

INFORMATION ON THE PROGRESS IN THE LITHUANIAN LEGISLATION CONCERNING THE COMPENSATION FOR THE JEWISH COMMUNAL PROPERTY

On 21 June 2011 by a vast majority of votes the Parliament of Lithuania has adopted the Law on Good Will Compensation for the immovable Property of Jewish religious communities.

The Seimas (parliament) of the Republic of Lithuania recognised a considerable contribution of the Jewish community of Lithuania to Lithuania's culture and progress of society before the Second World War, the occupation of Lithuania and the Holocaust as the beginning of total extermination of Jews.

Having regard to the fact that the Jewish communities which had long existed in various Lithuanian localities were destroyed during the Holocaust, hence restitution of their property under other effective laws of the Republic of Lithuania is not possible due to the absence of successors to their rights, seeking to restore historical justice and compensate in good will for the immovable property of Jewish religious communities of Lithuania unlawfully expropriated by the totalitarian regimes during the occupations, wishing that compensation contribute to preservation of the cultural legacy of the Jewish community of Lithuania and meeting of its current needs, having regard to provisions of the Terezin Declaration adopted in 2009 by representatives of 46 countries of the world, including Lithuania, the Seimas adopted the Law on Good Will Compensation for the Immovable Property of Jewish Religious Communities.

This Law establishes the amount of, time limits for the payment of, the procedure for paying and the purpose of use of compensation for the immovable property of Jewish religious communities of Lithuania. The purpose of payment of the compensation as specified by this Law is the existing immovable property of Jewish religious communities, with the exception of land, which was unlawfully expropriated by the totalitarian regimes during the occupations.

This Law does not affect restoration of the right of ownership to the existing immovable property under the Law of the Republic of Lithuania on the Procedure for the Restoration of the Rights of Religious Communities to the Existing Real Property.

The amount of the monetary compensation to be paid is 128 million Litas (~50 mln. USD). The compensation shall be paid from the state budget to a foundation appointed by the Government of the Republic of Lithuania for a disposal of compensation funds. The foundation shall be a non-profit public legal person of limited civil liability established under this Law and the Law of the Republic of Lithuania on Public Establishments. The principal objectives of

the activities of the foundation shall be to meet public interest in carrying out educational, religious, also scientific, cultural, health care and other activities beneficial to society.

The collegial management body of the foundation must represent the Jewish Community of Lithuania, the Religious Community of Lithuanian Jews, other organisations and establishments fostering the Jewish religion, health care, culture and education in Lithuania, where they express such a wish.

The amount of compensation provided shall be final, no claims may be raised in respect thereof in the future, nor may the specified amount of compensation for the property of Jewish religious communities and Jewish communities be altered.

The articles of association of the foundation must stipulate an explicit procedure for disposing of compensation funds, performing the national audit prescribed by the Government of the Republic of Lithuania and submitting annual financial statements to the Government of the Republic of Lithuania and the Seimas.

Where the national audit concludes that the foundation disposes of the compensation funds transferred thereto or uses the immovable property transferred thereto not according to the purpose of this Law or otherwise infringes the provisions of this Law, the Government of the Republic of Lithuania shall have the right to suspend the payment of the compensation amounts and disposal thereof and take a decision on the appointment of another foundation.

The immovable property of Jewish religious communities of Lithuania may be compensated for by transferring, under a decision of the Government of the Republic of Lithuania, into ownership of the foundation the state-owned immovable property, namely, buildings or parts thereof, where it takes a decision on requesting to transfer such property for a specific purpose. In such a case, the amount of the monetary compensation shall be reduced by the value of the immovable property transferred into ownership, which has been calculated on the basis of the mass appraisal data available to the State Enterprise Center of Registers on the day of transfer of the property.

Payment of the monetary compensation under this Law shall be commenced on 1 January 2013 and shall finish by 1 March 2023. The monetary compensation shall be deemed to be paid in instalments and shall be earmarked by the Seimas in the state budget of each year taking into consideration the financial possibilities of the State and shall be paid by 1 March of each year.

A one-off amount of 3 million Litas (1,2 mln.USD) shall be allocated to support the persons of the Jewish nationality who resided in Lithuania during the Second World War and who suffered from the totalitarian regimes during the occupations as a part of the monetary compensation, but not later than within three months from the appointment of the foundation.

The monetary compensation paid under this Law may not be used for purposes other than the following:

- 1) for the religious, cultural, health care, sports, educational and scientific goals pursued by Lithuanian Jews in Lithuania. In disposing of the funds allocated for this purpose, the foundation shall finance the target projects in the fields referred to;
- 2) to support the persons of the Jewish nationality who resided in Lithuania during the Second World War and who suffered from the totalitarian regimes during the occupations.

The immovable property transferred under this Law must be used solely for the religious, cultural, educational and scientific goals pursued by Lithuanian Jews.

Following the adoption of the Law on Good Will Compensation for the immovable Property of Jewish religious communities by the Parliament of Lithuania, at the Cabinet meeting of 4 April 2012 the Government of Lithuania has decided that the public institution “Foundation for Disposal of Goodwill Compensations for Jewish Religious Community Immovable Property”, which had been set up by the Jewish communities, will be the collegial management body of the compensation for the immovable property of the Lithuanian Jewish religious communities .

The Foundation will also support the Jews who lived in Lithuania during the Second World War and were victims of the totalitarian regimes (Holocaust and Soviet repressions). For this purpose it has been transferred to the Foundation 3 million Litas (1,2 mln.USD) from the State budget for the year 2012.