasim Ljaljić, the Minister of the Minority. (3)

A relative of Zsolt Illés: “The other thing is the stick, that was supposedly pushed up into the offended’s anus by the young men. If a stick is found, as a material proof, it is immediately treated and the fingerprints are taken from it. There are no fingerprints in this case. Where are they? If the examining judge has the task to examine the fingerprints, why has he not done so?

Also, it was said that Petrović’s jaw was broken but there was no X-ray taken of it. We visited the man in the hospital and he was talking normally.”

Mr Horváth, Árpád’s father: “The doctor said, he heard about the stick though he did not see it, he was only operating on Petrović!” (From the conversation with the relatives – remark of the CM.)

The parents also say that there is no hard evidence connected to the stick, and they say that it is possible that it was done by someone else, what is known for sure is that the stick went 2 cm into the anus.

According to our conversationalists, the sack was put under Petrović’s head (by whom, it’s not known) and not on it. It was only made-up by the Serbian media. It is also for sure that it happened at about 2am.

However, no one speaks about a black car that parked by the offended for long. What happened there at that time? There is no answer. The parents say that the court also did not investigate upon this. (4)

Mr Horváth, Árpád’s father: “...Many young people saw a black car near to the market place. Who was in the car, what was in the car, we do not know. The next day three black cars were looking for the boys, asking about them near to the pub, men in three black cars of Audi brand.

And, we also heard that there were no registration number plates on the cars. We also heard that a huge group of Serbs started off from Novi Sad to take vengeance on the Hungarians in Temerin. Luckily, it was stopped in time by the police.” (From the conversation with the relatives – remark of the CM.)

The parents also find it confusing that although Petrović had no papers with himself, when he was found with a broken jaw (that made his talk almost impossible) and in a really overpowered state he could still identify himself.

In the bill of indictment of the attempted murder it was written that the perpetrators urinated on the victim and even burnt him. The parents say that the experts found no traces of urine or burns.

Mr Horváth, Árpád’s father: “One of the citizens asked the policeman who this man was when he was found and the policeman named him correctly.

When the citizens found him, they said there was no stick in his anus, the stick was on the grass as the photo shows it, the person was conscious and he was wailing.

In addition, an iron rod was also mentioned; allegedly our sons hit Petrović 25 times with it. Also, it is said that they used a lath to beat him, and that morning the lath was found in a garden nearby next to its fence by the police.”

Árpád's aunt: "With this effort they could have found material evidence as far as the fifth or sixth house." She continues: "Petrović was found after 6am near to the market place and at 9am he was taken to the hospital in Novi Sad. Where was that man who was seriously harmed for 3 long hours? It was measured that the ambulance can make the Temerin-Novı Sad route in 12 minutes due to its special status." (From the conversation with the relatives – remark of the CM.)

Mr Horváth, Árpád's father: "... The court did not acknowledge many things. They were turning the documents over and over. The lawyers were assigned by the court and were financed by the state. So far they have not done anything definitive. They acted as if they were ordered not to do anything in the interest of our sons.

When the mandate of the lawyer expired, he said even if we paid him in gold, he would not continue representing our case – there is no chance to win anything!

These lawyers were told what to say and how to act and their aim was not to defend our sons.

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The relatives are aggrieved at having been forbidden to enter the court hearings though they behaved themselves properly. This happened because Petrović's mother had a fit of rage at the beginning of the hearings and started yelling in the court room that "every Hungarian is a criminal" and took Jasenovac for an example. Then the judge interrupted the proceedings, turned them into hearings in camera, and forbade the relatives to enter the court room. The parents think it was done to prevent the information leaking out. (7)

Mr Horváth, Árpád's father: "This case cannot be solved in the internal level because if they had wanted, the case could have taken a good course; the punishment should have been reduced, on the second hearing they would have said, alright, we would ease the punishment. The same thing went to the second hearing, and someone had an interest in not changing anything, let everything remain as it was. What was the aim? The aim was to punish them as much as possible for beating a Serb. This whole process is absurd together with its punishment and its hearings." (From the conversation with the relatives – remark of the CM.)

Mr Béla Csorba, Vice-President of the VMDP (The Democratic Party of the Hungarians in Vojvodina)

It is indisputable that having Petrović beaten came to many as "a gift". It was there to balance the villainous beatings that the Hungarians in Vojvodina had to suffer continuously at that time and which started to become a European scandal. To balance it, a petty pub fight would not have done. The Serbian nationalist elite needed a "bigger" issue; and I would not be surprised at all if there would be more details coming up about the incident in Temerin – details that were manipulated or unpublished. Naturally, it does not lessen the seriousness of the crime committed by the five young men. It is indisputable that they deserve punishment – it is acknowledged by their parents, too – but the Draconian punishment can be treated only as a decision that is coloured by the political climate and can be used as a psychological threat against the Hungarian community in Vojvodina. It has a message to all of us – we are not equal. This is exactly that dimension where everyone has to stand up against the judgement of first instance even if we deeply condemn the young men's behaviour

Mr Béla Miavecz, Mgr – member of the Presidency of the VMSZ (The Association of the Hungarians in Vojvodina)

I am deeply indignant with this case especially because those perpetrators who beat a Hungarian within an inch of his life on provable ethnic base by the Danube in Novi Sad are still free; their case has not even been started yet. In the Temerin case many concrete facts were concealed which shows that the court proceedings were used to intimidate the Hungarians in Vojvodina. This is supported by the processes of the hearings, and the unprecedented judgement. I hope that having the new developments in the case, the Secretary of the Minority in Vojvodina and the MNT (The Hungarian National Council) will take appropriate steps. (8)

Dr Antal Bozóki, a lawyer from Novi Sad were not appearing for the young men's defence but as an expert of the Serbian code of law shared his opinion about the case:

Similarly to all fights based on ethnic issues or other, this case is deeply condemnable. But this particular case brings up many interesting questions. For example, why did the Novi Sad court take and deal with this case as an attempted murder? In similar cases the charge is serious bodily harm. But this judgment on first instance is shocking, and even if the charge is attempted murder, it is not realistic to sentence anyone for 10-15 years of imprisonment. This judgment shocked all of us.

The Serbian media paid an enormously huge attention to this case in the last period of time.

A Serbian historian, Mr Jovan Pejin gave an interview to a Serbian magazine called the Svedok (The Witness) and he regarded the young men's deed as nationalistic as the Hungarian gendarmerie's killing of Serbians when entering Novi Sad (during the World War II – explained by the CM), and he expressed his wish of sentencing the Hungarians at least for 40 years per person. The Kurir (The Courier), a Serbian tabloid, had many articles published in which the Hungarian young men were referred to as murderers, executioners and wicked beasts. Zoran Petrović made a statement from his hospital bed that "as a Christian, he forgave everything to his executioners."

The Serbian media showed photos about the convalescing Petrović in his hospital bed. The Svat (The Wedding Guest), another Serbian tabloid, published that Petrović was a heroin and alcohol addict for more than 10 years, was on a detoxication cure 4 times and suffered from Hepatitis C. Another fact is that Mr Joakim Hrubenjak, the Public Prosecutor in Novi Sad demanded at least 40 years of imprisonment for each young man and called them beasts that could not even be punished in his opinion. (9)

3. Psychological pressure, discriminative treatment

Árpád Horváth's father: "When they were taken to the prison in Novi Sad, they were assaulted for days. My son was beaten by seven or eight men, they pulled him by his hair as some maniacs, hit him on his eyes."

Árpád Horváth's grandfather: "He was in a solitary confinement for four days without toilet paper, without anything."

Árpád Horváth's father: "In the first days all of them were heavily beaten, my son's spine was so badly hurt that his legs got blocked."

The prison manager admitted that his employees abused their position when they assaulted the young men, but he assured us that he imposed sanctions on the employees." (From the conversation with the relatives – remark of the CM.)

/"What kind of sanctions? Did he start legal proceedings?" – asks the CM./

The parents were complaining about the deteriorating health conditions of their sons in the last months. One of them is under constant neurological treatment; the others have problems with their spines. The relatives cannot say anything concrete because the visits last only 7-8 minutes and speaking in Hungarian is strictly prohibited; when the guard thinks that they are talking about something that is not allowed, and then he interrupts the conversation. As the parents say, it happened many times that the judge, Ms Zdenka Stakić refused the parents' request for visiting their sons. The letters are censored and therefore the parents receive them a few weeks later. As they say, they managed to communicate in their mother tongue only three times.

The relatives also noticed physical changes on their sons. Árpád's parents noticed during one of the visits that his left eye was bloody. "I asked my son what happened but he did not dare to answer,"-says his father.

The parents say that on the first night in the prison the young men were tremendously beaten which was confirmed by them as well. One of them managed to send an uncensored letter from the prison in which he described in detail what tortures they had to suffer:

October 21, 2004

"Hello Dad,

I hope you're alright. I'm writing this letter because I've been hoping to tell you what happened with me when I'm at home but as you see, this won't happen.

I'd like you to read this letter up to Mum and Grandpa, please, do it for me. I though I'd keep quiet about the sufferings and assaults I've received and still receive here – I think both about physical and psychological assaults. I think you're interested in why I can't see with my right eye, although I'm still afraid that this letter will have consequences, I don't care and I hope that this letter will be read by an influential person, too. The first thing I'd like to tell you is that I can't see with my right eye because several times I was taken from my cell without reason, I was kicked on my kidneys, slammed on my face and head as if they knew that I could see with my right eye, but now it's not good anymore. This goes on from the very first day, from that Saturday late afternoon when I was brought here. Within an hour I received the first "pack" without reason, then a few minutes later I was put in a solitary confinement, 2-3 hours later I was taken to the corridor and I was kicked on my kidneys and eye and this has been going on since then.

There's no day without being slammed but I don't know why. My kidneys hurt me so much that I can't remember I've ever had this pain in my life. I could tell you exactly who those guards are who are doing this to me, but I won't do it now. I haven't been talking about this either to you or to the lawyer because there was a guard beside me all the time and was listening what I was saying; I hope you'll receive this letter and you'll tell everything I've just said to the lawyer and believe me, this is nothing but the truth. You know that I can't do anything against it from here, but I think that you and the lawyer can. I don't know what's happening but the lawyer didn't visit me either last week or this one, but please tell him, when he comes, he shouldn't mention this here because it'll make the things only worse. Instead, if he can, he should do something.

On Thursday I'm going to the hospital, I've been there today, too, I don't even see the light with my left eye, and my right eye sees only 65%. Please, do something before it gets too late. I can still see something but in the mornings it's very hazy. I hope you receive this letter.

Lots of love to all of you.

(...)

Bye! (10)

With the help of Mr Antal Bozóki, a lawyer this letter was forwarded to the International Helsinki Federation for Human Rights, the European Council and Mr Rasim Ljaljić, the Minister of the Minority in Serbia and Montenegro. The only response the letter got was from the first addressee, their representative visited the young men in the prison. Mr Rasim Ljaljić, although his official task is to protect human rights did not even reply to the desperate parents. The families are afraid since they received letters with dead threat which was reported to the police but they refused to investigate upon the issue.

November 28, 2005

1.The Hét Nap, May 25, 2005, 2.The Hét Nap, May 25, 2005, 3.The Kapu, September 2005, 4.The Hét Nap, May 25, 2005

5. The Kapu, September 2005, 6.The Magyar Szó, October 1-2, 2005, 7.The Hét Nap, May 25, 2005, 8.The Hét Nap, May 25, 2005

9.The Kapu, September 2005,10. The Vajdaság Ma, April 28 2005