Green Paper on the Immovable Property Review Conference 2012

Green Papers are documents published not only by the European Commission to stimulate discussion on given topics at European level and beyond it. They invite the relevant parties (bodies, states or relevant individuals) to participate in a consultation process and debate on the basis of the proposals they put forward. Green Papers may lead to legislative activities that start with an outline called White Paper.

As a European institution we use this method in order to stimulate the debate on the above mentioned topic and work thus in an inviting and inclusive way.

Jaroslav Šonka

Director of the European Shoah Legacy Institute in Prague/Terezín

Starting point of this activity was an initiative of the responsible Working Group of the European Shoah Legacy Institute, letter of the Minister of Foreign Affairs of the Czech Republic and a letter of the Director to the countries which endorse the Terezín Declaration (see below) asking for any information related to the topic. In the following space we shall consecutively present the positions we have as yet obtained initiating thus a debate. Please send any contribution to info@shoahlegacy.org.

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The original letter initiating this debate

To: Representatives of 47 countries endorsing Terezín Declaration

Honorable Ladies and Gentlemen,

During the Czech Presidency of the EU Council in 2009, the Government of the Czech Republic organized and hosted the Holocaust Era Assets Conference to review progress made in identifying and recovering the assets of Holocaust victims since the 1998 Washington Conference.

The Prague Conference discussed issues such as social welfare of survivors, movable and immovable property, looted art and Judaica restitution issues as well as Holocaust education, remembrance and research. The most important of its results was the Terezin Declaration, endorsed by 47 participating countries, which included a pledge by the Czech Government to establish the European Shoah Legacy Institute (ESLI). ESLI began its operation in January 2010. Since my appointment as director of ESLI in April 2011, I have tried to renew communication and cooperation with countries endorsing the Terezín Declaration as well as with significant partners among the relevant NGOs.

As a follow up to the 2009 Holocaust Era Assets Conference and the Terezin Declaration, 43 countries again met in Prague one year later (June 2010) and agreed upon and endorsed the attached "Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II".

As envisioned in that document, the European Shoah Legacy Institute (ESLI) will host a conference in November 2012 in order to review progress achieved on restitution and compensation of immovable (real) property and to recommend best practices for necessary future action. The conference will be held under auspices of H.E. Minister of Foreign Affairs Karel Schwarzenberg in the Czernin Palace, seat of the Ministry of Foreign Affairs of the Czech Republic. Invitations will be extended

to senior ministerial officials as well as to representatives of NGOs and experts actively involved in restitution issues.

Therefore, we kindly ask you to provide ESLI with information regarding the steps taken by your country on the issues covered by these *Guidelines and Best Practices*, including relevant legislation and administrative measures regarding property restitution, whether adopted or in preparation. This should include a description of the laws and procedures covering both private (individual) property as well as communal/religious property and should also include statistics on any restitution to date.

In the coming months the Working Group on Immovable Property of the ESLI Advisory Council will be requesting additional material on restitution from countries in preparation for its report and to help facilitate discussions at the review conference.

I would be very grateful if your Ministry and/or your office, representing one of the countries endorsing the Terezin Declaration, would provide ESLI with the required information till´ the end of May 2012 as well as with support during the preparations for the conference. It would also be a great pleasure for me to welcome to Prague your country´s delegation headed by a senior diplomat. In a similar way, I would appreciate to obtain proposals of NGOs, which should, in your opinion, participate at the conference as members of your National Delegation.

Sincerely,

Jaroslav Šonka, Director of ESLI

1. Argentina

I. Firstly, given that the main theme of the Conference is a matter of immovable (real) property, it should be noted that Argentina did not face confiscations as those that arose before or during World War II. Given this specificity, it could be argued that it does not apply to Argentina, as it was not occupied by the Nazis.

II. Nevertheless, Argentina is deeply commitmed to education, remembrance and research on all aspects of the Holocaust. In this context, the Ministry of Foreign Affairs of Argentina has decided to include the issue within its Country Report for the ITF (Task Force for International Cooperation on Holocaust Education, Remembrance, and Research), and contribute in this manner to Argentina's position. Argentina is also determined to share all available information.

III. In regards to movable property, artwork, etc., this issue has already been addressed by institutions such as the National Secretary of Culture, which, on two occasions, carried out a survey without finding such objects. Nevertheless, the team in charge of the Country Report for the ITF considered that the research should continue. It will therefore contact the adequate professional staff, as well as keeping up with the findings of the Claims Conference.

IV. In short, although the conference next November does not touch upon issues requiring an active participation from Argentina in terms of its historical and geographical context, it indeed could be part of its work within the Country Report for the ITF, and therefore it has been included in the program.

2. Austria

Austria and the Restitution of Seized Immovable Property 1945 to Present

Austria has extensively dealt with the issue of restitution since 1945. Therefore Austria has signed the Terezín declaration and has actively participated in the elaboration of the "Guidelines and Best Practices for the restitution of immovable (real) property confiscated or otherwise wrongfully seized by the Nazis, Fascists and their Collaborators during the Holocaust (Shoah) Era from 1933-1945, including the period of World War II". Based on her own experiences, Austria believes that these Guidelines define key requirements and offer a good framework for putting restitution measures in place. As a signatory of the Terezin Declaration, Austria therefore encourages all countries concerned to seek an early implementation of the Guidelines by making use of existing experiences and best practices.

Post-war measures concerning the restitution of immovable property:

In 1945, the re-established Republic of Austria faced the task of dealing with the enormous displacement of property that had occurred under the National Socialist regime. The provisional government passed the "Ordinance on the Notification of Seized Property" as early as May 1945.1 In 1946/47, legal transactions and other legal actions carried out during the German occupation of Austria were annulled2 and the statutory basis for the restitution of seized properties was initially established through the First, Second and Third Restitution Acts.3 For the majority of seized properties, predominantly those which had been "aryanized" by private individuals, the Third Restitution Act was applicable. In total, seven restitution acts were enacted.

The findings of the Austrian Historical Commission

An Historical Commission of the Republic of Austria was established in 1998, "to investigate and report on the whole complex of expropriations in Austria during the Nazi

[1] Ordinance on the Notification of Aryanized and other Property Seized in Connection with the National Socialist Assumption of Power of 10 May 1945, StGBl 10/1945.
[2] Federal Law of 15 May 1946 Declaring Null and Void the Legal Transactions and other Legal Actions during the German Occupation of Austria, BGBl 106/1946.
[3] Federal Law of 26 July 1946 on the Restitution of Seized Property Administered by the Federal Government or the Federal Provinces, BGBl 156/1946; Federal Law of 6 February 1947 on the Restitution of Seized Property Owned by the Republic of Austria, BGBl 53/1947; Federal Law of 6 February 1947 on the Annulment of Property Seizures, BGBl 54/1947.

era and on restitution and/or compensation (including other financial or social benefits) after 1945 by the Republic of Austria".4 In a control sample, the Historical Commission arrived at the conclusion that with regard to property "which had been seized on the basis of the Eleventh Decree to the Reich Citizenship Law or as assets hostile to the people and the state and were therefore to be restituted pursuant to the First Restitution Act […], virtually all property shares had been restituted in their entirety."5 In those cases in which a property was not seized by the state but had been "aryanized" by private individuals (under the supervision of the Property Transaction Office), this figure is considerably lower. Around 60 % of the properties subject to an "aryanization" by means of a purchase contract were entirely or partially restituted, in around 30 % of cases restitution proceedings were held but concluded without an in rem restitution. In many instances, these cases were dealt with by in-court or out-of-court settlements. In the remaining 10 % of cases, no restitution occurred. In these cases, the Collection Agencies, established on the basis of the State Treaty of 1955, were able to lay claim to the assets such as real estate which had remained "heirless" and use the proceeds to benefit the victims of National Socialism.

The Historical Commission's research showed that although the majority of seized properties had been subject of restitution proceedings, many claimants had felt the proceedings conducted after the war to be unsatisfactory. The complexity of the restitution legislation and the deadlines, coupled with the lack of state assistance for the victims of the seizures in their efforts to regain their property were decisive factors in this regard.

Compensation for and Restitution of seized immovable property in Austria since 2001

The following additional measures of Compensation and Restitution have, therefore, been taken: The **General Settlement Fund for Victims of National Socialism** was

[4] See http://www.historikerkommission.gv.at/e_mandate1.html

[5] Jabloner, Clemens et al. Schlussbericht der Historikerkommission der Republik Österreich. Vermögensentzug während der NS-Zeit sowie Rückstellungen und Entschädigungen seit 1945 in Österreich. Zusammenfassungen und Einschätzungen. Vienna 2003 (= Publications of the Austrian Historical Commission, vol. 1), p. 320.

established on the basis of the Washington Agreement of 2001.6 The Fund represents the recognition of the moral responsibility for property losses suffered by those persecuted by the National Socialist regime in Austria by awarding ex gratia payments. These payments do not constitute lump sums but are calculated based on the amount of the individually established property losses and are distributed in relation to the total available amount of 210 million US Dollars (pro rata payments).

The Claims Committee of the General Settlement Fund decides on applications for compensation in ten categories of losses (real estate, liquidated businesses, bank accounts, stocks and securities, debentures, mortgage claims, movable assets, insurance policies, occupational and educational losses, other losses and damages). Immoveable property which was seized during the Nazi era and was privately-owned on the cut off day 17 January 2001 was also compensated on the same pro rata basis mentioned above (between approx. 10 and 15 % of the established loss, depending on the procedure selected). Once all payments have been completed, it is estimated that around 24,000 beneficiaries will have received a payment from the General Settlement Fund.

Alongside with the General Settlement Fund, Austria established an **Arbitration Panel for *In Rem* Restitution**, which decides on applications for restitution of assets. Possible objects of restitution under consideration of the Panel are immovable property (real estate) or movable property of Jewish communal organizations which had been seized from their owners during the National Socialist regime in Austria (1938-1945) and which were publicly-owned (by the Federation, provinces and certain municipalities) on the cut off day of the agreement, 17 January 2001. Jewish communal organizations can also apply for the restitution of movable tangible assets, particularly cultural and religious items which are under public ownership.

A requirement for restitution is that the requested assets have not already been the object of a claim decided upon by Austrian courts and administrative bodies or settled by

[6] Federal Law on the Establishment of a General Settlement Fund for Victims of National Socialism and on Restitution Measures (General Settlement Fund Law), as well as on an Amendment to the General Social Security Law and the Victims Assistance Act, Federal Law Gazette I no. 12/2001 (English Translation). Agreement between the Government of the United States of America and the Austrian Federal Government concerning the settlement of issues in connection with compensation and restitution for victims of National Socialism, Federal Law Gazette III no. 121/2001.

agreement. In exceptional cases, the Arbitration Panel may recommend *in rem* restitution despite the existence of such a decision or settlement by agreement (a so-called "prior measure") if the Panel reaches the unanimous decision that the prior measure was "extremely unjust". In practice, the Arbitration Panel almost always has to rule on cases in which the assets claimed had already been the subject of restitution proceedings.

The Arbitration Panel for *In Rem* Restitution has so far decided on 1,206 of 2,251 applications received, including 90 recommendations for the *in rem* restitution of property (as at: September 2012). Here it must be taken into account that the large majority of applications are for property which was not publicly-owned on the cut off day. Roughly estimated, the total value of the real estate which had been recommended for restitution by the Arbitration Panel comes to around 42 million Euros.

Conclusion

The Arbitration Panel for In Rem Restitution was established on the basis of the Washington Agreement as part of the Austrian effort to achieve the "comprehensive resolution of open questions of compensation for victims of National Socialism". It seeks to fill the gaps and deficiencies in the previous restitution legislation and has the mandate to legally re-examine prior decisions and set right cases of "extreme injustice".

Austria implemented a number of further measures that constitute a major contribution for Austria to fulfil her responsibility to adequately respond to the tragic acts of persecution of Jews and other groups of victims by the Nazi regime on the territory of today's Austria, i.e. the General Settlement Fund Law that allowed for compensation for a number of other losses; a regime for the restitution of art[7]; measures to provide special social benefits and welfare for victims of Nazi persecution; the sponsorship of a wide range of further projects of different kind relating to National Socialism and for the benefit of the victims; and, most recently, a regime for the preservation and restoration of the Jewish cemeteries in Austria[8].

[7] Federal Law concerning the return of works of art from Austrian federal museums and collections, Federal Law Gazette I 181/1998.

[8] Federal Law on the Establishment of a Fund for the Restoration of the Jewish Cemeteries in Austria, Federal Law Gazette I no. 99/2010.

Austria considers such efforts a responsibility and an obligation towards the victims and therefore endorsed the Terezin declaration of 2009. We are ready to lend our support and experience to all countries which choose to implement the "Guidelines and Best Practices for the Restitution of immovable (real) property confiscated or otherwise wrongfully seized by the Nazis, Fascists and their Collaborators during the Holocaust (Shoah) Era between 1933-1945, including the period of World War II".

For more detailed information on the National Fund of the Republic of Austria for Victims of National Socialism, the General Settlement Fund for Victims of National Socialism or the Fund for the Restoration of the Jewish Cemeteries in Austria please see the media information 10/2012 or log on to the following websites:

- www.en.nationalfonds.org
- www.generalsettlementfund.org
- www.jewishcemeteries.at
- www.artrestitution.at

Please read information about the implementation of the Terezin Declaration in Austria in the Media Report of the National Fund of the Republic of Austria for Victims of National Socialism here.

3. Bosnia and Herzegovina

Terezin Declaration – Information

Bosnia and Herzegovina is one of the countries, which has signed the Terezin Declaration and has experienced directly a genocide, a crime against humanity, as well as serious violations of human rights. For this reason, we are convinced that the following information will be usable, in the spirit of the Latin saying „Usus est optimus magister".

First and foremost, we would like to emphasize that Bosnia and Herzegovina supports any activity, which is aimed at investigating violations of international humanitarian law and human rights that occurred during World War II, or that take place in today's world, targeting to detect events that have taken place, in order to direct the United Nations Organization to react to any manifestation of intolerance wherever in the world.

Bosnia and Herzegovina is a multinational, multireligious, or if one wishes, multicultural commonwealth, and the principle of guarding human rights and fundamental liberties through strengthening of democratic system, multicultural dialog, tolerance of national, religious and cultural differences and suppression of any type of discrimination of any member of the society is its motto.

Most importantly, we would like to emphasise, that Bosnia and Herzegovina attempts to maintain a positive cultural environment through strengthening of mutual dialog, which forms the basis of tolerance building process with regards to cultural differences in the society in general.

The establishment of international bodies for safeguarding of human rights, including the bodies of the European Commission (ECRI), in which Bosnia and Herzegovina has a permanent representative, or the United Nations' bodies (CERD) for the fight against racism, intolerance and prevention of discrimination, as well as acts like the passing of the Durban Resolution, are regarded as a major contribution for the mechanisms of human rights protection by means of information flow to target groups, aimed at strengthening tolerance and consolidation of differences as well as further enhancement

of equality before the law, equality before the courts, freedom of expression and freedom of worship, right to education etc.

The control mechanisms of international bodies for the compliance with humanitarian law and protection of human rights in general contributes not only to proper implementation of international conventions (pacts and other types of treaties) at a given member state territory, but functions also as prevention against serious human rights violations or violations of Geneva Convention with regards to the most endangered population segments like children, women, wounded, civilians and threatened national and ethnic minorities.

The constitution of Bosnia and Herzegovina as the fundamental legal framework in the hierarchy of laws includes the European Convention on the Human Rights (formally the Convention for the Protection of Human Rights and Fundamental Freedoms) and thus enjoys constitutional authority within the legal system of Bosnia and Herzegovina, indicating the course taken by Bosnia and Herzegovina in this respect and its readiness to cooperate with the United Nations, European Union and OSCE in order to strengthen the mechanisms of human rights and fundamental freedoms protection. It is important to emphasize that the principle of 'discrimination ban' is included not only in the constitution of Bosnia and Herzegovina as a whole but also in the constitutions of its regional constitutive parts. As regards the legal system of Bosnia and Herzegovina, at present, we are witnessing the ongoing passage of a law banning all fascist and neo/fascist organizations, including the ban on the usage of their symbols and signs. In 2009 the law banning discrimination on the territory of Bosnia and Herzegovina was adopted.

Bosnia and Herzegovina has implemented the fundaments of the International Convention eliminating all forms of discrimination into its penal system, meaning that it has instituted the criminal acts like crime against humanity, genocide, war crime against civilian population, war crime against wounded, war crime against prisoners of war, organising groups inciting to commit genocide, crime against humanity, human and citizen equality violations, vandalising of cultural, historical and religious memorials, and by doing so, it has implemented a mechanism of human rights and fundamental freedoms protection for all its citizens regardless of race, sex, language, confession etc.

We emphasize that, at present, Bosnia and Herzegovina is trying to solve the problem of national minorities titled ‘Others’ in its constitution in accordance with article IV and V of the constitution, a problem, which was pointed at by the European Court of Human Rights in Strasbourg in the case Sejdic-Finci vs. Bosnia and Herzegovina, when it deliberated that the constitution of Bosnia and Herzegovina favours the constitutional nationalities (Bosnians, Serbs and Croatians) over other ethnic groups, which are titled minorities and which include 17 groups (including the Jews), as per the law protecting the rights of national minorities adopted in 2003. It is expected that in the near future the problem cited in the resolution of the European Court of Human Rights be solved, especially taking into consideration the fact that a joint commission of both chambers of parliament has been assigned to do so.

Bosnia and Herzegovina consists of three constitutional nations (Bosnians, Serbs and Croatians) as set by the constitution and 17 national minorities as set by the law on the protection of members of national minorities (one such minority being the Jews, consisting of Sephardic Jews who have migrated to Bosnia and Herzegovina in the 15th century during the era of renaissance and the big geographical discoveries, in a period when this group was expelled, together with the Arab Moors, by King Ferdinand and Queen Isabella; and the Ashkenazi Jews who have migrated to Bosnia and Herzegovina during the existence of the Austro-Hungarian Empire, around that time the Synagogue of Sarajevo was built in the vicinity of the old cathedral of Sarajevo).

Bosnia and Herzegovina has 4 monotheistic religions being practised on its territory, similarly to Jerusalem. Sarajevo, the capital of Bosnia and Herzegovina, is the second city in the world, where there is a catholic church (Cathedral), an orthodox church (Pravoslovna crkva), a mosque (Begova Mosque) and a synagogue within an area of 500 square metres, which is a great treasure that must be protected (this is emphasised by events like the International Peace meeting, which took place between September 9-11, 2012. Our future is to live together.)

We emphasize that during the fascist invasion in 1941 there were 14 000 Jews in Bosnia and Herzegovina, out of which 9 000 lived in Sarajevo, being one of the most important Jewish centres in the area. Sarajevo back then was a centre of the Sephardic tradition.

From statistical data, it follows that 10 000 Jews residing back then in Bosnia and Herzegovina were murdered in the concentration camps of Jasenovac and Stara Gradiska. The remaining Jews, who have survived, have continued to live and work in Bosnia and Herzegovina and today they number around one thousand.

Bosnia and Herzegovina recognises the Day of Holocaust Remembrance (27.1.) as a day of remembering the Jews as victims of Nazism, Jews that lived together with the citizens of Bosnia and Herzegovina in peace for over 500 years. The citizens of Bosnia and Herzegovina stood courageously against the fascists, in order to protect the endangered nations, including the Jews, and the rescue of the Sarajevo Hagada is a proof of this approach both in the World War II and in the recent conflict.

In the period between 1992-1995 Bosnia and Herzegovina has lived through terrible war events, from which it has still not recovered completely, and as such it shares the feelings of the harm inflicted upon both Bosnian Jews and the Jews around the world.

The conflict of the 90s was a negative experience for Bosnia and Herzegovina as a whole and for the victims in particular, serving from then on as a lesson. Bosnia and Herzegovina has established the Institute of missing persons (the number of missing persons in Bosnia and Herzegovina is around 8 500).

Bosnia and Herzegovina is a member of the United Nations and the Council of Europe and has a thousand-year long tradition on the European continent and as such, it has recently signed the Stabilization and Association Agreement aiming at strengthening the multinational, multicultural democratic society, where all the citizens will enjoy equality before the law and human rights protected by international instruments – both the constitutional nations and the members of the recognized minorities. We emphasize that this was the main goal when the law prohibiting all the fascist and neo-fascist organizations was negotiated; its adoption is awaited.

By signing of the Dayton peace accords, Bosnia and Herzegovina has achieved peace, and immediately after the initial recovery, it started to support tolerance and understanding of differences, launching the journey towards the development of a modern democratic state, which has attempted to join the European integration process as quickly as possible.

Further, Bosnia and Herzegovina supports criminal prosecution in all cases of war crimes against humanity and in the area of international humanitarian law. Bosnia and Herzegovina attempts at implementation of effective and just mechanisms and establishment of international institutions for the protection of human rights, so that injustice is punished and cruel history does not repeat itself, as said so aptly in the saying ‘magistra vitae’.

Without any doubt, the Nazi-fascist terror, or the Holocaust, belongs among the most cruel instances of evil, the photographs of the Jewish victims in ghettos like in Terezin near Prague in the period 1941-1945 bearing the testimony of that evil and intended murder of human beings, of beings that differed.

That means that also today with all due respect to the remembrance of holocaust victims it is absolutely necessary to fight with all available means all cruel occupational regimes, to bring the perpetrators to justice (as was relatively effectively done at the Nuremberg trials), to bring the enemies to the negotiation, strengthening dialog as a means of reconciliation and prevention of future conflicts.

In school books, the Holocaust is defined as total annihilation and murder of the Jewish nation in the period of World War II, yet the Holocaust is not taught as a separate school subject neither in the primary school system (5th-9th grade) nor in the secondary school system (1st-4th grade). Teaching about the Holocaust takes place within the context of social sciences, i.e. history, literature, sociology, human rights education and history of art.

We emphasize that the educational system in Bosnia and Herzegovina is now going through a reform process, in which it is attempted to unify the history education, since at this point there are still different historical narratives of the history of our country. As regards the Holocaust education, it is to a great extent unified and represented in the whole of Bosnia and Herzegovina.

There is no special museum or memorial dedicated especially to the Holocaust in Bosnia and Herzegovina, but parts of the exposition in the Jewish Museum of Bosnia and Herzegovina are dedicated to the Holocaust.

A Department for the protection human rights and cooperation with national and other minorities exists within the framework of the Ministry for human rights and refugees of Bosnia and Herzegovina. This department is charged with, inter alia, the implementation of the law protecting national minorities in Bosnia and Herzegovina, the fundamental accord on the rights of the members of national minorities as well as the European charter for regional or minority languages, laws that guarantee the human rights of minorities, such as the right to a language, information, right to be represented in the government etc. (as detailed in the election law of Bosnia and Herzegovina and in both entities separately).

A Jewish cultural community 'Lira' operates in Bosna and Herzegovina and the Jewish cemetery Grobljanska cjelina in Sarajevo has been designated as a national cultural site of Bosnia and Herzegovina. This national cultural site is protected in accordance with the law on the implementation of the resolution of the Committee to protect national sites, adopted on the basis of Annex 8 of the Dayton Accords.

In accordance with the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (which forms a part of the constitution of Bosnia and Herzegovina and is a fundamental document of the Council of Europe), the Ministry for human rights and refugees of Bosnia and Herzegovina supports all the activities aiming at restitution of unlawfully expropriated property of both Jewish victims of the Holocaust and other members of national minorities, who were deprived of their property during World War II or on the basis of any destructive policy aimed against some particular group.

There are more than 1000 Jews living in Bosnia and Herzegovina today, a majority of them - some 700 – live in Sarajevo. With regards to the fact that Bosnia and Herzegovina has not adopted a law on the restitution of nationalized property yet, the property, which has been taken from the Jews after World War II has not been restituted either to the Jewish individual or to the Jewish religious community. The adoption of such law is further complicated by the existence of another law - a law, which favours and enables acquisition of apartments by tenants and not by the owners.

With regards to the above-stated facts, Bosnia and Herzegovina, supports acts of remembering the Holocaust victims, aiming at implementation of the local legal provisions as well as of the international instruments for the protection of human rights, which it had ratified in the framework of the succession process.

4. Bulgaria

Excerpt from Dimitar Philipov the Director of the Human Rights Directorate at the Affairs of the Republic of Bulgaria from a letter Ministry of Foreign to Jaroslav Šonka, the Director of the European Shoah Legacy Institute.

[…] In those statements Mr. Valchev and Mr. Benveniste underscored that in the Republic of Bulgaria the problem of restitution of real estate owned by the Jewish organization has been largely solved. In the period 1992-2009 the ownership of the total of 70 real estate objects (synagogues, residential houses, land etc.) in Sofia and other cities was restituted by the Organization of the Jews in Bulgaria “Shalom”.

In the period after the Prague Holocaust Era Assets Conference, the Organization of the Jews in Bulgaria “Shalom” received full compensation for the land on which the Rila Hotel in central Sofia is built.

There is only one outstanding case related to real estate owned by a Jewish organization – the restitution of the former residence of the Rabbi of the Synagogue in central Varna. This case is expected to be solved shortly by the local authorities.

Recalling the fact that back in 1943 the Bulgarian people did not allow the Holocaust to happen on their territory and almost 50 000 Bulgarian Jews were rescued from deportation to the Nazi concentration camps, I wish to point out that there are no outstanding issues regarding the real estate sites owned by individuals of Jewish origin since the properties were returned to these persons after World War II. As Bulgarian citizens, the Jews might have been affected by the communist nationalization of their immovable property after 1944. However, since the democratic changes in Bulgaria which started in 1989 restitution legislation has been enacted allowing both Bulgarian and non-Bulgarian citizens and their heirs to claim restitution of their private property confiscated during the communist period. At present the Law on Reinstatement of Title of Expropriated Real Estate provides for filing of claims for restitution of real estate by individuals. […]

5. Croatia

Information regarding the steps taken by the Republic of Croatia with a view to restitution and the relevant issues covered by “Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933 – 1945, Including the Period of World War II”
Please find the Croatian IPRC Report here

6. Czech Republic

Ministry of Finance

In Prague August 28 2012

Subject: Assessment conference

Ministry of Foreign Affairs Czech Republic

Dear Mr. Director,

Your letter Ref. Nr. 114605/2012-OSE sent electronically, requesting information for the upcoming Assessment Conference and the development in the Czech Republic in the area of Immovable Property Restitutions and Compensation within the last two years has been received by the Ministry of Finance on August 24 2012. Regarding this we would like to inform you on the following:

With reference to our analysis provided to you in relation to the preparation of the International Holocaust Era Assets Conference in Terezin in the year 2009, the claims for restitution of property confiscated for racial reasons during World War II have been addressed by various legal acts in the past, namely Act No. 128/1946, Coll., on the invalidity of certain property transfers) and the associated Act(No. 87/1991, Coll. (on out-of-court rehabilitations), as amended by Act No. 116/1994, Coll., Act No. 229/1991, Coll. (on ownership rights to land and other agricultural property), as amended by Act No. 212/2000, Coll., and act No. 217/1994, Coll. (on one-off payments to certain victims of the Nazi Persecution) and through the provision of compensation from the Holocaust Victim Compensation Fund or Czech-German Future Fund. The Ministry of Finance is only competent for payment. of financial compensations pursuant to Act No. 87/1991, Coll as amended. The indemnification under the (above) mentioned act is still ongoing based on newly filed applications or applications that challenge final court decisions, in which the court refused to order the hand-over of the (confiscated) property to the plaintiff.(restitution in rem).

In the past two years there were no amendments regarding the indemnification of Jewish property and it is not known whether a new legislation is prepared. Regarding the amended restitution of church property, we cannot say, if it will also concern the

Jewish religious communities. The mentioned law is not within the competence by the Ministry of Finance. We recommend approaching the Ministry of Culture, which is competent in this matter. Similarly, restitutions of the Jewish communal property are not within the competence of the Ministry of Finance.

With respect to the above mentioned list of laws and a broad existing judicature, we hold the view that, even though the question of restitutions has been handled most extensively in the Czech Republic out of all other countries with post-totalitarian regimes, it is not possible to compensate all past wrong-doings completely. Therefore we appreciate your support of further assistance to the Holocaust victims in accordance with the goals set by the Holocaust Era Assets Conference and the ensuing Terezin Declaration.

With kind regards

JUDr. Monika Vláčilová

7. Estonia

Restitution in Estonia

By Uku Hänni,

State Assets Department

Ministry of Finance

After its independence was restored in 1991, Estonia also reinstated the continuity of the right of ownership. The return of unlawfully expropriated property, or restitution, was made possible by the fact that Estonia regained its independence on the basis of its own legal continuity. The property reform that took place involved all of Estonian society and for the most part happened over a very short time, utilising existing state structures. The impetus behind the property reform was the desire for justice of a people that had just been liberated from Soviet occupation as well as the dream of restoring Estonia to the country it once was. Property reform, which had the support of a majority of the people, created a firm foundation for economic reforms in Estonia and guaranteed a rapid transition to a market economy.

During the first few years of the Soviet occupation in Estonia (1940-41 and after World War II), land, real estate, and industrial and agricultural assets were entirely nationalised and/or collectivised by the Soviet regime. Around the time that national independence was restored in the early 1990s, a majority of Estonian political forces supported the idea that unlawfully expropriated property must be returned to former owners and their successors (re-privatised). The principles of restitution were established by the Parliament in the Principles of Ownership Reform Act adopted in 1991 and the major aspects of the restitution of land in the Land Reform Act of 1991.

The general principles of restitution foresee the return of and compensation for unlawfully expropriated (nationalised, collectivised, abandoned during mass repressions, etc.) property to former owners and their successors, provided that it does not infringe on the interests of other persons that are protected by law. When the natural return of property is regarded as not possible, or the entitled subjects do not claim it back, the

state compensates the subject for the property by issuing compensation bonds (1) – dematerialised securities redeemed by the state mainly through the process of the privatisation of dwellings, land, shares and assets of companies, etc.

The individuals entitled to restitution are the former owners of unlawfully expropriated property and their descendants. Restitution laws state that property will be returned or compensation given to owners that were Estonian citizens or organisations or religious groups that were active in Estonia at the moment of Estonia's occupation, 16 June 1940, assuming that their chartered activity has been restored. Those entitled to restitution may be natural or legal persons as well as local governments or the state itself. The later citizenship and country of residence of the owners of the property and their legal successors or descendants do not matter. The property that is subject to return and compensation was illegally expropriated between 16 June 1940 and 1 June 1981 – this includes the private and communal property confiscated primarily from the Jewish community(2) by Nazi German occupation authorities between 1941 and 1944.

In returning illegally expropriated property to Jewish individuals or Jewish organisations, Estonia has followed the same regulations that are in place for returning all illegally expropriated property. In all cases, a resolution has been found that satisfies all parties and there are no disputed cases. (2)

Some examples of the return of illegally expropriated property to Jewish organisations:

- The Estonian Jewish congregation applied for and got back the property located at Karu 16 along with the building of the former Tallinn Jewish Secondary School. The process took place in accordance with the regulations foreseen by law and was completed without obstacles.

The Estonian Jewish School (a public school) now functions in the building. The annex built on the property in 1970 was purchased by the Estonian Jewish Community in 1998. Following renovations a temporary synagogue and community centre were opened in the annex. In 2007 a new synagogue was opened on the eastern end of the property.

- The Estonian Jewish congregation applied for the return of the Tallinn synagogue property located at Maakri 5. The Tallinn synagogue, which was damaged in the bombings of March 1944 and destroyed following World War II, was located in an area where the street network and positions of properties have changed significantly (partially on Rävala Street, where the B-building of the Tallinna Kaubamaja shopping centre is located and behind it). Taking these circumstances into consideration, it was decided to compensate the congregation with Estonian privatisation vouchers.

- The Jewish community of Tartu applied for the return of the property of the Tartu synagogue on Turu Street, the property of the Tartu Jewish School on Aleksandri Street, the property of the old Jewish cemetery on Roosi Street, and the Jewish cemetery in Lohkva in Luunja township. Both cemeteries were returned in accordance with the appropriate procedures. The Tartu synagogue and Tartu Jewish School were destroyed during the war. The property of the Tartu synagogue was compensated with Estonian privatisation vouchers, as the property borders in that area had not remained the same due to changes in the street network. The borders of the Tartu Jewish School had remained the same but the return process was complicated by the fact that the territory was being used by a rescue unit. The Rescue Board was unwilling to give it up because the only access to the rescue unit's building was located on the property that was to be returned. After long negotiations, the property was returned and the Rescue Board then bought it back.

The total number of parties entitled to restitution was 230 000 (18% of the present population of Estonia), among them about 13 000 foreigners. The real procedures of returning and compensating property began in 1991 and by now the massive process of restitution has mostly been completed. There are still some complicated restitution proceedings and court cases that may last several more years.

Most of the property to be returned or compensated fell under the category of land(3) (urban, agricultural, forest, etc.), which made up 86% of the total value of all returned or compensated assets. By today 1.50 million hectares of agricultural and forest land and

28 million square meters of urban plots have been returned (about 99.5% of the estimated final target); people have also received compensation for 1.2 million hectares and 107 million square meters of the land that was nationalised in 1940. The compensation value of the land was determined by the land taxation price for 1993. Former farmlands and plots under new urban areas were not returned, only compensated. As a result of extended urbanisation during the last decades a significant portion of agricultural land was not claimed back and remained free for privatisation.

In addition, buildings (mostly dwellings) determined to have retained their original form have been returned together with former plots. Destroyed buildings, ships, and industrial and agricultural assets have mostly been compensated for. The shares of companies were compensated but other kinds of securities and legal obligations were not. About 1 000 restitution claims out of 140 000 (less than 1%) have still not been satisfied.

Today the process of restitution has slowed down because of legislative changes and inconsistencies in carrying out the restitution policy by the successive governments, but even more so due to numerous long-time lawsuits.

The most significant social conflict in the process stemmed from the return of rental houses, which placed both the new owners and the tenants in a difficult position. The former needed considerable resources to recover their property, but the latter were often not capable of paying higher rent or moving to another residential space. However, the situation seems to have abated with the help of soft loans and subsidies provided for housing construction and the resettlement of tenants.

Troublesome political and juridical discussions also arose regarding whether the real property of the Baltic Germans who left Soviet-occupied Estonia in 1941 (the so-called post-settlers - die Nachumsiedler) should be returned to them on equal grounds with Estonian nationals or not. The problem has technically been settled for the time being. In October 2006 the Supreme Court decided that the former post-settlers must be treated equally to other subjects entitled to restitution – i.e. all persons who were citizens of Estonia on 16 June 1940 and whose property was illegally expropriated. The Court also stated that their restitution claims must be reconsidered by the local commissions and addressed by local governments.

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(1) The universal dematerialised Privatisation Vouchers (PV) have two different origins: the Popular Capital Obligations (PCO) issued to all residents of the Republic of Estonia according to their length of employment, and the Compensation Bonds (CB) issued as compensation for illegally nationalised property. The freely tradable PVs were noted by the Tallinn Stock Exchange. Their market price has fluctuated within a wide range and is currently about 90 percent of their nominal value during their last few years of use. The PVs have been immobilised since 31 December 2006 and the unutilised vouchers are to be disbursed according to their nominal value. Since then, outstanding compensations have been paid out in cash.

(2) During his visit to Israel in July 1998, then Foreign Minister Toomas Hendrik Ilves met with deputy chairman of the World Jewish Restitution Organization Naphtali Lavie, who gave the Republic of Estonia the following official assessment by the organization: Estonia is the only country in Eastern Europe to which the WJRO makes no demands.

(3)The total land area of Estonia is 4.2 million hectares. Before World War II 3.1 million hectares of land were privately owned and the rest (state forests, wetlands, coastal areas, etc.) belonged to the state.

8. Finland

Embassy of Finland

Prague September 19, 2012

[…] For Finland remembrance, research and education of the Holocaust is of great importance. It is vital that we continue to find ways to help the survivors and to solve unsettled restitution issues as we honour the memory of those who perished in the very dark period of our continent . At the same time, we must keep on fighting against racial and ethnic hatred, anti-Semitism and discrimination that still are an unfortunate reality in our societies today.

As stated in your letter, Finland took part in the 2009 Conference and was one of the signatory states of the Terezin Declaration. We continue to pay close attention to this issue and look forward to participating in the Prague Conference in November. My Ministry will also send the requested information to the European Shoah Legacy Institute and will be pleased to cooperate in any other way in relation to this very important question.

I wish to continue the good cooperation on the Holocaust related issues with you, Excellency, and with your Government.

H.E. Erkki Tuomioja

Minister of Foreign Affairs Finland

Ministry of Education and Culture

Helsinki, 26 November 2012

Subject: Request concerning property restitution and Invitation to take part in the Immovable Property Restitution Conference, Prague, 27–29 November 2012; Reply of Finland

Dear Mr. Šonka,

Referring to your letter of 11 April and the request to provide information regarding the implementation of the "Guidelines and Best Practices for the Compensation and Restitution of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933–1945, including the Period of World War II", the Ministry of Education and Culture states the following regarding steps taken:

The history of Finland during World War II is exceptional. Finland was one of the few European countries that was not occupied during or after the war. These special historical circumstances also had an influence on the Jewish population living in Finland. Jews were not persecuted nor was their property confiscated or appropriated.

It is not known to state authorities that objects belonging to the Jewish population would have been taken abroad at any point nor that any such property would have ended up in Finland. Therefore, no legal actions pertaining to this issue have taken place.

In order to solve various malpractices related to the World War II, provenance research has grown in significance during the past decades. Finnish museums have also started to pay special attention to the ownership histories of their artefacts. At present, provenance research plays a key role in the research activities of museums. A central guideline relating to new acquisitions is that objects with possible histories of unlawful transfers of possession are not obtained. Provenance of donated or bequested objects is also being verified.

The Ministry of Education and Culture, the Finnish Museums Association, the Finnish National Gallery (Ateneum Art Museum and Sinebrychoff Art Museum) and the National Museum of Finland have initiated a separate webpage concerning provenance

information of the state museums. This webpage has been launched under the homepage of the Finnish Museums Association.

Transparency of public activities is an important principle to Finland. This principle concerns both state authorities and museums. Thus, museums offer researchers free access to and use of lists of their objects.

Yours sincerely,

Riitta Kaivosoja

Director General

Department for Cultural, Sport and

Youth Policy

9. France

Real estate confiscated in France during the Occupation

Out of some 28,000 claims received by CIVS, less than 500 (or less than 2% of the total) concern real estate confiscated due to the anti-semitic laws in effect during the Occupation.

I. Real estate belonging to individuals

The statistics demonstrate that spoliation of real estate was relatively rare in France, especially since claims revealed no evidence of lasting spoliation, with claimants often unaware that real estate had been returned after the Liberation or that owners had already received compensation.

There are several reasons for this.

First, since most of those concerned had been living i France for only a few years, they lacked the means to acquire real property, and, fleeing anti-Semitism in their country of origin; they took refuge in France without significant financial resources.

Secondly, at the time, the share of people in France who owned their own living quarters was relatively small.

It is clear that Aryanization laws were also applied to real estate.

Fortunately, most Jewish property owners who survived the Holocaust were able to recover their property after Liberation since, unlike movable property, which is considered to belong to those who possess it (“Possession is nine-tenths of the law’), real property cannot be transferred physically from one person to another. A special procedure was implemented to annul the forced sales that had taken place.

As a result, only a few properties were not returned to their owners after the war because the owners had died without leaving heirs or because the heirs did not realize that the property was part of estate.

Created in 1999, the Commission for the Compensation of Victims of Spoliation (CIVS) as a result of anti-Semitic laws in effect during the Occupation intervenes in such cases. There is currently no deadline for filing a claim.

CIVS also provides compensation if the property was sold at a discount during the war. Such a situation may be detected using the difference between the purchase and sales prices compared with the overall real estate market at the time. Spoliation is assumed for any sale that took place after 27 September 1940, when the first measures against the Jews were taken by Nazis in the north of France (occupied zone). Before this date, property sales were not the result of anti-Semitic legislation, but acts of war, and as such are not within the jurisdiction of CIVS.

In several cases where properties were found to be – illegally- in the hands of the national or local government, which had subsequently sold it, CIVS takes into account the sale price (adjusted for inflation) and the profit is given to the beneficiaries of the owner who was a victim of spoliation.

In the event of a forced sale during the Occupation, CIVS takes into account the purchase price (usually from the 1930‘s), and applies a 10% appreciation (a study has shown that there was no real estate speculation between 1930 and 1945).

As of January 2012, total compensation amounts to €471.2 million allocated, or approximately 0.3% of the total. The relatively small amount is explained by the limited value of the property in question (often consisting of small plots for a small secondary residence or vegetable garden).

In most cases, CIVS needed to establish that the owners had recovered their property after the Liberation, which was unknown to claimants.

It should be noted that CIVS provides compensation for rental income which should have been received by the interim administrators and was not paid to the rightful owners after the Liberation.

II. Real estate belonging to Jewish communities

After the Liberation, there were no difficulties in compensating property confiscated from Jewish communities or (in the event the property was destroyed) to compensate them in accordance with laws pertaining to war damages.

It should however be remembered that in France, by virtue of the 1905 law on the separation of church and state, the government, which became owner of religious

edifices, turned them over to local municipalities, who made them available to worshippers.

Jewish communities were thus dispossessed of this property, but after the Liberation, measures were taken to re-establish the communities' usage rights.

For this reason, the return of or compensation for property built after 1905 which belonged to the communities is based on laws pertaining to war damages.

CIVS does not have jurisdiction with regard to property belonging to non-profit organizations, since its constitution gives it authority only over claims by individuals.

Report written by David Ruzié

Member of the Working Group and the Real Estate Advisory Commitee

of the European Shoah Legacy Institute (ESLI) (April 2012).

In France the "Commission for the compensation of Victims of Spoliation, Resulting from the Antisemitic Legislation in Force during the Occupation" (CIVS) issues every year an activity report. Overview of the reports since 2001 can be seen on the Commission's website: http://www.civs.gouv.fr/spip.php?rubrique35

The activity report for the year 2011:
http://www.civs.gouv.fr/IMG/pdf/Rapport_d_activite_CIVS_2011_anglais.pdf

9. Germany

Restitution and Compensation of Immovable Property Abusively Taken over by the State in the Time between 1933 and 1945

West Germany's Chancellor Konrad Adenauer established the emotional and psychological groundwork for Germany's restitution and compensation program when he solemnly declared to the German Bundestag on September 27, 1951:

The Federal Government and the large majority of the German people are aware of the unspeakable grief which, under the Nazi regime, was brought upon the Jews in Germany and in the occupied territories. … In the name of the German people unspeakable crimes were committed which call for moral and material restitution, with regard to individual damage inflicted upon Jews as well as to Jewish property whose original owners are no longer alive.[9]

Germany's restitution and compensation program followed basic principles which already governed the restitution policy of the Allied occupational forces immediately after the Second World War.[10] These principles were to ensure restitution and compensation of all property the Nazi state had appropriated or deprived by coercion or force, unlawful or by tortuous acts or interference to their rightful owners. In general, three types of lost property were distinguished:

- private property, that is, property belonging to victims or their heirs who survived

- heirless private property, that is, property belonging to victims who died or die intestate without leaving a spouse or relative entitled to his inheritance

- communal property, such as synagogues and their contents

Immovable Property Restitution Policy after 1945

Compensation for crimes committed by the Nazi regime began soon after the Second World War when the occupation powers, with the exception of the Soviet Union, enacted

[9] cf. http://www.auswaertiges-amt.de/EN/Aussenpolitik/InternatRecht/Entschaedigung_node.html
[10] cf. Menachem Z. Rosensaft and Joana D. Rosensaft: The Early History of German-Jewish Reparations, Fordham International Law Journal, vol. 25/6 (2001), p. S 1 ff.

laws in their individual occupational zones restoring property confiscated by the Nazis to the original owners.[11] The first of these laws was the American Military Government Law No. 59, which went into effect 10. November 1947.[12] These restitution laws ensured the unconditional return of all property (goods and rights) which were taken from persons who had been subjected to discrimination and persecution by the Nazi regime in the period from 30 January 1933 to 8 May 1945. All property which had been located in or brought to the territory of the three western zones had to be returned. There was no protection for property which had been distracted in the discriminatory ways as outlined above and afterwards purchased in good faith by third parties. Where property had been lost, destroyed or damaged, claims for compensation, also covering loss of use, could be filed under the allied regulations, which were based on the provisions of the German Civil Code (BGB). Spirit and purpose of the Allied restitution laws are to

… effect to the largest extent possible the speedy restitution of identifiable property...to persons who were wrongfully deprived of such property within the period from 30 January 1933 to 8 May 1945 for reasons of race, religion, nationality, ideology, or political opposition to National Socialism.[13]

A legal presumption of duress existed for properties that had been transferred from persecutes. Accordingly,

… any transfer or relinquishment of property made by a person who belonged to a class of persons which […] was to be eliminated in its entirety from the cultural and economic life of Germany by measures of the State or the NSDAP for reasons of race, religion, nationality, ideology or political opposition to National Socialism shall be presumed an act of confiscation.[14]

This legal presumption for the benefit of Jewish victims reflects the specific circumstances of the Holocaust and counteracts difficulties claimants often faced due to a lack of evidence. There exists an extensive body of case-law which illustrates the

[11] for Berlin see: Berlin Kommandatura Order BK/O (49) 180, VOBl. für Groß-Berlin 1949, Teil 1, 221
[12] Law No. 59 Restitution of Identifiable Property, Military Government-Germany, United States Area of Control; Law Gazette of the Military Government-Germany, United States Area of Control, vol. G, p. 1
[13] Art. 1 (1) American Military Government Law No. 59
[14] Art. 3 American Military Government Law No. 59

variety of individual cases, in which this provision became relevant and had to be interpreted by the judiciary.[15]

Anyone found to have obtained property under duress would be liable to the original owner for damages and the profits generated. Individuals who suspected that assets in their possession had been confiscated had to report them to a Central Filing Agency.

Title to property which had been confiscated from people who had been subjected to racial persecution but who could not claim it back because they had been killed or died or who had not been able to submit their claims for other reasons within the prescribed time-limit (i.e. heirless and unclaimed property) was transferred to and pursued by successor organizations[16] established for this purpose. The Jewish Restitution Successor Organization (JRSO) incorporated in New York State in 1947 contained representation from Jewish communities in America, Palestine and Europe. The thirteen groups represented were the Jewish Agency for Palestine, the AJDC, the American Jewish Committee, the WJC, the Agudat Israel World Organization, the Board of Deputies of British Jews, the Central British Fund, the Council for the Protection of the Rights and Interests of the Jews from Germany, the Central Committee of Liberated Jews in Germany, the Conseil Représentatif des Juifs de France, the Jewish Cultural Reconstruction, Inc., the Anglo-Jewish Association, and the Interessenvertretung israelitischer Kultusgemeinden in the U.S. Zone in Germany.[17] The successor organisations served as representatives of the Jewish people to pursue a global Jewish claim.[18]

The restitution procedures adopted for the western zones and sectors of Berlin were all basically similar. Claimants were required to file detailed petitions by a fixed deadline, special agencies were created to mediate the claims, and if settlement failed the action was referred to chambers of the German judicial system, with access to the German

[15] 30 volumes of the (monthly) law journal „Rechtsprechung zum Wiedergutmachungsrecht (RzW)“ give an account of this case-law

[16] i.e. Jewish Restitution Successor Organization Inc. (American Occupational Zone); Jewish Trust Corporation Ltd. (British Occupational Zone); Jewish Trust Corporation Branche Française (French Occupational Zone)

[17] cf. Nana Sagi: German Reparations – A History of Negotiations, Magnes Press, Hebrew University, 1980, 41

[18] Karen Heilig: From the Luxembourg Agreement to Today: Representing a People, Berkley Journal of International Law 20 (2002), 176, 177

appellate courts, and finally to a Court of Restitution Appeals composed initially of allied judges and later changed to a mixed court as German sovereignty was restored. In the French Zone and in Berlin, the Supreme Court was an international court. In the British Zone, the Board of Review was a purely British court until August, 1954. Successor organisations were allowed to submit unspecific claims.[19] German authorities entered into several bulk or global settlements with the successor organisations to resolve the remainder of unsettled claims.[20]

Immovable Property Restitution Policy after 1990

No comprehensive rehabilitation was ever envisaged in the former Soviet occupational zone and the German Democratic Republic for victims of National Socialism and in particular no restitution of property, which had been lost as a consequence of persecution in the period between1933 and1945, had been undertaken. The reunification of West- and East Germany in 1990 gave opportunity to fill this loophole in the restitution and compensation legislation with regard to the territory of the former German Democratic Republic. In the Joint Statement from June 15th, 1990 both German Governments declared the conditions for the restitution of expropriated properties. After that the Resolution of Outstanding Property Issues Act – Property Act of 1990.[21]had been enacted by the parliament of the German Democratic Republic (Volkskammer) and became federal legislation under the Unification Treaty. Spirit and purpose of provisions covering property losses during the time of the Nazi regime intend to assign former owners a legal position which is comparable to former owners who had been eligible for restitution or compensation in the territory of the former western occupational zones and the Federal Republic of Germany prior the reunification.22 The Property Act endeavours to ensure equal treatment to persons persecuted by the Nazi regime and residing formerly in the new federal states with regard to their restitution claims, taking account of the time that had passed since 1945 and the resulting circumstances. Therefore, the Property Act adopted general principles of substantive

[19] Oberstes Rückerstattungsgericht Berlin, RZW 1959, 213
[20] cf. Saul Kagan/Ernest E. Weismann: Report on the Operations of The Jewish Restitution Successor Organisation 1947-1972, p. 8-12
[21] Gesetz zur Regelung offener Vermögensfragen (Vermögensgesetz - VermG), neugefasst durch Bek. v. 9.2.2005, BGBl. I, S. 205, zuletzt geändert durch Art. 4 G v. 3.7.2009, BGBl. I, S. 1688
[22] BVerfGE 102, 254, 343

law which already governed the restitutions laws of the western allied powers. These include amongst others a refutable legal presumption for the benefit of Jewish victims of Nazi persecution.

Heirless and unclaimed property is transferred to and pursued by the Conference on Jewish Material Claims Against Germany Inc. as successor organization (paragraph 2 Property Act of 1990), which (also) submitted global unspecific claims. The Conference on Jewish Material Claims Against Germany Inc. entered into several “global” settlements with German authorities.

Restitution claims had to be registered at local branches of property offices in Germany. Once a restitution claim had been lodged, the person with the power of disposition over the property could not dispose of the land, except in very limited circumstances. After a restitution claim had been lodged, the relevant property office has to analyze the substance and feasibility of the claim. Once a claim has been sufficiently clarified, the office would make a provisional decision, either to reject or uphold the claim, or find that the applicant is only entitled to compensation, and not to restitution in rem. If a claim is rejected by the Property Office, an appeal can be lodged. After exhausting internal appeals, the applicant can appeal to the Administrative Court. The legislature deliberately chose to give the administrative courts jurisdiction for the interpretation of the Property Act in order to avoid direct confrontation between former owners and new owners in civil courts.

To a large extend restitution and compensation claims have been settled; the remainder of unresolved claims is handled by the Federal Office for Central Services and Unresolved Property Issues.23

Germany’s Immovable Property Restitution Program in the Light of Guidelines and Best Practices Concerning Restitution and Compensation of Immovable Property

The (German) Federal Constitutional Court and the European Court of Human Rights acknowledged the conformity of Germany’s restitution and compensation legislation with the German Constitution (i.e. the German Basic Law) and the European Convention of Human Rights.

[23] http://www.badv.bund.de/002_menue_oben/007_english/index.html

Furthermore, Germany's restitution and compensation program meets the demands of the guidelines and best practices concerning restitution and compensation of immovable property confiscated during the Holocaust era between 1933 and 1945 which had been agreed upon by the participants in the Prague Holocaust Conference in 2009. Germany's restitution and compensation program is applied uniform throughout its area of application and defines no citizenship and residency requirements. The process is accessible, transparent, and non-discriminatory.

"Compensation for National Socialist Injustice Indemnification Provisions" issued by the Federal Ministry of Finance:

Statistical overview from December 2011 from the Federal Office for Central Services and Unresolved Property Issues in German.

10. German Sinti and Roma

CENTRAL COUNCIL OF GERMAN SINTI AND ROMA (ZENTRALRAT DEUTSCHER SINTI UND ROMA)

Comment on compensation practices for Sinti and Roma – Holocaust survivors in Germany (to Mr. Šonka, European Shoah Legacy Institute)

The genocide of Sinti and Roma was first recognized in the Federal Republic of Germany by Chancellor Helmut Schmidt on March 17, 1982 soon after the founding of the Central Council of Sinti and Roma. For decades, the Holocaust of Sinti and Roma had been systematically suppressed and denied.

After 1945, the special registration of Sinti and Roma with the police in the FRG was performed without interruption by workers from the Reich Security Main Office. These officials, who had organized the deportation of Sinti and Roma to the Auschwitz-Birkenau extermination camp, were in a position to provide the Compensation Office their professional opinion as to why these individuals were deported, and thereby dispute the fact that the crime of genocide had been committed and thus deny the victims any legal claim to compensation.

In Darmstadt, Hesse, on February 6, 1982, nine state associations and supraregional organizations of Sinti and Roma established the Central Council of German Sinti and Roma as a national umbrella organization to spearhead the civic-legal initiatives begun in the 1970s. The remit of the Central Council was to demand two things on behalf of German Sinti and Roma from the federal government: 1) recognition that genocide had been perpetrated on the Sinti in Nazi occupied Europe, where over 500,000 individuals of the Roma minority had been killed; 2) ending the special registration of Sinti and Roma, which was still in effect, and the criminalization of an entire minority by state and federal police.

Through its headquarters in Heidelberg, sponsored by the federal government from August 1982, the Central Council since 1985 has achieved for the surviving Sinti and Roma victims of the concentration camps a fundamental change in German discriminatory practices in the matter of compensation.

Even though the Federal Court of Justice in a decision of 1956 had upheld this practice of compensation denial, giving racist justifications, the Central Council in 1982 repeatedly pushed to reopen these previously disallowed cases, and the result was that 3,200 of them were reassessed, receiving a new decision from the Compensation Office and granted a heretofore denied compensation for time imprisoned in concentration camps and for having been restricted in choice of profession and access to education, and given a pension for having suffered damage to health. At the end of the 1990s, the Central Council's headquarters in Heidelberg succeeded in obtaining for 2,900 Roma Holocaust survivors in Germany an agreement to a one-off payment from the Swiss bank fund for property damage caused by the Nazis during the deportation of victims. Since 2000, the Central Council has supported 1,590 compensation claims made by the disabled for their slave labor in the concentration camps in accordance with the conditions of the fund set up by industry and the federal government.

At present, the Central Council is processing claims based on the so-called law on pensions allocated by virtue of one's labor in a ghetto (Ghetto–Rente–Gesetz) and in compliance with the directives of the Federal Ministry of Finance on token payment to the persecuted by virtue of one's labor in a ghetto on the "territory of the Reich."

As a result of lowering the mandatory age for submitting a claim on the basis of these directives, more and more claims are being registered. Associates of the Central Council are processing these claims and supplementing them by undertaking extensive research into the original compensation proceedings for the purposes of discovering the necessary information about the locations and dates of internment in various camps, about which the claimants, given their age then and the great amount of time that has elapsed since, can no longer remember. Besides, retrieving the documentation on dates and locations of interment is up to the claimants in the cases as this documentation forms the necessary foundation for submitting a claim.

There continue to be open cases of deteriorating health for invalid pensions under the German Federal Compensation Law (BEG) and the administration of estate pensions (to widows and widowers). The latter has been rather problematic as the practice of the compensation offices is unacceptably negative, from protracted disputes over doctors'

reports and opinions to appeals of the last possible resort. What is unquestionably needed is to institute a more reasonable set of practices that adequately relaxes what sort of documentation is required as proof of condition (submitting a certification of doctors who last cared for the victim; confirmation of permanent damage to health until death as an acknowledged result of persecution). The Central Council has expressed these concerns in a discussion of the matter with the appropriate department of the Federal Ministry of Finance.

Likewise, individual requests were submitted for removing the severity of the federal law and laws of the federal states. In these cases, the Federal Ministry of Finance announced more relaxed conditions for obtaining payment from the so-called compensation disbursement fund.

The manner in which the graves of Sinti and Roma victims of Nazi persecution have been cared for in Germany can only be seen as an expression of indifference and dismissiveness. It should be abundantly clear that these graves should be kept up for they are lasting places of remembrance for survivors and family of those murdered at Auschwitz-Birkenau and other extermination camps. For these victims, no graves were left behind, and in Sinti and Roma culture a high value is placed on remembering the dead.

Romani Rose

Chairman

Heidelberg, March 2012

11. Greece

IPRC 2012

GREECE, 12.4.2012

[…] Here below I inform you about Greece's steps regarding the recompensation/remedy of monable and immovable property:

On a legislative level:

In April 2011 and in spite of economic crisis, a compensation (10 million Euros) of the Jewish community of Thessaloniki for the city's old cemetery, demolished by Nazis where later was constructed the University of the town, was voted unanimously by the Greek Parliament, thus resolving what was seen as the last outstanding issue the Greek state had towards its Jewish community.

On an administrative level:

There is a serious progress as with regard Greece's-Russia's talks for the repatriation of Greek Jewish Archives, looted by Nazis and later transferred to Moscow by the Red Army troops that deliberated Berlin.

Many years later, over a decade, it seems that the two parties are converging on a mutual negotiation base, a fact that guarantee the solution of the issue for which all the Greek governments the last 12 years have proceeded in many steps and at all levels.

Photini Tomai-Constantopoulou

Director,Minister A

Hellenic Ministry of Foreign Affairs

Head of Greece's Delegation in ITF and ITS-Bad Arolsen Archives,Greek delegate in ESLI

12. Hungary

Ministry of Public Administration and Justice

Compensation of Holocaust victims

Following the economic and political regime change in 1989-1990, the time had come for the settlement of claims for the compensation of individuals, religious communities and churches, which suffered damages during World War II and throughout the decades following the war. Restitution – in view of the economic situation of the country and the extreme size of the claims expected – was implemented in the form of compensation.

Act XXV of 1991 provided compensation of damages for the property of citizens between May 1, 1939 and June 8, 1949, while Act XXIV of 1992 provided partial compensation for damages suffered in the process of the implementation of laws and measures issued during the same period. The latter act took special care to cover measures containing discriminatory actions involving Jewish persons. Both acts detailed the rules of law meant to settle the partial restitution – compensation – of damages suffered by Jews. Compensation was offered in the form of restitution bonds and vouchers supporting agricultural enterprises.

The third Compensation Law – Act XXXII of 1992 – provided compensation of persons for loss of life and freedom for political reasons between March 11, 1939 and October 23, 1989, including those forced to serve in auxiliary labor battalions, and those deported abroad for reasons of race or religion. The fourth Compensation Law – Act XXIX of 1997 – established flat-sum compensation after persons whose life had been taken for political reasons by Hungarian authorities or by representatives of Hungarian authorities. The force of this law covered, among others, deaths ensuing in the course of the deportation and forced labor of Jews.

Act XLVII of 2006 offered a new opportunity to claim compensation for loss of life and freedom. The law extended to Jews who lost their lives in deportation and labor battalion service. On the basis of a provision in the peace agreement closing World War II, Act LII of 1992 created an opportunity for the compensation of non-material damages suffered as members of the Jewish community in the form of national annuities. With these laws

and the associated decrees, the process of individual compensation in Hungary came to a close.

The figures within this framework, as to what amounts were received by how many Hungarian Jews for what damages is impossible to establish because, quite properly, the statistics available list the numbers of those compensated and the amounts paid, not by religion or race, but by the type of damage suffered. Therefore, the deportees, labor battalion servicemen and forced laborers, and other persons suffering a similar fate, may include not only persons of Jewish religion, but also members of different denominations, as well as non-denominational individuals.

Compensation to the Jewish Community

The governments in office after the regime change – breaking with the bad praxis of earlier decades – recognized the major social role of various congregations, and considered it important to support that role in different ways. Act XXXII of 1991 made it possible for the Jewish community to receive compensation for property it had formerly owned and which had been nationalized afterwards. Based on the law, the Association of Jewish Communities in Hungary forwarded its material compensation claim for Jewish Congregation-owned real estate properties to the value of 9,237,226,000 forints in Budapest and 4,273,703,000 in the countryside, coming to a total of 13,510,969,000 forints. Since the amount of nominal annuity due for the property owned by the Jewish Congregation grew with inflation every year, actual payments made between 1988 and 2010 were over 14 billion forints. Additionally, an agreement was reached between the government and the Association of Jewish Communities in Hungary on the maintenance of closed-down Jewish cemeteries, in line with the Jewish religious and traditional requirements, to which the Hungarian state contributed 400 million forints up to 2010. Government support for the restoration of buildings serving public purposes and historic monuments totaled 3,315,000,000 forints up to 2010. These included the Dohány Street synagogue, which is not only the largest synagogue in Europe, but also a world-wide recognized monument, the restoration of which was supported by the Hungarian state with a sum of 1 billion forints. These amounts do not include the state support that is being received by the next five Jewish communities in Hungary in order to maintain their

special religious practice and services. Between 1990 and 2010, 2,424,077,000 forints were received by the Association of Jewish Communities in Hungary in order to support their religious practices and services, and 94,181,000 forints by the Unified Hungarian Israelite Community (EMIH), from its foundation until the end of 2010. Support of 126,471,000 forints has been received by the Hungarian Autonomous Orthodox Israelite Community (MAOIH); 20,279,000 forints by the Sim Shalom Progressive Jewish Religious Community; and 2.752,000 forints by Bet Orim Reform Jewish Community; making up together a total of 2,667,760,000 forints of support for religious activities.

The Hungarian Jewish Heritage Fund

On the basis of Act X of 1997 “on the implementation of provisions included in Article 27, Item No. 2, of Act XVIII of 1947, related to the Peace Treaty of Paris” and the Government Resolution 1035/1997 (IV. 10.), the Hungarian Jewish Heritage Fund was registered by the court on June 6, 1997. The fund has a twofold objective: on the one hand, participation in the compensation process of the Jewish community for killed and deceased Jews without inheritors, and on the other, cultivation of the Jewish cultural heritage and traditions.

As its initiative assets, the fund was furnished with 7 real-estate properties, at a total value of 1,271,800,000 forints; 10 museum objects worth 12,400,000 forints; as well as a restitution bond worth 4 billion forints, exchangeable only for life annuity, and, following the exhaustion of the later, another 450 million forints of state support. The operational expenses of the Hungarian Jewish Heritage Fund are also covered by the Hungarian State. For this purpose, 326 million forints was allocated between 1997 and 2010. For the purpose of communal compensation due persons of Jewish religion deceased without inheritors, the fund was given so-called “heirless” assets to a value of 2,231,460,000 forints. The remaining 1,100,000 forints in the possession of the former National (Jewish) Restitution fund was also transferred to the heritage fund. The fund allocated 200,000 forints’ worth of life annuity due retroactively to January 1, 1997 for Holocaust survivors at least 60 years old, or those incapable of working due to their persecution. The number of survivors entitled to the annuity was 20,735 when the fund

initiated its activity. By April 1, 2011, the number of Holocaust survivors decreased to 9327. The total sum of annuities by 2012 exceeds 28,000,000,000 forints.

Acts and Decrees Pertaining to the Compensation of Hungarian Jews

Act XXV of 1991, for settling property ownership, in conjunction with partial compensation for damages unjustly caused to the property owned by citizens.

Government Decree 104/1991 (08.03.) for the implementation of Act XXV of 1991 on partial compensation for damages unjustly caused to property owned by citizens.

Act XXXII of 1991 for the settlement of rights of ownership pertaining to real estate formerly owned by the Church.

Act XXIV of 1992, for settling property ownership, in conjunction with partial compensation for damages unjustly caused by the implementation of laws and decrees that took effect between May 1, 1939 and June 8, 1949.

Government Decree 92/1992 (06.10.) for the implementation of Act XXIV of 1992.

Act XXXII of 1992 on the compensation of persons who wrongfully lost their lives and were deprived of their right to freedom for political reasons.

Government Decree 111/1992 (07.01.) for the implementation of Act XXXII of 1992.

Act LII of 1992 on national care.

Act X of 1997 on the implementation of provisions included in Article 27, Item No. 2, of Act XVIII of 1947, related to the Peace Treaty of Paris.

Act XXIX of 1997, for the modification of Act XXXII of 1992 related to the compensation of persons who wrongfully lost their lives and were deprived of their right to freedom for political reasons.

Government Decree 103/1997 (06.13.) on the implementation of Act XXIX of 1997, modifying Act XXXII of 1992, on the compensation of persons wrongfully deprived of their lives and right to freedom for political reasons.

Government Decree 31/2003 (03.27) on flat-sum compensation for loss of life.

Government Decree 206/2004 (07.06.) on the implementation of Act XXXII of 1992 on the compensation of persons wrongfully deprived of their lives and right to freedom for political reasons.

Act XXVII of 2006 on the re-opening of the statute of limitations determined by the law on the compensation of persons wrongfully deprived of their lives and right to freedom for political reasons, and on the conclusion of such compensation.

Government Decree 67/2006 (03.27.) on the implementation of Act XXVII of 2006 on the re-opening of the statute of limitations determined by the Act XXXII of 1992 on the compensation of persons wrongfully deprived of their lives and right to freedom for political reasons, and on the conclusion of such compensation.

Compensation in numbers24:

Property compensation:

1,500,000 cases

Compensation bonds in face value of 81,000,000,000 HUF

Vouchers supporting agricultural enterprises in face value of 3,700,000,000 HUF

Personal compensation:

1.140.000 cases

57.000.000.000 forints in compensation bonds

15,000 applications for national care, 3526 approved at an average sum of 30.000 HUF/month

476.000 applications for pension supplement, 120.000 persons entitled today to an average sum of 5000 HUF/month

Compensation of Communities (Act XXXII of 1991)25:

Real estate property of Jewish Communities nationalized (confiscated) between 1946 - 1950

[24] all the cases, including Jewish and non-Jewish, victims of both holocaust and communism
[25] Jewish communities only

Given back: 13.510.969.000 HUF worth

Annuity fund (1998 – 2010): Approx. 14.000.000.000 HUF

Additional governmental support to Jewish Communities:

Restoration of buildings / historic monuments (until 2010 – 3.315.000.000 HUF)

Support to maintain special religious practices (until 2010 – 2.667.760.000 HUF)

Extra support for special purposes – e.g. graveyard maintenance etc.

13. Ireland

[…] With regards Ireland and the issue of restitution and compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, including the Period of World War II, Ireland remains committed to the goals of the Terezin Declaration and we welcome the proposed work of the European Shoah Institute on the issue of Immovable Property Restitution. As you are aware, Ireland was a neutral country during World War II and was not a participant in the conflict. As such the Government of Ireland understands that there are no specific issues with regards Immovable Property Confiscated or Otherwise related to Ireland.

Were such issues to be raised with regards Ireland, the Government would seek to address them in line with relevant national legislation and bearing in mind the provisions of the Terezin Declaration.

I wish you every success in your efforts to prepare for the conference in November 2012. Please do not hesitate to contact me if you require any further information regarding Ireland.

Kind regards,

Colin Wrafter,

Director

Human Rights and United Nations, Department of Foreign Affairs and Trade

14. Israel

Report in regard to the assistance and support of Holocaust survivors living in Israel

Personal restitution program, welfare, and restitution of property of Holocaust era

Country report 2010-2012

Submitted by the Ministry for Senior Citizens

Dr. Lea Nass,

Deputy Minister for Senior Citizens

Jerusalem, November 2012

Dear Participants of the IPRC 2012 Conference,

It is with great personal respect and honor that I submit the following report addressing the assistance and support of Holocaust survivors living in Israel, personal restitution programs, welfare, and restitution of property of Holocaust era.

This report covers the respective legislation and actions undertaken by the Government of Israel, all this in order to ensure the welfare and support of Holocaust survivors living in Israel.

The Government of Israel has undertaken many steps in order to ensure that survivors are well taken care of, and attempts in all measures to support the Holocaust survivors as well as their organizations representing them. Only this year, I was a member of a ministerial committee under the patronage of the Prime Minister and the Finance Minister. Following this round of discussion, the government allocate over 2.9 Billion NIS yearly for survivors, including pensions and benefits that will be listed under article B to this report. There are currently more then 60,000 Holocaust Survivors living in Israel who get monthly pensions from Israel.

As the Deputy Minister of the Ministry for Senior citizens, and a daughter of Holocaust survivors, it is my personal pride to follow the government's activities in this respect and to present this report for your review.

I wish to take this opportunity and thank the Claims Conference that has fought over the years for the benefit of Survivors worldwide. This important organization continues to

support many joint governmental and NGOs projects regarding the welfare and care of survivors living in Israel.

I wish you all successful discussions, and hope that the spirit of the Terezin Declaration would continue to support governmental and NGOs efforts for the benefit of Holocaust survivors.

Kindly yours,

Dr. Lea Nass

Deputy Minister

Ministry for Senior Citizens

A. Restitution of Property of Nazi victims in Israel

A(I) Background

In 2005, the Israeli Parliament established a Parliamentary Investigation Commission designated to investigate the issue of restitution of property which belonged to Nazi victims, including both Real Estate and financial assets which had been entrusted in Israeli banks.

Joining the international wave of legislation, According to Holocaust Victims' Assets Law, in 2006 the Government of Israel formed the Company for Location and Restitution of Holocaust Victims Assets Ltd (herewith: "the Company"). The Company's purpose was to establish a platform which would ensure that property was returned to its rightful owners- either Holocaust Survivors or the heirs of those who were persecuted and killed in the Holocaust. According to the abovementioned law, assets belonging to victims, whose heirs are not found, would be used for the purpose of assisting needy survivors living today in Israel, and in second preference to education and commemoration.

A(II) Property Restitution

The Company currently manages approximately 900 million NIS, including 570 Million NIS worth of estate properties, and cash accounts consisting of 330 Million NIS).

The Company was successful in locating and distributing some 46.5 Million NIS to legal heirs[26].

A(III) Social Welfare for the benefit of survivors living in Israel

One of the primary goals of the Company was to act in order to consolidate all property related to Holocaust Victims and guarantee that it would be distributed for the benefit of survivors. In accordance with the legislation which led to the establishment of the Company, since 2008 the Company has distributed a sum total of 292.1 Million NIS directly to survivors in need, while a sum of 106.7 Million NIS was distributed amongst various projects relating to Holocaust Survivors benefit and commemoration.

The Company allocates an annual sum of 4,800 NIS to some 10,000 Holocaust Survivors in need living in Israel, and distributes an additional sum of 2,400 NIS as a social benefit in the form of an electronic debit card, allowing the survivors to use this sum in order to buy food and supplies.

Additionally, the Company assists in focused projects such as apartment renovations, medical care, psychiatric treatments and a wide variety of other projects addressing Holocaust Survivors.

B. Personal restitution paid by the State of Israel

B(I) Background

B(I)(1) Israeli Nazi Invalid Law-1953

Following the Reparations Agreement formulated between the Federal Republic of Germany and the State of Israel, and the signing of protocol 1A in this Agreement, the Government of Israel introduced a comprehensive restitution law aimed at compensating Holocaust Survivors that came to Israel prior to 1.10.1953, and were not in Displaced

[26] Data is based upon a letter sent by Dr. Israel Peleg, chairman of the company for location and restitution of property in Israel to Mr. Aharon Azualy, Director General of the ministry for Senior citizens on 10.10.12.

Persons Camps in West Germany on 1.1.47, nor did they hold citizenships of any Western country[27].

Over the years, both the Government of Israel and the Israeli Supreme Court have broadened the legal interpretation of the definition of Holocaust Survivors included in this law. Between the years 2005-2010, the Supreme Court ruled in two different cases that both Romanian and Bulgarian Jews were to receive restitution due to their persecution by the Nazis.

In September 2010 these court rulings were followed by a decision of the government to include Libyan Jews under this legislation as well.

The direct outcome was an influx in the numbers of survivors who were receiving direct restitution from the Israeli Finance Ministry. Between 2008-2012 25,000 Holocaust survivors were recognized by the Israeli Finance ministry as entitled to a monthly pension according to the abovementioned law[28].

B(I)(2) Additional restitution laws broadening the initial Reparations Agreement

The Government of Israel has exceeded its legal and contractual obligations vis-à-vis the Federal German Government in the form of two separate laws aimed at assisting Holocaust Survivors who were not recognized under the primary Israeli Restitution law (mainly due to the clauses stipulated under the Reparations Agreement with the Federal German Government).

In the year 2000 survivors who returned to Germany after the Holocaust and originally submitted their claims in Germany were recognized as entitled to a monthly pension. Some received restitution from the German Government, however In light of BEG Schlussgesetz, those who failed to submit their claim until 1969 were unable to submit such claims to the German authorities, which created a need for additional legislation.

[27] Amit Erdinast-Ron, Nachempfundes Recht Rhetorik und Praxis des Israelischen Gesetzes für Invaliden der NS Verfolgung, Frei, Brunner, Goschler (Hrbg.), Die Praxis der Weidergutmachung, Wallstein 2009, p. 660

[28] A letter of Ms. Ofra Ross, Director General of the Authority for the rights of Holocaust survivors to Mr. Aharon Azualy, Director General Ministry for Senior Citizens sent on 6.11.12.

Currently, over 3,000 survivors receive a monthly pension due to this law, totaling over 80 million NIS annually.

Following a wave of protests by survivors, the Government of Israel introduced another law regarding survivors living in Israel. This legislation ensured that all survivors who were in Ghettos, Concentrations Camps or Forced Labor Camps would receive benefits. Today some 2,235 survivors receive a monthly pension, totaling in the amount of 50 Million NIS annually.

B(II) Social allocation executed directly by the Israeli Finance Ministry

In order to allow survivors who were unable to substantiate a claim under the above respected laws to receive compensation, the Government has paid 30 Million NIS to needy survivors who were below the poverty line, in order to ensure that they have an adequate and respectful standard of living. It is noteworthy that this sum is added to the already existing structures included in the National Health Insurance Law 5754-1994.

As of 2008, the government has provided additional social benefits to 16,973 Holocaust survivors who receive a monthly sum as is instructed in Article II of the Agreement between the Federal Republic of Germany and the Jewish Claims Conference (sum total of 35 Million NIS).

In accordance with ***Governmental Resolution 2534 dated 4.11.2007***, the Government allocates a large sum of 200 million NIS annually to support social and healthcare-related projects and to support organizations acting to improve Holocaust survivors welfare. This sum was extended this year to 225 Million NIS. One of these projects is financing some costs of medication. This project includes all survivors, as well as 10,888 Survivors recognized by the German Federal Restitution Legislation.

Over the course of 2012 the Nazi Invalid law was amended in a manner which helped over 7,000 survivors recognized as in need to receive increased benefits totaling in the amount of 50 Million NIS annually. Additional steps such as subsidizing the costs of heating and electricity for needy survivors have also been taken.

In order to ensure that survivors are aware of their rights and receive the necessary assistance to apply and receive the benefits described above, the Government of Israel has established a national information center which helps all survivors in obtaining their rights. The information center allows survivors to receive information regarding both Israeli and foreign legislation.

C. International activities

C(I) Background

The above mentioned report relates to steps and laws undertaken in Israel, all in respect to the financial as well as social rights of survivors. The Ministry for Senior citizens has established a department which deals with issues relating to the restitution of Jewish property and restitution rights.

In accordance with ***Governmental Resolution 4252 dated 12.2.12***, the Ministry is in charge of the Governmental coordination and the collections and analysis of information regarding issues relating to the restitution of Jewish property and restitution rights. These activities are closely coordinated with the Israeli Ministry of Foreign Affairs, and thus there is constant cooperation and deliberation between both Ministries relating to these issues.

C(II) European Shoa Legacy Institute

Following the Terezin Declaration of 2009 and the formation of the non binding Best Practice Guidelines of 2010, the Government of Israel has officially expressed its gratitude to the Government of the Czech Republic for its extensive work in the field of coordinating international efforts in the matter of restitution of Holocaust Era property.

The Government of Israel is currently interested in coordinating with the European Shoa Legacy Institute on this joint project to the benefit of Holocaust survivors, and in order to promote restitution of private property and create legal frameworks for allocating heirless property for the purpose of Holocaust Survivors welfare.

C(III) Dialog with Federal German Government

The Ministry for Senior Citizens, assisted by the Israeli National Social Security Institution, have worked closely over the past few years both with the Ministry of Finance and the Ministry of Social Affairs, all this in light of the implementation of the Ghetto Workers Law (ZRBG)[29], and the acknowledgment directive for Ghetto workers[30] which was established by the German government.

This important dialog and mutual assistance allows the Israeli Government to support the efforts of the German social security authorities to locate and facilitate the rights of the survivors living in Israel. This project has become one of the most interesting joint governmental endeavors, whereas the Federal German Government was able to pay approximately 20,000 monthly pensions to Ghetto Workers now living in Israel.

Furthermore, The ministry for Senior citizens is in close contact with the Federal Finance ministry in regard to the implementation of the Federal Government Directive concerning the payment of amounts to victims of persecution in recognition of work in a ghetto which did not constitute forced labour (Recognition Directive), allocating a single payment of 2,000 Euros for the benefit of Holocaust survivors that worked in Ghettos in Nazi occupied territory. The ministry was able to facilitate information, and needed assistance in order to complete the processing of the respected applications.

Currently, an issue to be discussed between the parties is the issue relating to the retroactive payments executed under the Ghetto Workers Law (ZRBG). Parallel to the discussion between the governments on this issue, the German Bundestag is also holding expert discussion within the relevant parliamentary committees, all this in order to find a solution to the complicated legal aspects of the retroactive payment.

C(IV) Project HEART

Project HEART is a joint governmental initiative in cooperation with the Jewish Agency for Israel. The project is operated in close cooperation with the Jewish Agency for Israel,

[29] Gesetz zur Zahlbarmachung von Renten aus Beschäftigungen in einem Ghetto vom 20. Juni 2002 (BGB l. I S. 2074)
[30] Richtlinie der Bundesregierung über eine Anerkennungsleistung an Verfolgte für Arbeit in einem Ghetto, die keine Zwangsarbeit war (Anerkennungsrichtlinie),Bundesanzeiger Nr. 195, S. 4608 - 4609, vom 28. Dezember 2011

allowing the project to reach Holocaust survivors living both in Israel and the Diaspora as well.

Last reports that were presented to the government showed that close to 170,000 questionnaires have been submitted from Holocaust survivors and heirs from around the world concerning private property stolen or looted by the Nazi powers and their collaborators during the Holocaust era. In addition, archival research allowed the Project to locate over 2.2 million suspected pieces of looted or stolen Jewish property from the Holocaust era.

The Project seeks to serve both the individual wishing to take part in the Project by submitting a questionnaire relating to stolen or looted private property and also allow the government of Israel, via the Ministry for Senior citizens in cooperation with the ministry of Foreign Affairs to receive a clearer view both to the scope of the respected properties, but also to receive the information regarding the current legal situation in the different respected countries as for the status of restitution of the Jewish property.

The Government of Israel views with great pride this important Project which acts on behalf of Jews world wide as a registration and information center. With the important information gathered by the Project, the ministry for Senior Citizens can execute ***Governmental Decision 4252 dated 12.2.12***.

15. Latvia

Restitution of immovable property in Latvia

Since the restoration of its independence in 1991 Latvia has addressed, with the greatest possible political responsibility, the issue of restitution to its rightful owners of immovable property confiscated and nationalised during and after the World War II.

It is important to note in connection with the "Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era" that all immovable property, including that belonging to the Latvian Jewish community, in Latvia's case was confiscated by the Soviet regime in (1940-1941), then taken over by Nazi regime (1941-45), and seized again by Soviet authorities (1945-1991).

Latvia's restitution legislation is liberal and the legal framework ensures the restitution of real estate properties regardless of the current citizenship and place of residence of a previous owner or heir. The restitution process under existing legislation has been accomplished.

The land reform and renewal of land property rights are regulated by the following legislation of the Republic of Latvia:

On Land Reform in the Cities of the Republic of Latvia

On Land Reform in the Rural Areas of the Republic of Latvia

On the Completion of Land Reform in Cities

On the Completion of Land Reform in Rural Areas

On Land Privatisation in Rural Areas

The denationalisation of building properties is regulated by the following laws:

On the Denationalisation of Building Properties in the Republic of Latvia;

On the Return of Building Properties to Rightful Owners.

The renewal of property rights to religious organisations is regulated by the law On the Return of Properties to Religious Organisations.

16. Lithuania

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.

17. Luxembourg

Report on « Restitution and Compensation of immovable property confiscated or otherwise wrongfully seized by the Nazis and their collaborators during the Shoa (1940-1944 period of occupation of Luxembourg by German forces).

With reference to the 2009 report31 on Jewish assets confiscated during the German occupation of Luxembourg, we would like to give a short overview on the steps taken by the Luxembourg governments since 1941 to the present day in order to return or compensate to the rightful owners or their heirs real property wrongfully seized by the occupational power i.e. Germany and collaborators in Luxembourg.

Already in spring 1941, the Luxembourg government in exile took a first step against measures taken by the German occupational administration in the field of dispossession.32 Article 2 of this decree stated clearly “sont nuls et non avenus tous les actes de disposition ou de nantissement de biens meubles ou immeubles ayant fait, de la part de l’ennemi, depuis le 10 mai 1940, l’objet de confiscations, saisies, ventes forcées ou de toutes mesures portant atteinte à la propriété privée.”

After the liberation of Luxembourg in September 1944 and the return of the government from exile, this decree was widely published in the press.33 A second decree taken in July 1944 imposed on all buyers of such assets to make a declaration to the police.34

A decree of August,17th,1944 instituted a “Office des Séquestres” that should not only confiscate all enemy property, but should also put under government protection the assets of all people that had been deported, evacuated and dispossessed by the enemy. This was meant to facilitate the restitution of confiscated assets to their rightful owners or their heirs. One of the tasks of the “Office des Séquestres” was to identify the owners of confiscated assets. This was rather easy with regard to immovable property,

[31] http://www.gouvernement.lu/salle_presse/communiques/2009/07-juillet/06-biens-juifs/rapport_final.pdf
[32] Arrêté grand-ducal du 22 avril 1941 relatif aux mesures de dépossession effectuées par l’ennemi.
[33] Luxemburger Wort, 20 October 1944.
[34] Arrêté grand-ducal du 7 juillet 1944 modifiant l’arrêté grand-ducal du 22 avril 1941 relatif aux mesures de dépossessions effectuées par l’ennemi.

but was very difficult and sometimes impossible with regard to movable property. Lists of movable goods were established by members of the Union of Resistance movements under the supervision of the “Office des Séquestres”.

According to the research done by a commission of historians 1019 transactions of real estate were made from 1940 to 1944. 97,5 % of these transactions were returned to their rightful owners in 1945 and 1946. 2,5 % of the transactions were not considered as a dispossession. 16 out of 25 plots had been sold by the Jewish owner to his/her non-Jewish consort in order to avoid the confiscation by the Germans. After the liberation both partners accepted these changes of owner as lawful. The 9 remaining plots that were not returned to the previous owners were either part of a condominium and where an arrangement with the former owners could be found. 5 plots were sold by their Jewish owners and the sale had been accepted by the Germans.

The two synagogues in Luxembourg City and Esch city that had been destroyed by the Germans were reconstructed after the war and the Jewish communities were compensated for the loss of these buildings. The Jewish cemeteries were not destroyed. The Luxembourg government compensated the forcefully removed metal ornaments from these cemeteries as war damage.

18. Norway

Brief summary of the White Paper No. 82 to the Storting (1997-98)

Historical and moral settlement for the treatment in Norway of the economic liquidation of the Jewish minority during World War II

Recommendations by the Ministry of Justice and the Police of 26 June 1998, approved by The King in Council on the same day

Main contents:

In the White Paper, which was was drawn up in close collaboration with representatives of the Jewish community in Norway, the Ministry of Justice proposed that the historic and moral settlement was to be given an economic expression by making collective and individual settlements. The Ministry of Justice wished by these means to make a worthy final settlement. The collective settlement was proposed to consist of three parts:

- allocation of a sum to ensure the preservation of Jewish culture and the future of the Jewish community in Norway,

- support efforts outside Norway to commemorate and develop the traditions and culture that the Nazis sought to eradicate,

- set up a resource centre on the Holocaust and on religious minorities' position and history in general

It was also proposed that the individual compensation should take the form of an ex gratia payment to persons in Norway who were affected by the anti-Jewish measures during the war.

Background:

It is estimated that the number of Jews in Norway before the war and up to the arrests in 1942 amounted to about 2 200. Seven hundred and sixty-seven Jews were deported from Norway, mainly to Auschwitz, and of these only 30 survived. Two hundred and thirty families were completely eradicated. Those who were not deported fled the country, mainly to Sweden. There were also about 50 Jews imprisoned in Norway and

about 10 who remained in the country in hiding. Every person who was defined as a Jew by the Nazi authorities had his or her property seized.

In the spring of 1995 new information about the Jewish property seized by the Quisling regime was published in the media, and the Norwegian Government decided to have the facts clarified as far as possible.

Thus in March 1996 a committee was appointed to survey and evaluate the facts of the case. The Government stressed that it wished to have all the facts so as to be able to evaluate suitable follow-up measures. The committee to investigate what happened to the property of Jews in Norway during World War II was appointed on 29 March 1996 by the Norwegian Ministry of Justice. The committee was entrusted with the task of surveying what happened to Jewish property in Norway during World War II, and to survey how and to what extent confiscated property was returned to the Jews after the war.

The Governments fundamental views concerning the settlement:

The Government considered that the historical and moral debts with regard to the economic liquidation of Jewish assets had to be settled, and that this settlement should also be expressed in economic terms.

The collective settlement had to emphasize that compensation was made to the Jewish community in Norway as a whole, especially because the economic and physical liquidation was directed at the Jews in Norway as a group. It seemed natural to propose an economic settlement in the form of an allocation for common Jewish purposes at both national and international levels.

At the same time, by offering individual payments ex gratia, the Government wished to support the individuals who were adversely affected by the persecutions in Norway during World War II.

Economic implementation:

It was proposed that the collective compensation should amount to NOK 250 million, and that the money was to be divided as follows:

1. An amount of NOK 150 million to the Jewish communities in Norway. The money was to be spent on ensuring the preservation of Jewish culture and the future of the Jewish community in Norway.

2. An amount of NOK 60 million to support outside Norway's borders for commemorating and developing the traditions and culture that the Nazis tried to eradicate. The money was to be allocated through a fund to be administered by a board with representatives appointed by the Storting, the Government, the registered Jewish communities in Norway and the World Jewish Congress/World Jewish Restitution Organization.

3. An amount of NOK 40 million to be used to set up and run a resource centre for studies of the Holocaust and religious minorities in Norway.

As for the individual compensation, the Government proposed a compensation in the form of a standard amount of NOK 200 000 to those persons in Norway who suffered from the anti-Jewish measures, for example who had their property and assets confiscated by the occupation authorities during the war. Many of these were dead, and spouses and direct heirs would take their place and inherit according to the provisions concerning distribution laid down in the Inheritance Act.

An individual payment was to be made subject to the following conditions:

1. A payment was to be given to persons who were born before the end of 1942 and who suffered in Norway from the anti-Jewish measures, for example who had their property and assets confiscated by the occupation authorities during World War II. The payment would amount to a standard sum of NOK 200 000.

2. If the person concerned was no longer alive, the money would be paid to the heirs according to the provisions concerning distribution laid down in the Inheritance Act, but limited to spouses and direct heirs.

3. The payment to each individual was limited to NOK 200 000.

Thus compensation would be made to all Jewish families and individuals who either had their property confiscated or were subject to confiscation orders and Jewish families and individuals who did not own assets that could be seized and who therefore had no

economic losses after the liquidation, but who suffered in other ways from the persecution or who lost their lives, for example in concentration camps or prison.

Economic and administrative consequences:

NOK 250 million was set aside for collective settlement. The Ministry of Justice had the task of providing assistance in the transfer and use of the funds in collaboration with the Jewish communities in Norway. The Ministry of Education, Research and Church Affairs set up the centre for the study of the Holocaust and of religious minorities in Norway.

About 2 200 Jews were in principle entitled to individual compensation. Many of these were deceased, and it was assumed that spouses and direct heirs would receive compensation in their place. A total of 767 Jews, including whole families, were deported and killed. It was very difficult to predict the number of applications. The ministry estimated, however, that payments would be made to or on behalf of 500 to 1 000 of the original 2 200 Jews. Thus the individual compensation would amount to NOK 100 to 200 million. If the individual payments were to amount to substantially less than NOK 200 million, the Government would consider increasing the amount of the collective settlement. The recipients of the individual compensation payment would not be liable to income or inheritance tax on the amount.

2. The subsequent involvment of the Ministry of Justice

Following the White Paper No. 82 to the Storting (1997-98), both a Fund for ensuring the preservation of Jewish culture and the future of the Jewish community in Norway and a Fund for the support of Jewish institutions or projects outside Norway were established.

The Fund for ensuring the preservation of Jewish culture and the future of the Jewish community in Norway received NOK 150 million, and it is administered by a board with representatives from the two Jewish communities in Oslo and Trondheim. An estimated NOK 50 million of the NOK 150 million is intended to be used for repayment of debts and investment such as the rehabilitation of buildings and property, including the purchase of a graveyard and day-care facilities and the establishment of a Jewish museum and library. The income from the remaining NOK 100 million is intended to be used for the operation and development of organizations and institutions that will ensure the future of the Jewish community in Norway.

Together with the letter from the Ministry of Justice and the police that confirmed the creation of such a Fund and the transfer of money to the Jewish community in Oslo,

was also a document with the guidelines for the use of the Fund. One of the guidelines stipulates that the Ministry of Justice and the Police shall receive an annual report on the use of the funds, including accounts audited by a chartered accountant.

The ministry receives this report annually. Most of the NOK 50 million has been used such as described above, but the NOK 100 million has been invested and the investments earnings have been, until 2008 at least, important. The Fund has expressed some concerns regarding the effects the current financial situation might have on the future investments.

The fund for the support of Jewish institutions or projects outside Norway received NOK 60 million. The funds (capital and income) are to be allotted to institutions or projects whose aim is to commemorate, reconstruct or develop Jewish culture or traditions. The institue the money is placed in a fund with a board consisting of one representative appointed by the Storting, one by the Government, one by the Jewish communities in Norway and one by the World Jewish Congress/World Jewish Restitution Organization, In cooperation with the registered Jewish communities in Norway, the Ministry of Justice has laid down the statutes and instructions for the work of the board in accordance with the general guidelines that have been proposed. One of the guidelines stipulates that the Ministry of Justice and the Police shall receive an annual report on the use of the funds.

The ministry receives this report annually, and the fund has been distributing important amounts of money each year to different institutions and projects.

As for the individual compensation, a standard amount of NOK 200 000 was granted to those persons who were born before the end of 1942 and who suffered under the anti-Jewish measures in Norway. Notifications were published in the most important newspapers around the world, and also through the Norwegian embassies. The time-limit expired on 1 November 1999. By 11 August 2000, the Ministry had received and considered 987 applications for compensation, of which 40 were rejected. The total cost of the compensations amounts to NOK 131 431 million.

Full version can be found at :

http://www.regjeringen.no/nb/dep/jd/dok/regpubl/stprp/19971998/white_paper_no_82_1997-98.html?id=201553.

19. Poland

Property restitution/compensation in Poland

All materials presented below or any part thereof are provided for information purpose only and have no legal effect. The contents of this study are not legally binding declarations of will or knowledge within the meaning of international law, Polish law or any other domestic law.

This paper presents complex issues relating to the take-over of property by post-WW II Polish authorities, based on legislation enacted from 1944 to 1962, and measures taken after 1989 by central and local government authorities for the restitution of property and the payment of damages and compensation to eligible persons.
It contains a historical overview, a list of legal acts, a description of procedural paths for property restitution, and a Q&A section.

HISTORICAL BACKGROUND

The issue of property taken over by the Polish State between 1944 and 1962 should be considered against the background of complex historical processes and changes which took place during and immediately after the Second World War.

Historical processes and restitution

Given the size, scope and complexity of these historical processes and changes forcibly imposed on the Polish people, it was impossible to apply one simple formula to all the claims of persons deprived of their property. The Civil Code of 23 April 1964 and the Code of Administrative Procedure (CAP) of 14 June 1960 as amended by the Law of 31 January 1980 on the Supreme Administrative Court and the Amendment to the Code of Administrative Procedure regulate cases of property seized in breach of the then applicable law.

Shifting of Poland's borders after World War II

Following World War II, Poland's borders were radically shifted, which had been *de facto* recognised by the Allied Powers as early as in 1943 at the Teheran Conference. Under the Potsdam Agreement of 1945, Poland relinquished almost one-half of its pre-war territory to the Soviet Union and was compensated for it by receiving a part of the Eastern territories of the Third Reich and the area of the Free City of Gdańsk. As a result, Poland's territory was diminished by approximately 1/5 of its pre-war size.

Population resettlements

The shifting of borders entailed mass population resettlements. From 1944 to 1946, approximately **1.8** million Polish citizens were resettled. Pursuant to relevant agreements signed with the Soviet Republics, Polish citizens were obligated to leave their entire movable and immovable property (except for personal belongings which they could take with them in strictly regulated amounts). Polish civilian population suffered many abuses during resettlements. The transfer of property on such large scale mandated the enactment of an applicable legal framework by the Polish legislator.

Change of the political and economic system

In analysing the background of ownership changes in Poland, mention should also be made of the change of Poland's political system to a socialist model that was forcibly imposed on the Polish people and sanctioned by the Western powers. The so-called social ownership was the dominant form of ownership in the socialist political and economic system. Measures intended to adjust the old ownership structure to new guidelines were referred to as "nationalisation" in socialist jurisprudence as early as in the period preceding World War II

War-time losses

Poland suffered enormous material losses during World War II. According to estimates, about **37 percent** of the national property was destroyed. To give an example, industrial property losses are estimated at as high as **60 percent** of the pre-war assets, **50 percent** of the infrastructure was destroyed and **43 percent** of historical substance. Many cities were turned into rubble and smaller towns and villages were destroyed. Warsaw represents a unique and an extremely tragic case. Counted among Warsaw's losses are **10,455** buildings, including **923** historical structures (**94% of the pre-war total**), **25** churches, **14** libraries (i.a. the National Library), **145** schools, as well as Warsaw University and Warsaw Technical University. Over a **million** inhabitants lost all their possessions. Detailed data on private and public property loss, including works of art, cultural heritage and science artefacts is not available. The exact extent of losses of private and public property, including works of art, cultural landmarks and scientific objects, is not known. A historical committee set up in 2004 assessed the total loss at USD **54.6** billion or more (calculated at the 2004 USD/PLN exchange rate). Confronted by the enormous scale of destruction and problems with establishing the legal status of a significant part of real property, the post-war authorities decided that taking over private property was a necessary condition of effectively rebuilding the country.

Nationalisation after World War II

After World War II, nationalisation of private property was a common practice. It was also resorted to by highly industrialised countries with high standards applied to the protection of private ownership. France nationalised factories of Renault, Gaz de France and Electricité de France, the UK did the same with its coal mines and iron and steel works. Italy kept ENI (gas and oil industry) which had been nationalised under the fascist regime. After World War II, almost all countries nationalised their railways. Countries which later became part of the Eastern Bloc – Hungary, Czechoslovakia, Bulgaria, Romania, Yugoslavia, the German Democratic Republic and Poland – nationalised private property on a massive scale, not limiting themselves to the industry sector.

How did the then existing norms of international law address these issues? According to most international law experts, at that time states had full discretion to set the conditions under which they nationalised the property of their citizens. Hence, governments had the right to take over private property – even without paying compensation. This view was construed from the principle of sovereignty and autonomy of states as subjects of international law. Let us bear in mind that the human rights protection system as we know it today was not a familiar concept of international law at that time.

Persons who were not citizens of a country that nationalised property were in a different situation. Such acts were regarded as an indirect violation of the interests of the state whose citizens were deprived of their property, even though such property was physically located in the state that seized the property. The principle of sovereignty was construed as imposing a duty on the state that has nationalised the property of foreign citizens to compensate such states. The latter country could, but was not obliged, to pay such compensation to the individuals who had lost their property.

In view of the above circumstances, the Polish government entered into the so-called indemnity agreements during the 1948-1971 period with a number of countries whose citizens had been affected by the consequences of private property seizure. These agreements provided for specific amounts of compensation for citizens of those countries whose property was nationalised by the Polish State. Countries with entered into these agreements with Poland assumed responsibility for the payment of such compensation. These agreements (Table 1.) released Poland from any obligation under international law for the seizure of property previously owned by foreign citizens. The procedure for claiming damages is regulated solely by the domestic law of the aforementioned states.

Country	Sums agreed
France	**3.8 million** tonnes of coal (1948) worth USD **65 million**
Denmark	DKK **5.7 million**
Switzerland (and Lichtenstein)	CHF **53.5 million**
Sweden	SEK **116 million**
UK	GBP **5.4 million**
Norway	Mutual offset of Polish assets in Norway and Norwegian assets in Poland
USA	USD **40 million**
Belgium (and Luxemburg)	BEF **600 million**
Greece	USD **230,000**
Netherlands	NLG **9 million**
Austria	ATS **71.5 million**
Canada	CAD **1.2 million**

Table. 1. Indemnity agreements.

SELECTED LEGAL GROUNDS FOR TAKING OVER PROPERTY IN 1944-1989

- PKWN (Polish Committee of National Liberation) Decree of 6 September 1944 on Agrarian Reform and Regulations issued pursuant to the Decree (Dziennik Ustaw of 1945: No. 3, item 13; Dziennik Ustaw of 1946: No. 49, item 279; Dziennik Ustaw of 1957: No. 39, item 172 and Dziennik Ustaw of 1968: No. 3, item 6);

- PKWN Decree of 12 December 1944 on Takeover by the State Treasury of Ownership of Certain Forests (Dziennik Ustaw of 1944: No. 15, item 82; Dziennik Ustaw of 1948: No. 57, item 456; Dziennik Ustaw of 1968: No. 3, item 6; Dziennik Ustaw of 1969: No. 13, item 95);

- Decree of 26 October 1945 on Ownership and Usufruct of Land in the Capital City of Warsaw (Dziennik Ustaw of 1945: No. 50, item 279);

- Decree of 13 November 1945 on Establishment of "Film Polski" State Enterprise (Dziennik Ustaw of 1945: No. 55, item 308);

- Decree of 28 November 1945 on Takeover of Certain Landed Property for Purposes of Agrarian and Land Reform (Dziennik Ustaw of 1945: No. 57, item 321);

- Law of 3 January 1946 on Nationalisation of Core Branches of the National Economy (Dziennik Ustaw of 1946: No. 3, item 17; No. 71, item 389; No. 72, item 394; Dziennik Ustaw of 1958: No. 45, item 224; Dziennik Ustaw of 1969: No. 13, item 95);

- Decree of 8 March 1946 on Abandoned and Ex-German Property (Dziennik Ustaw of 1946: No. 13 item 87; No. 49, item 279; No. 72, item 395; Dziennik Ustaw of 1947: No. 19, item 77; No. 66, item 402; Dziennik Ustaw of 1948: No. 57, item 454; Dziennik Ustaw of 1969: No. 13, item 95);

- Decree of 6 September 1946 on the Agricultural System and Settlement in Regained Territories and the Former Free City of Gdańsk (Dziennik Ustaw of 1946: No. 49, item 279);

- Decree of 7 April 1948 on Expropriation of Estates Occupied for Purposes of Public Utilities during the 1939-1945 War (Dziennik Ustaw of 1948: No. 20 item 138; Dziennik Ustaw of 1949: No. 65, item 527);

- Decree of 26 April 1949 on Acquisition and Transfer of Real Property Indispensable for the Implementation of Economic Plans (Dziennik Ustaw of 1952: No. 4 item 31);

- Decree of 27 July 1949 on Takeover of Ownership of Landed Property not in Actual Possession of their Owners, Located in Certain Poviats of the Białostockie, Lubelskie, Rzeszowskie and Krakowskie Voivodeships (Dziennik Ustaw of 1949: No. 46, item 339; Dziennik Ustaw of 1958: No. 17, item 71);

- Law of 20 March 1950 on Nationalisation of Mortmain Property, Entrusting Farm Land to Parish Priests, and Creation of a Church Fund (Dziennik Ustaw of 1950: No. 9, item 87; No. 10, item 111; z 1969 No. 13, item 95; z 1998: No. 137, item 887);

- Law of 8 January 1951 on Nationalisation of Pharmacies (Dziennik Ustaw of 1951: No. 1, item 1; Dziennik Ustaw of 1968: No. 3, item 6; Dziennik Ustaw of 1969: No. 13, item 95);

- Decree of 2 February 1955 on Nationalisation of Inland Shipping Stock (Dziennik Ustaw of 1955: No. 6 item 36; Dziennik Ustaw of 1958: No. 17, item 71; Dziennik Ustaw of 1968: No. 3, item 6)

- Decree of 18 April 1955 on Enfranchisement and Regulation of Other Matters Relating to Agrarian Reform and Agricultural Settlement (Dziennik Ustaw of 1955: No. 18, item 107; Dziennik Ustaw of 1958: No. 17, item 71; Dziennik Ustaw of 1959: No. 14, item 78);

- Law of 13 July 1957 Amending the Decree of 18 April 1955 on Enfranchisement and Regulation of Other Matters Connected with the Agrarian Reform and Agricultural Settlement (Dziennik Ustaw of 1957: no. 39 item 174; Dziennik Ustaw of 1961: no. 32, item 161; Dziennik Ustaw of 1982: no. 11, item 79);

- Law of 25 February 1958 on Regulating the Legal Status of Property Remaining under State Administration (Dziennik Ustaw of 1958: No. 11 item 37; Dziennik Ustaw of 1968: No. 3, item 6);

- Law of 12 March 1958 on Sale of Immovable Property of the State Land Fund and on Settling Certain Matters Connected with Agrarian Reform and Agricultural Settlement (Dziennik Ustaw of 1989: No. 58, item 348; Dziennik Ustaw of 1991: No. 107, item 464);

- Law of 12 March 1958 on Rules and Procedure for Expropriation of Real Property (restated text Dziennik Ustaw of 1974: No. 10, item 64);

- Law of 22 April 1959 on Refurbishment and Reconstruction and Finishing Buildings (restated text Dziennik Ustaw of 1968: No. 36, item 249);

- Law of 6 May 1962 – the Water Act (Dziennik Ustaw of 1962: No. 34, item 158; Dziennik Ustaw of 1971: No. 12, item 115).

PROPERTY RESTITUTION AFTER 1989 (LEGAL REGULATIONS)

Immovable property of churches and other religious associations

Restitution of immovable property of churches and other religious associations has been carried out by the state through the work of property restitution commissions which are a type of arbitration courts.

One example of such commission was the Property Commission set up pursuant to the Law of 17 May 1989 on the Relationship between the State and the Roman Catholic Church in the Republic of Poland (Dziennik Ustaw of 1989: No. 29, item 154 as amended). The Property Commission was dissolved pursuant to the Law of 16 December 2010 Amending the Law on the Relationship between the State and the

Roman Catholic Church in the Republic of Poland (Dziennik Ustaw of 2011: No. 18, item 89).

The following bodies continue their work:

1) Commission for the Restitution of Property of the Polish Autocephalous Orthodox Church set up pursuant to the Law of 4 July 1991 on the Relationship between the State and the Polish Autocephalous Orthodox Church (Dziennik Ustaw of 1991: No. 66, item 287 as amended);
2) Property Restitution Commission set up pursuant to the Law of 13 May 1994 on the Relationship between the State and the Evangelical Church of the Augsburg Confession in the Republic of Poland (Dziennik Ustaw of 1994: No. 73, item 323 as amended);
3) Commission for the Restitution of Property of Jewish Religious Communities set up pursuant to the Law of 20 February 1997 on the Relationship between the State and Jewish Religious Communities in the Republic of Poland (Dziennik Ustaw of 1997: No. 41, item 251 as amended);
4) Commission for the Restitution of Property of Other Churches set up pursuant to the Law of 17 May 1989 on Guarantees of the Freedom of Conscience and Religious Denomination (Dziennik Ustaw of 2005: No. 231, item 1965; of 2009: No. 98, item 817; of 2010: No. 106, item 673; of 2011: No. 112, item 654). The Commission examines restitution claims filed by Churches and their legal entities, operating pursuant to:
    a) Law of 13 May 1994 on the Relationship between the State and the Evangelical Reformed Church in the Republic of Poland (Dziennik Ustaw of 1994: No. 73, item 324 as amended);
    b) Law of 30 June 1995 on the Relationship between the State and the Evangelical Methodist Church in the Republic of Poland (Dziennik Ustaw of 1995: No. 97, item 479 as amended);
    c) Law of 30 June 1995 on the Relationship between the State and the Christian Baptist Church in the Republic of Poland (Dziennik Ustaw of 1995: No. 97, item 480, as amended);

d) Law of 30 June 1995 on the Relationship between the State and the Seventh-day Adventist Church in the Republic of Poland (Dziennik Ustaw of 1995: No. 97, item481, as amended).

Claims were filed with this last Commission also by other Churches and religious associations, as well as national inter-Church organisations. These were:

e) The Muslim Religious Union in the Republic of Poland;
f) The New Apostolic Church in Poland;
g) The Anglican Church in Poland;
h) The Evangelical Christian Church in Poland;
i) The Pentecostal Church in the Republic of Poland;
j) The Bible Society in Poland.

The claims of the last three Churches and the Bible Society in Poland have already been examined.

The duration of restitution proceedings before the Commissions depends on many factors and often entails search queries in both Polish and foreign archives.

The property restitution process applicable to churches and other religious associations has also exposed problems, such as the destruction of documents during the war, loopholes in the communist legal system, the deletion of names of former owners from deeds, and the frequent absence of former property owners' names in earlier court decisions. Given these problems, the Commissions that examine restitution cases usually decide in favour of claims when they are in doubt. The Commission for the Restitution of Property of Jewish Religious Communities where the beneficiaries of the performances awarded by the said Commission are the Union of Jewish Religious Communities and Jewish religious communities may serve as an example of such practice.

Once a claim has been found to fulfil statutory requirements, a procedure is initiated leading to:

a) restitution *in rem*;

b) award of similar property of comparable value;

c) compensation or monetary damages.

Many cases have been settled by the parties (between the current owner of immovable property and its pre-World War II owner) or by the Commission.

Restitution proceedings are conducted by individual Commissions (competent and appropriate for the respective Churches and religious denominations), composed of (in equal number) representatives of a given Church/religious denomination and the government. In addition to the claimant, all central and local government agencies and religious agencies concerned participate in the restitution proceedings. A large number of cases are settled by a decision of the Commission competent for the relevant Church or religious denomination. Restitution proceedings also end in settlements reached before members of the commission adjudicating on a restitution case. In most cases, restitution proceeding regulations take into account the special circumstances created after the post-World War II shift of Poland's borders. In the event that the Commission fails to reach a decision, restitution proceedings participants may bring their case to court or assert their claims pursuant to general provisions of private property law (see below).

Private property

Since 1980, the Polish system of administrative law has provided for the possibility, in perpetuity, to challenge administrative decisions (including decisions of property deprivation). The legal situation applicable at the time such decisions were issued is subject to scrutiny. If a decision was issued "in breach of regulations on competence", "without legal grounds or in gross violation of the law", "was addressed to a person who was not a party to a case" or in other similar circumstances, it may be removed from

legal circulation, together with all the legal consequences it has caused. Such a decision is challenged when a higher level body declares it “invalid.” Detailed premises that provide grounds for requesting invalidity of an administrative decision are laid down in Article 156 § 1 of the CAP.

Once an administrative decision is declared invalid, it is treated almost as if it did not exist. A nationalisation decision, once it is declared invalid, in many cases may lead to the restitution of property to its former owners or their legal successors and subsequently to their repossession of real property and the reconciliation of the land and mortgage register entries with the actual legal situation.

An administrative decision may not be declared invalid if it has caused irrevocable legal consequences (for example, in the meantime the nationalised property was sold to third parties). Such a decision is nonetheless declared to have been “issued in breach of the law” and a party to the proceedings that was injured by this decision has the right to assert – pursuant to Article 160 § 1 of the CAP – claims for the damage actually suffered (*damnum emergens)*. Damages referred to in this legislative provision may also be claimed in certain cases when a higher instance body declares an administrative decision to be invalid.

Damages may be asserted within three years of the date a decision was declared invalid, irrespective of the time the decision was declared invalid (e.g. even if a damage occurred many years earlier). The right to indemnification is determined pursuant to general principles of private law in the course of civil proceedings. According to the Supreme Court’s case law, persons who did not take part in proceedings that ended in a decision finding a breach of the law may also claim damages.
Court case law also favours former owners in cases involving acquisitive prescription of real property acquired by the State Treasury for the exercise of its public authority. Pursuant to a resolution of the full Civil Chamber of the Supreme Court of 26 October, 2007, ref. No. III CZP 30/07, acquisitive prescription of real estate is not possible if its owner could not have effectively claimed repossession of such property.

Claims relating to immovable property located in the capital city of Warsaw

The Decree of 26 October 1945 (the "Decree") on Ownership and Usufruct of Land in the Area of the Capital City of Warsaw provided for the ownership transfer of all landed property located within the Warsaw city limits to the municipality of the Capital City of Warsaw–. Former owners of real estate had the right to apply for perpetual lease (perpetual usufruct) provided that the enjoyment by the present owner could be reconciled with the use of land. Pending the examination of their application, the former owners retained ownership of buildings and other objects located on the land. If the municipality dismissed the application, the ownership of all buildings located on the land was transferred to the municipality (and subsequently to the State Treasury).
Under the current legal system decisions issued pursuant to the Decree can be verified.
If a decision refusing temporary ownership of land was issued by the National Council Presidium of Warsaw, an application for invaliding such decision should be submitted to the Local Government Board of Appeals (municipal property) and if the property now belongs to the State Treasury – to the Voivode of the Mazowieckie Voivodeship. Claimants may appeal against final decisions issued by the former Ministry of Municipal Economy to the Minister of Transport, Construction and Maritime Economy.
If the above decision is found to be invalid, the competent authority re-examines the application for temporary ownership (now: perpetual usufruct).

If a negative decision issued pursuant to the Decree has caused damage, damages may be asserted pursuant to the rules described above.

Moreover, in certain situations referred to in Article 215 of the Law of 21 August 1997 on Real Property Management (Dziennik Ustaw of 2010, no. 102, item 651), former owners could claim damages without having to challenge decisions issued pursuant to the Decree.
Damage claims should be submitted to the Mayor of the Capital City of Warsaw.

Claims relating to property taken over in the course of nationalisation of industry

After the end of World War II, industry in Poland was nationalised. Nationalisation decisions are examined for compliance with the then applicable law pursuant to the rules described above.
Pursuant to the Law of 3 January 1946 on the Nationalisation of Core Branches of the National Economy, the Law of 25 February 1958 on Regulating the Legal Status of Property Administered by the State, the Decree of 16 December 1918 on Compulsory State Management, nationalisation decisions were issued whose legality is now subject to verification.

Decisions may be checked for legality pursuant to Article 156.1.2 of the CAP. The party concerned should apply to the authority that issued the final decision or to its legal successors. In the case of the Law of 3 January 1946 on the Nationalisation of Core Branches of the National Economy, the authority to apply to is the Minister of Economy, and in the case of forced management and enterprises taken over by the state, applications should be lodged with the competent ministers:

- Minister of Health – health resorts;
- Minister of Environment – sawmills;
- Minister of Agriculture and Rural Development – mills, butcher shops, oil mills;
- Minister of Finance – the spirits industry.

If a nationalisation decision concerns an enterprise owned by a natural person or persons as at the date of seizure, applications may be submitted by such persons or their legal successors. In the case of a joint stock or limited liability company, applications may be submitted by the management board of the company or a court-appointed receiver.

Claims relating to property taken over pursuant to the Decree on agrarian reform and the Decree on takeover by state treasury of ownership of certain forests

After World War II, agricultural enterprises and farmland were nationalised in Poland.

Pursuant to the PKWN Decree of 6 September 1944 on Agrarian Reform, the State Treasury nationalised landed property owned or co-owned by natural or legal persons, provided that their total area exceeded 100ha of the overall area or 50ha of arable land, while in the Poznańskie, Pomorskie, and Śląskie Voivodeships, provided that their total area exceeded 100ha of the overall area – irrespective of the portion of arable land in such landed property.

With respect to land-related standards referred to in the legal provision above, claimants may apply for a decision, issued under administrative law, that would determine whether their taken-over property met the criteria set out in Article 2.1(e) of the Decree on Agrarian Reform. The Supreme Administrative Court in its Resolution of 10 January 2011 (file no. I OPS 3/10) reaffirmed that Article 5 of the Ordinance of the Minister of Agriculture and Agrarian Reforms of 1 March 1945 implementing the PKWN Decree of 6 September 1944 on Agrarian Reform (Dziennik Ustaw of 1945 No. 10, item 51, as amended) may constitute grounds for issuing an administrative decision on whether real property or part thereof forms part of landed property referred to in Article 2.1.(e) of the PKWN Decree of 6 September 1944 on Agrarian Reform (Dziennik Ustaw No. 4, item 17, as amended). The competent authority in such cases is the voivode. Its decisions may be appealed against to the Minister of Agriculture and Rural Development. In other cases in which food production enterprises were located on the premises of landed property, eligible claimants should apply to a court to obtain a decision establishing ownership title pursuant to the procedure provided for Article 189 of the Code of Civil Procedure.

Similar rules apply to forests and forest lands covering an area of over 25 ha whose property has been transferred to the State Treasury pursuant to Article 1 of the PKWN

Decree of 12 December 1944 on Takeover by the State Treasury of Ownership of Certain Forests. In the course of proceedings before common courts, legal successors of former owners may present arguments to support the claim that the real property taken over pursuant to the above decree did not fulfil the conditions permitting their ownership transfer to the State Treasury.

Claims relating to the loss of property left beyond the present borders of the Republic of Poland

As a result of frontier changes in the aftermath of World War II, large numbers of Polish citizens found themselves living in areas that remained outside the re-defined Polish borders. These persons had the right to claim compensation under the Law of 8 July 2005 on Exercising the Right to Compensation for Immovable Property Left outside the Borders of the Republic of Poland (Dziennik Ustaw of 2005: No. 169, item 1418, as amended). Pursuant to Article 2 of the Law, a former owner of immovable property left outside the existing Polish borders is entitled to compensation, provided that he or she meets all of the following criteria:

1. was a Polish citizen as at 1 September 1939 and was settled at that time within the borders of the then territory of the Republic of Poland and was resettled from that territory for reasons referred to in the Law; it should also be noted that the Constitutional Court in its judgement of 23 October 2012, file no. SK 11/12 found that the requirement of residence in the former territory of the Republic of Poland on 1 September 1939 is unconstitutional.

2. is a citizen of the Republic of Poland.

In the event an owner of immovable property left outside the present borders of the Republic of Poland dies, the right to compensation may be exercised by all or some of his successors appointed by the remaining ones, on condition that such persons fulfil the requirement referred to in Article 2.2 of the Law. The successors may appoint a person

entitled to compensation by submitting a written declaration with notarised signatures or by signing it before a public administration body or by sending it to a Polish consular office (Article 3.2 of the Law).

Confirmation of the right to compensation is issued upon an application of the person concerned. The deadline for submitting such applications expired on 31 December 2008. The relevant voivode is empowered to issue a decision confirming the right to compensation. Pursuant to Article13 of the Law, the right to compensation may be exercised in one of the following forms:

1. By crediting the value of immovable property left outside the existing borders of the Republic of Poland against:
   a) the sale price of immovable property owned by the State Treasury, or
   b) the sale price of perpetual usufruct rights held by the State Treasury, or
   c) fees for perpetual usufruct of landed property owned by the State Treasury and sale price of buildings located thereon and other premises and appurtenances thereon, or
   d) fees for changing a perpetual usufruct right into an ownership right of immovable property owned by the State Treasury under separate provisions of law, or
2. Cash payment from the Compensation Fund

Eligible claimants receive twenty percent of the value of immobable property left outside the present borders of the Republic of Poland in the form of cash payments. The payments are made out of the Compensation Fund, a special-purpose fund administered by the Minister of Treasury.

Claiming compensation for works of art and movable cultural heritage seized by the state after World War II

Works of art and other cultural heritage artefacts, including libraries and archives, were seized by the authorities after World War II pursuant, in most part, to the following two legislative acts:
1. PKWN Decree of 6 September 1944 on Agrarian Reform – Article2 SubArticle1 letter e) and implementing provisions issued under the Decree (Dziennik Ustaw of 1945: No. 3, item 13; Dziennik Ustaw of 1946: No. 49, item 279; Dziennik Ustaw of 1957: No. 39, item 172, and Dziennik Ustaw of 1968: No. 3, item 6).

During the implementation of the Agrarian Reform, the government also seized movable property of historical, artistic or scientific value found on landed estates that were nationalised and belonged to the owners of such estates. Under the Agrarian Reform, property located within the pre-1939 Polish state borders was nationalised.

Restitution claims to property seized under the Agrarian Reform take the form of individual actions before civil courts for possession of property. Claimants should prove that, at the time the 1944 Agrarian Reform Decree was promulgated, they were owners of specific works of art or other cultural heritage artefacts, to which the Agrarian Reform regulations did not apply. The court then examines whether the claimant has lost his title by operation of Agrarian Reform regulations or otherwise. If the court admits a claim, it orders the current holder of claimed property which usually is a museum, library or archive, to return the work or artefact to the owner or his legal successor.

2. Decree of 8 March 1946 on Abandoned and Ex-German Property (Dziennik Ustaw of 1946: No. 13 item 87; No. 49, item 279; No. 72, item395; Dziennik Ustaw of 1947: No. 19, item 77; No. 66, item 402; Dziennik Ustaw of 1948: No. 57, item 454; Dziennik Ustaw of 1969: No. 13, item 95).

The decree on Abandoned and Ex-German Property covered, in principle, two categories of property. First, any property that had been lost during the 1939-1945 war and occupation and was not repossessed by its owners before the end of 1950 (applies to movable property including works of art and other cultural heritage artefacts) or by the end of 1955 (applies to immovable property) – i.e. abandoned property. Secondly, any property formerly owned by the German Reich or the Free City of Gdansk, German or Gdansk legal persons and German or Gdansk citizens excluding Poles and other nationalities persecuted by the Germans (e.g. Jews) – the so-called ex-German property.

The ownership of abandoned property was transferred to the State Treasury of Poland as of the final date for regaining its possession, which for works of art and cultural heritage items was 1 January 1951. The ownership of ex-German property was transferred to the Treasury of Poland as of 19 April 1946. In both cases the ownership was transferred to the State Treasury by operation of law, without the need to issue decisions or take other actions, regardless of whether the property in question was currently held by the state or someone else.

If an owner of a work of art classified as abandoned property (or his legal successor) did not regain possession of his property before the end of 1950, he may pursue his claim in a civil court for possession, like in the case of claims for possession of property seized under the Agrarian Reform regulations. The claimant has to demonstrate that the artefact did not fall in the category of abandoned property or that he regained its possession before the final date set in the Decree. The court establishes the identity of the artefacts and whether the claimant has not lost his ownership title otherwise.

The same applies to any work of art classified as ex-German property, i.e. a claimant may pursue his claim in a civil court for possession and is required to demonstrate that his property had not be classified as ex-German property and that he has retained the ownership right to this property.

In both cases, the opposing party in any action for possession is the one that holds the object in question, which in most cases means a museum, library or archives.

RESTITUTION IN NUMBERS

Information on proceedings for the restitution of churches' and other religious associations' property

Property Commission (property belonging to the Catholic Church (e.g. to its parishes and dioceses), in the years 1989-2011:

- **2,476** proceedings ended in decisions or settlements that restituted or returned to church legal entities or awarded them damages or compensation,
- **666** proceedings ended in dismissal of the application or in discontinuation of proceedings before the Property Commission,
- the Property Commission has transferred to legal persons real property whose total area amounts to **65,538** hectares and paid out compensations and damages totalling PLN **143,534,000**.

Inter-Church Restitution Commission (for property belonging to the following churches: the Christian Baptist Church in the Republic of Poland, the Evangelical Church of the Augsburg Confession in the Republic of Poland, the New Apostolic Church in Poland, the Seventh-day Adventist Church in the Republic of Poland, the Muslim Religious Union in the Republic of Poland, the Evangelical Reformed Church in the Republic of Poland) (as of 10 August, 2012):

- a total of **170** applications have been submitted,
- **73** cases were initiated,
- **14** cases ended in restitution of property, award of substitute property or damages.

The Restitution Commission for the Polish Autocephalous Orthodox Church (as of 30 June, 2012):

- **566** cases were initiated,
- **329** cased ended in property restitution decisions or settlements or the award of damages,

- **65** cases ended in decisions to discontinue proceedings or to dismiss the application,
- pursuant to decisions and settlements, the following were handed over: undeveloped pieces of landed property totalling **5,080ha**, developed pieces of landed property totalling **21ha**, residential and business premises totalling **1,749.63m^2**, **13** cemeteries with a total area of **5.4ha**. Damages worth **PLN 7,713,290** were awarded.

The Restitution Commission for the Evangelical Church of the Augsburg Confession in the Republic of Poland (as of 26 July, 2012):
- **1,200** cases were initiated,
- **430** cased ended in property restitution decisions or settlements or the award of substitute property,
- **513** cases ended in decisions to discontinue proceedings at the joint motion of its participants or in the dismissal of the application,
- undeveloped landed property totalling **398ha** and developed landed property totalling **46.5ha** was restituted or returned; approximately **PLN 2,113,118** was paid out in cash compensations.

Commission for the Restitution of Property of Jewish Religious Communities (as of 31 July, 2012):
- **5,504** proceedings were initiated;
- **2,282** proceedings were closed in full or in part;
- **1,017** proceedings ended in a settlement or decision to accept the application;
- **1,213** proceedings were discontinued or ended in decision to dismiss the application;
-Settlements reached before the Restitution Commission provide for the payment of **PLN 27,801,507** as cash compensation for the Union of Jewish Religious Communities in Poland.
In addition, applicants were awarded damages totalling **PLN 34,607,249**.

Information about the restitution of real property to individuals and the payment of compensation for private property taken over by the state.

Real estate in Warsaw:
- **17,000** pieces of developed landed property had been seized,
- **3,486** pieces of real property were restituted *in rem*,
- approximately **300** damages were awarded (from 2002 to 2012, the total amount of damages paid was **PLN 520 million**)
- approximately **5,000** cases are pending.

Real estate in large cities:
In cities located within the borders of the 2nd Republic of Poland, as a rule, regulations like the Warsaw Decree were not in force. Other towns suffered less extensive damage during WW II. For this reason, the restitution of illegally seized property in those towns after 1989 was less complicated than in the case of Warsaw. Below is an estimated percentage of accepted applications for restitution of real property and/or restoring the ownership title to real property taken over by the state in the years 1944-1989 (estimated data provided by organisations of real property owners):

- Gdynia: **90%**
- Katowice: **80%**
- Krakow: **80%**
- Lublin: **90%**
- Łódź: **90%**
- Poznań: **80%**

Landed real property taken over pursuant to the Decree on Agrarian Reform: lack of detailed data. However, more and more castles, palaces and country manors together with non-arable land have been restituted.

Industry enterprises

According to Ministry of the Economy estimates, around **4,000** applications for invalidating nationalisation decisions have been filed since 1989. To date, around **3,000** cases have been considered, most of them in favour of the old owners. In the early 1990s, most cases ended in restitution *in rem*. From 2001 until 2012, arising from a decision by the Ministry of the Economy, the State Treasury paid out damages to **402** claimants for illegal seizure of industrial plants. The damages totalled **PLN 191.7 million**. The Ministry of the Economy has estimated initially that **2,000** cases have led to restitution *in rem*.

Property Beyond the Bug River (as of October 31, 2012)

- **111,600** applications have been filed;
- **47,538** claims (or **43%**) have been processed;
- payments exceed **PLN 2.3** billion;

RESTITUTION OF PROPERTY IN POLAND (Q&A)

What is the historical background to Polish restitution?

In the years 1939-1945, Poland suffered massive and extensive war damage – both in terms of population and property. Large portions of Polish cities were destroyed. Warsaw suffered the most extensive damage. Most of its buildings were razed to the ground. To rebuild Poland's capital, Warsaw's authorities at the time decided to nationalise large parts of the city.

In communist-ruled Poland, like in all former Eastern Bloc countries, at the final stages of World War II and immediately afterwards, private property was nationalised on a mass-scale because of:

- the need to rebuild ruined cities and to modernise transportation infrastructure, industry and agriculture;

- border shifts resulting from the Potsdam Agreement (the incorporation into Poland of a part of the Third Reich's former territories and the Free City of Gdańsk with the concurrent loss of Poland's eastern territories);
- a change of the economic and political systems.

Who was affected?

Those affected by the nationalisation of private property at the time can be divided into four categories:

- Citizens of the Second Republic of Poland;
- Citizens of the Third Reich (including citizens of the Second Republic who assumed German citizenship during the war).
- Citizens of the Free City of Gdańsk;
- Persons who were not Polish citizens prior to 1 September 1939.

Was any compensation awarded during the communist rule?

Compensation claims, although admissible in theory, were extremely rarely awarded in practice. The communist government followed these rules:

- Property owned by citizens of the Second Republic of Poland, in almost all cases, was nationalised without any compensation;
- In the case of citizens of other states, the Polish government, based on indemnity agreements entered into with over ten countries ("indemnity agreements") paid global damages for the property owned by citizens of these states that it had nationalised;
- German property located within post-1945 Polish borders was treated as reparations for war-time losses, therefore the Polish legislator did not consider himself bound by an obligation to pay damages.

Was the take over of property by Polish authorities performed in conformity with international law?

Yes. According to most international law experts, during this period states exercised full discretion in the scope of taking over property belonging to their citizens. Hence, governments had the right to take over private property even without paying compensation to its former owners. This norm was derived from the principle of sovereignty and autonomy of states as subjects of international law. Let us note that a system of international human rights protection had not yet been internationally codified. Persons who were not citizens of the country that nationalised their property were in a different situation. Such act was regarded as an indirect violation of the interests of the state whose citizens were deprived of their property, even if physically such property was located in the territory of the seizing country. The principle of sovereignty was construed as imposing a duty on the state that nationalised the property of foreign citizens to compensate their respective states. The latter states could, but were not obliged to transfer the said compensation to the entities that had lost their property. For these reasons, in the years 1948–1971 the Polish government entered into the so-called indemnity agreements with a number of countries whose citizens were affected by nationalisation.

What are the measures available today to persons who want to claim property restitution in Poland?

Persons who lost their property after World War II and their legal successors (even if they are not Polish citizens) may pursue their claims through court and administrative procedures. The choice of procedure is determined by the type of property and the grounds on which it was taken over.

Persons claiming property restitution may apply, without time limits, for a declaration of invalidity of a decision pursuant to which the property was seized, provided that the decision at the time it was issued contained serious defects referred to in the Code of

Administrative Procedure (CAP). Declaration of invalidity leads to disregarding the administrative decision in the process of establishing the legal status of property. If a decision has led to irrevocable legal consequences, then an administrative body instead of declaring the decision to be invalid, finds that it was issued in breach of the law. A party to the proceedings may assert damages pursuant to Article 160 § 1 of the CAP for damage actually suffered (*damnum emergens)* caused by an invalid decision or a decision issued "in breach of the law." Persons who did not take part in proceedings that ended in a decision finding a breach of the law may also claim damages. Indemnity claims are barred by a statute of limitations of three years from the day an oversight decision becomes final.

Damages for unlawful takeover of property are paid out of the Reprivatisation Fund administered by the Minister of Treasury. Pursuant to the Law of 30 August 1996 on Commercialisation and Privatisation (Dziennik Ustaw of 2002 No. 171, item 1397 as amended), the Reprivatisation Fund is funded with proceeds from the sale of companies owned by the State Treasury (**5%** of the value of shares sold). Damages are paid from the Fund on the basis of legal titles, i.e. non-appealable and final judgments, court settlements, and final administrative decisions. Since 2001, i.e. from the date the Reprivatisation Fund was set up, until 31 October, 2012, it paid out damages totalling **PLN 1.05 billion** to **2,682** natural and **63** legal persons based on **807** awarded claims.

In the event that property was seized without legal grounds or based on an invalid administrative decision, a claim may also be filed with a common court of law for possession of property (Article 222 § 1 of the Civil Code) and for reconciling the entries of a land and mortgage register with the actual legal status of the property in question.
The evolution of case law and court practice in the last twenty years has affected the process of awarding damages for taken over property. A significant number of proceedings ended in rulings awarding former owners their property *in rem* or damages. Many judgements delivered by the Supreme Administrative Court, the Supreme Court and the Constitutional Court are in favour of the parties concerned.

Similarly, as regards the real property located in Warsaw and properties taken over in other cities on different legal grounds, local authorities have for some years interpreted the law in favour of the expropriated owners.

How much property in Poland has been returned to claimants?

Due to the complex nature of this issue, the following data is not comprehensive and should be treated as an estimate. The information presented below illustrates the scale of restitution in Poland claimed through court and administrative procedures.

- Warsaw properties (number of immovable properties nationalised ca. **17,000**)
  - **3,486** pieces of real property returned;
  - ca. **300** damages paid (in the years 2002-2012 alone damages paid totalled over PLN **530 million**);
  - ca. **5,000** cases pending

- Real property in other large cities

In large cities located within the borders of the Second Polish Republic, as a rule, regulations like the Warsaw Decree were not in force. Those towns suffered less extensive damage during WW II. For this reason, the restitution of illegally seized property in those towns after 1989 was less complicated than in the case of Warsaw. Below is an estimated percentage of accepted applications for restitution of real property and/or restoring the ownership title to real property taken over by the state in the years 1944-1989. Estimated data was provided by organisations of real property owners:

- Gdynia: **90%**
- Katowice: **80%**
- Krakow: **80%**
- Lublin: **90%**
- Łódź: **90%**
- Poznań: **80%**

- Landed property seized pursuant to the Decree on Agrarian Reform.
  No detailed data available; castles, palaces and country mansions are being returned in increasing numbers.

- Property Beyond the Bug River
  - **111,600** applications have been filed;
  - **47,538** claims (or **43%**) have been processed by October 31, 2012;
  - payments exceed **PLN 2.3 billion.**

- Industry enterprises

According to the Ministry of the Economy estimates, around **4,000** applications for invalidating nationalisation decisions have been filed since 1989. To date, around **3,000** cases have been examined, of which most ended in decisions in favour of the old owners. In early 1990s, most cases ended in restitution *in rem*.

- Reprivatisation Fund

Since **2001**, i.e. from the date the Reprivatisation Fund was set up, until 31 October, 2012, it paid out damages totalling **PLN 1.05 billion** to **2,682** natural and **63** legal persons based on **807** awarded claims. This sum includes damages paid to persons claiming enterprises to whom their property was not returned *in rem*.

- Communal property (churches and religious communities):
  - Landed property: no less than **70,000ha**.
  - No less than **PLN 215 million** paid in compensation.

Do Jewish claimants have a separate legal status?

No. Polish citizens of Jewish origin who lost their property (and their legal successors) do not represent a separate legal category. Legally, the situation of persons of Jewish

origin and their successors (also those who today are not Polish citizens) is no different from the situation of other persons, in particular from that of other Polish citizens.
If their property was taken over in violation of the then applicable law, persons of Jewish origin may claim property restitution in court and administrative proceedings on the same grounds as other eligible persons.

What guarantees are provided for in the Convention for the Protection of Human Rights and Fundamental Freedoms to persons deprived of their property in the course of post-WW II nationalisation processes?

Poland has been bound by the Convention since 19 January, 1993, and since 1 May, 1993 it acknowledges the jurisdiction of the European Court of Human Rights in adjudicating cases that may be brought against it. The provisions which guarantee the protection of ownership are stipulated in Article 1 of Protocol No. 1 to the Convention which has been binding for Poland since 10 October, 1994.
According to the general principles of international law, an international agreement - in this case the Convention and Protocol No. 1 - may not be applied to acts of the state that had occurred before the entry into force of the agreement in such state, or to situations which ceased to exist before such date. Consequently, the European Court of Human Rights, a~~n~~ supervisory body that operates pursuant to the Convention, may examine applications filed with the Court only to the extent they concern events or acts committed by the state before the entry into force of the Convention and its relevant additional protocols in that state.

Within the meaning of Article 1 of Protocol No. 1, the loss of ownership resulting from expropriation, nationalisation or confiscation is, in principle, an instantaneous act and does not create a continuing situation which the Court would be competent to examine.

For this reason, once it is found that property had been seized before the Convention and Protocol No. 1 entered into force in Poland, the Court has no temporal jurisdiction to examine the circumstances surrounding specific acts of property takeover or their

effects, even if they continue to this day. In other words, the Court would not find any nationalisation, confiscation or expropriation carried out under communist regimes to be in breach of the Convention. The idea of the Strasburg system is to protect individuals against current infringements of the rights guaranteed to individuals under the Convention and its additional protocols.

The Court's case law has developed the principle that Article 1 of Protocol No. 1 to the Convention does not create any binding obligation on a state to return any property taken over by that state prior to the ratification of the Convention and Protocol No. 1. This transpires from the Court's case law relating to the scope of the right of ownership subject to protection. It involves the right to enjoy the existing ownership, and not "the right to property". It transpires from the Court's case law that if property was nationalised under nationalisation laws, the fact that a state later became bound by the Convention and its Protocol No. 1 does not constitute grounds for questioning ownership relations that existed on the day that state became bound by these international agreements.

20. Portugal

[…] In what concerns a contribution from our side on the state of implementation of the Terezin Declaration and the ensuing Guidelines and Best Practices, I would wish at this stage to inform you that, to our best knowledge, there was no immovable property confiscated or otherwise wrongfully seized in Portugal during the Holocaust Era, between 1933-1945.

Should that be the case, I will presently reach you with further information on the issue.

Sincerly,

Carlos Pais

21. Romania

NOTE

regarding the Romanian legislative and administrative measures concerning the restitution of properties abusively confiscated during the Holocaust

Based on the contributions of the **National Authority for Property Restitution** and **Federation of Jewish Communities of Romania**

I. A. General considerations

In considering the set of principles which must govern the restitution of properties to the Jewish communities, victims of the Holocaust, enacted by **"The Terezin Declaration" on June 30, 2009**, Romania adopted a special normative frame for the restitution of properties both after 1944 by eliminating anti-Jewish repressive abusive measures, and, after 1989, the aim was to correct the abusive measures taken by the communist state.

Romania has been a forerunner in implementing the legislation on property restitution, but nevertheless, 22 years after the fall of the communist regime, and 21 years after the first legislative measure (Law 18/1991), the restitution process is not yet completed.

In addition to the generally accepted and recognized statutory component, the restitution of properties has a moral and political dimension. Through this procedure, the authorities - **the Romanian State -** assumed the historical mistakes committed against its citizens. Together with the commemoration of victims of Holocaust and educational process in this field, the restitution of properties signifies rising awareness and assuming the problem by the Romanian society. The high level of acceptance of this issue within the Romanian society indicates the maturity of the Romanian social and political system.

Restitution of immovable assets to Jewish community in Romania is a highly complex process, with multiple ramifications in legal, economic and social fields, of particular importance to the rule of law, which ensures continuity of Jewish community life in Romania. By exploiting the returned properties, *The Charity Foundation* allocates funds to social and medical assistance granted to the Holocaust survivors in Romania and Israel, as well as funds directed to the preservation and rehabilitation of Jewish

sacred sites, religious and historic, cultural and artistic patrimony, and also to educational programs that benefit the members of this community.

b. Historical considerations

There was no need to adopt in Romania a special normative frame regarding the restitution of real estate confiscated during the Holocaust, as this question was solved by the Romanian state starting with the end of 1944.

Therefore, Romania was amongst the first states from Eastern Europe to abolish anti-Semitic legislative measures adopted during the period September 1940 – august 1944 period during which measures discriminatory to the Jews were taken. At the same time Romania was amongst the first states to regulate the issue of restitution to Jewish community.

On these lines, **Law no. 641/1944** regarding **the abolition of anti-Semitic measures was enacted** and it stipulated that "*all legal provisions adopted as anti-Jewish legislative measures by the public authorities, general or individual, will be abolished, including those comprised in court decisions, as well as all discriminatory measures adopted without legal basis against Jews by the public authorities*."

This normative act stipulated that "*all anti-Jewish measures are and will remain abolished, assets re-entering the patrimony of those deprived of these, de jure, without any formality*."

Moreover, **by adopting the legislation of abolition of all normative acts discriminatory towards the Jewish community** starting with the end of 1944, **the Romanian state rehabilitated the plenitude of patrimonial and civil rights of the Jewish population**, impinged upon by the anti-Jewish legislation from the period of the Second World War.

Also, in the same period, the **Decree no. 113, issued on June 29, 1948 by the Great National Assembly (Parliament)**, adopted as a result of **Romania signing the Paris Peace Treaty from 1947**, regulated the situation of real assets coming from citizens belonging to the Jewish community, victims of some measures of racial, religious persecution or of some other fascist measures, deceased without heirs.

Thus, by virtue of this decree, all assets coming from Jews victims of fascist/persecution measures, deceased without heirs/vacant inheritances, became

property of the **Federations of Jewish Communities Unions**, as the representative at central level of the entire Jewish community, to be used in support of the Jewish population in need.

For that matter, it is emphasized that the entire set of legislative measures adopted after 1944 for the resolution of the Jewish restitution problem was applied.

Thus, it can be said that **from the practice of the Special Commission for Retrocession,** whose competence is the resolution of retrocession claims filed by religious cults and the communities of citizens belonging to national minorities, **it was determined that the provisions of the legislation regarding the abolition of anti-Jewish measures were applied** (Including Decree 113/1948) in the sense that assets which had belonged to natural persons without heirs, to civil Jewish associations, those that made the object of the law for Romanization became**, de jure, property of the Federation of Jewish Communities**.

Immediately after the Second World War, by the adoption of **Law regarding the abolition of anti-Jewish legislative measures no. 641 from December 19 1944, published in the Official Monitor no. 294**, all discriminative normative acts related to Jews were abolished and, at the same time, **the restitution of assets pertaining to Jews deprived of these in the period 1940-1944** was established.

This normative act is of special importance as it attests without doubt the fact that Romania was amongst the first states to regulate the problem of restitution to the Jewish community.

Therewith, **Decree no. 589 of June 1, 1949 of the Presidium of the Great National Assembly (Communist Romania's Parliament) by which the Statute of the Mosaic Cult was adopted**, regulated the situation of assets which were **property of the associations, the civil Jewish foundations (mosaic), in the sense that these became the patrimony of local Jewish Communities.**

Subsequently, along with the investiture of the communist regime, there was a nationalization of all real assets, which became property of some natural and legal persons by the adoption of an abusive legislation, which confiscated real estates.

This time, **the nationalization laws, adopted by the communist state, regarding the nationalization of all real estates properties of some natural and legal persons, did not regard only the assets of the Jewish community**.

As a result, after the end of the communist regime in 1989 the need to solve the problem of restitution of abusively confiscated properties became a priority. This was first addressed by adopting a new **special normative frame in the domain of retrocession** which had as beneficiaries natural and legal persons, religious denominations, Romanian citizens belonging to national minorities.

II. General aspects regarding the evolution of legislation for property restitution

Romania began with the resolution of the serious problem of nationalization, by first addressing the issue of the confiscation of agricultural properties - “cooperativisation”- the Stalinist concept of socialist agriculture or, as the case may be, confiscation of rural properties by adopting even since 1991, the law on land property which regarded the restitution of agricultural lands.

Thus, **Law no. 18/1991 on land property (rural property)** established the re-enactment and enactment of the property right of natural persons, religious cults and legal persons **on agricultural, non-agricultural and woodlands at request**, at the beginning within certain limits which were subsequently eliminated by amendments and additions to the legislation regulating the retrocession of properties from the territorial domain.

Thus, **the property right of religious cults, the mosaic cult implicitly, over agricultural lands and woodlands was re-enacted starting with 1991**.

As regards the **urban property** (real assets – constructions together with the afferent land situated in the built-up of settlements), **until the adoption of Law no. 10/2001** regarding the legal regime of some real estates abusively confiscated during the period March 6, 1945 - December 22, 1989, **legislative measures restorative in kind or by equivalent were taken related to different categories of real estates** which became state property or were confiscated to the benefit of natural persons.

For that matter, it must be mentioned that the **provisions of Law no. 10/2001**, republished, with the subsequent amendments and additions, **create the general legal**

framework regarding the restitution of some real estates abusively confiscated by the state, by cooperative organizations or by any legal person during the period March 6, 1945 - December 22, 1989 and **which belonged to natural persons, including legal heirs of legitimate natural persons**.

Within this context, it must be mentioned that **natural persons** in the quality of former owners of abusively confiscated assets, **benefit from the provisions of Law no. 10/2001** regarding the legal regime of some real estates abusively confiscated during the period March 6, 1945 - December 22, 1989.

Instead, **the provisions of E.G.O. no. 83/ 1999**, republished, and **of E.G.O. no. 94/ 2000**, republished, with the subsequent amendments and additions, **benefit the communities of citizens belonging to national minorities *as legal persons of private law* and the religious cults from Romania which *had owned abusively confiscated real estates***.

Thus, **depending on the quality of the former owner, the natural person or legal person respectively** (citizens belonging to national minorities/religious cult), **benefit from the different provisions and procedures comprised in Law no. 10/2001, or E.G.O. no. 94/2000, republished, with the subsequent amendments and additions, and E.G.O. no. 83/1999, in its republished form** .

III. The restitution of properties which were owned by religious cults and Romanian citizens belonging to national minorities

As regards the restitution of properties which were owned by religious cults and the communities of citizens belonging to national/ethnic minorities from Romania, the evolution of the normative framework was, at first, a gradual one with prompt regulations.

Thus, the process began with the **restitution of land properties** (rural property) by **Law no. 18/1991**, within certain limits, which regulated the integral retrocession of properties from the land property, the religious cults being therein comprised.

As regards **urban properties** abusively confiscated from religious cults, **the first legislative measures** which regarded the retrocession of these **were taken starting 1997**, by the adoption of **E.G.O. no. 21/1997**. The provisions of the respective ordinance represented the first step which subsequently opened the way to a unitary regulation of

the restitution of properties which were abusively confiscated from **religious cults** and from the **communities of the national minorities**. Concurrently, the restitution of some categories of real estates which **had belonged to Jewish communities from Romania** (provided for in the annex to the normative act) was regulated.

This normative act provided for the fact that real estates **would be restituted to a foundation** (The Charity Foundation) **established by the Federation of Jewish Communities from Romania and the World Jewish Restitution Organization** to this effect.

As regards the adopting of some **normative acts of a special character** to regulate the **unitary restitution** of real assets from the built-up of settlements and which were abusively confiscated from religious cults and the communities of the national minorities, two emergency ordinances were adopted, namely:

A. **Emergency Government Ordinance** (EGO) **no 94/2000** regarding the retrocession of some real assets which had belonged to religious cults, approved with amendments and additions by Law no. 501/2002 and

B. **E.G.O. no. 83/1999** regarding the restitution of some real assets which had belonged to the communities of citizens belonging to national minorities from Romania, approved with amendments and additions by Law no. 66/2004.

A. Religious cults

Along with the approval of Law no. 10/2001 regarding the legal regime of some real estates abusively confiscated during the period March 6, 1945 - December 22, 1989, **the foundations for adopting special regulations regarding the restitution of real assets which had belonged to religious cults and the communities of citizens pertaining to national minorities were laid**.

Until the adoption of Law no. 10/2001, the general legal regime of restitution of real assets which had belonged to religious cults from Romania was regulated by **Emergency Government Ordinance no. 94/2000**.

The respective normative act, in its initial form, **regarded the problem of restitution of real estates belonging to religious cults from a limited perspective in the sense that it allowed for the restitution of only 10 real estates for each religious cult**.

Along with the adoption of Law no. 10/2001, **the requirement for the elaboration and adoption of a new special normative act related to this matter which allowed a more rapid and correct resolution of the problem of restitution of real estates belonging to religious cults** from Romania and to national minorities became evident.

Therefore, **Law no. 501/2002** regarding the approval, with amendments and additions, of Emergency ordinance no. 94/2000, made **substantial modifications** to this latter normative act, **creating thus the general normative framework of restitution** of some real estates which had belonged to religious cults from Romania.

The most important amendment was the **extension of the sphere of real estates which could be restituted to religious denomination.**

Other important amendments operated by the mentioned law were as follows:

- The removal of the initial limitation which provided for the restitution of only 10 real estates for each religious cult;
- The possibility to restitute real estates claimed even in case that these were attached to some activities of public interest (hospitals, schools, museums, headquarters of public institutions);
- The possibility to also restitute some real estates destined to the functioning of a religious cult;
- The establishment of a special commission of restitution with a limited number of members (5 instead of 7) in view of ensuring the flow of the decisional process and equipping it with a technical work apparatus.

The provisions of the current normative act institute the **administrative procedure of restitution of real estates expressly stipulating that retrocession is made upon request**.

To this effect, a special commission of retrocession was established by government decision, which is **an inter-ministerial commission** containing representatives of the Ministry of Culture and Cults, the Ministry of Justice and the Ministry of Public Finances, the General Secretary of the Government and the President of the National Authority for Property Restitution.

B. Romanian citizens belonging to national minorities

The general legal regime of restitution of assets which had belonged to the communities of citizens pertaining to national minorities from Romania is regulated by **Emergency Government Ordinance no. 83/1999 which, until the adoption of the law for the approval of the ordinance, provided for the restitution** to the communities (organizations, associations, religious cults) of citizens pertaining to national minorities from Romania of **only real estates comprised in the ordinance's annex** as well as of those subsequently comprised by government decision, made up of constructions together with the afferent land, or being simply free lands

Subsequently, **Law no. 66/2004**, by which E.G.O. no. 83/1999 was approved with amendments and additions, **contained provisions similar to those of Law no. 501/2002 regarding the retrocession to religious cults**.

Thus, **the same administrative procedures for the restitution of real estates, the same object of restitution, the same terms for filing the retrocession claims** was provided for**. The only differences between the mentioned normative acts are those regarding**:

- The reference period of the law, namely the restituted real estates are those abusively confiscated, titled or untitled, by the Romanian state, by cooperative organizations or by any other legal persons during the period September 6, 1940 – December 22, 1989;
- The individuals entitled to restitution – the community of citizens pertaining to national minorities which represent the legal entity of private law, established and organized according to Romanian law, representing the interests of a community of a national minority which had held abusively confiscated real estates and which can prove that it is the acknowledged follower of the legal person from whom the real estates were confiscated by the state;

IV. The amendment of the normative framework existent until 2005, as a result of the adoption of Law no. 247/2005 regarding the reform in the domain of property and justice as well as some adjacent measures

The adoption of Law no. 247/2005 regarding the reform in the domains of property and justice, as well as some adjacent measures made substantial amendments to the normative framework which regulates the retrocession of some real estates which had belonged to religious cults from Romania and to the communities of citizens pertaining to national minorities.

By these amendments, as well as by subsequent additions to these normative acts, **clear measures meant to lead to the acceleration of the restitution process were introduced**.

In this context, amongst the most important amendments we mention:

- **The extension of the object of law** regarding real assets which are to be re-conveyed, respectively free lands in the built-up of settlements or **granting of compensation for the lands occupied** by other constructions;
- The retrocession of some **real estates from the patrimony of commercial entities in which the state still has available capital**;
- **The award of just and equity-based compensation** according to the fair market value in accordance with the international standards of evaluation in those cases where restitution in kind is no longer possible, according to Title VII of Law no. 247/2005;
- **The facilitation of evidence material**;
- The award of a **new term of 6 months** for **filing retrocession claims**;
- The award of a **new term of 6 months for taking proceedings against legal acts of alienation of real estates** which constitute the object of the ordinance;
- **The removal of the initial limitation** so that **all personal assets** confiscated along with the real asset, if these still exist, **will be restituted** and not only the initial limitation of those destined to the functioning of the religious cult;
- The establishment of some **sanctions** applied in case **the administrative procedure** provided by the law **is not complied with**;
- **The establishment of some clear measures leading to the urging of the retrocession process**.

V. Granting of compensation

According to the normative frame act, **compensation is granted/allocated** only in cases in which, for objective reasons, restitution in kind is no longer possible (the real estate has been demolished or alienated and the court did not invalidate the legal act of alienation).

This normative frame is comprised in Title VII of Law no. 247/2005 - **"The regime for establishing and paying compensation afferent to abusively confiscated properties."**

Thus, we emphasize the fact that **religious cults as well as the communities of citizens pertaining to national minorities from Romania benefit, on legal terms, from compensation awarded according to the provisions of Title VII of Law no. 247/2005**.

Tot this effect, during the year 2007 **Emergency Government Ordinance no. 81/2007 for the acceleration of the procedure for the award of compensation** was adopted, ordinance which **established the award of compensation in cash up until the sum of 500.000 lei** for real estates which cannot be restituted in kind.

In accordance with the provisions of the respective emergency ordinance, to benefit from this sum, **the holder of the deed of compensation issued by the Central Commission for Establishing Compensation could opt for the award of compensation in cash or under the form of shares at the Property Fund**, as the case may be.

In this context, we mention that, **according to Law no. 117/2012 for the approval of Emergency Government Ordinance no. 4/2012** regarding some temporary measures in view of consolidation the normative frame necessary to apply some disposals from Title VII – "The regime for establishing and paying compensation afferent to real estates abusively confiscated" of Law no. 247/2005 regarding the reform in the domains of property and justice as well as some other adjacent measures and for the amendment of art. III of Emergency Government Ordinance no. 62/2010, **the suspension until the date of May 15, 2013 of the issuance of payment deeds and**

deeds of compensation was provided for, as well as procedures regarding the evaluation of real estates for which compensation is awarded.

VI. Conclusions

The domain of restitution of real estates abusively **confiscated** during the period 1940—1989 **is legally regulated**, these regulations targeting the restitution of rural properties as well as of urban properties , in general, but also of religious and community properties, in particular.

Moreover, the legislative framework for the restitution of properties has as beneficiaries the **religious cults** as well as the **communities of the national minorities** from Romania (as **legal persons, owners of community assets**), **The process of restitution** is ongoing.

This normative framework provides for an **administrative procedure of restitution in favor of former owners** (claim filing, terms for their resolution and the issuance of some decisions by the local and central administrative authorities).

In this context, we wish to emphasize the fact that **decisions** of restitution issued by the local and central administrative authorities **which provide for the restitution in kind of** abusively confiscated **real estates** in favor of former owners **constitute a valid deed of property**.

Concurrently, the normative framework in the domain of restitution of properties provides for the possibility of an individual who is discontent with the solution **to appeal the decision/ by which the retrocession claim had been solved before law courts**.

The normative framework provides for **the principle of restitution in kind of claimed real estates (restitutio in integrum)** and, when for objective reasons this is not possible (demolished and alienated real estates), it provides for **the award of just and equity-based compensation**.

Concerning the proof of the property right which rests with the former owner, we mention that **the evidence material was substantially simplified** by the amendments made to Law no. 247/2005 regarding the reform process in the judicial system, precisely in order to support the beneficiary of the retrocession.

For that matter, **the access to archives**, in the sense of coming into possession of the property deeds s of abusively confiscated personal assets, is unconfined, free for all interested individuals.

Depending on the quality of the former owner, respectively legal or natural person (religious cult/community of citizens pertaining to national minorities), **different provisions and procedures become incident** and are comprised in Law no. 10/2001, in the first case, or E.G.O. no. 94/2000, republished, with the subsequent amendments and additions and E.G.O. no. 83/1999, republished, in the second case.

Moreover, we mention that the majority of directive lines of these laws were a result of the adoption of "The Terezin Declaration", within the International Conference "Holocaust Era Assets", by all those 47 participant states, amongst which there's also Romania. These directive lines can be traced and identified back to the domestic Romanian law adopted by the Romanian state, with respect to the principle of restitution of abusively confiscated properties.

Concerning the **institutional frame** necessary for implementing the restitution legislation, we mention that, at governmental level, in 2005, **the National Authority for Property Restitution was established** and its **main role is to administrate, coordinate and control the implementation of normative acts which regulate the restitution of abusively confiscated properties or the award of compensation in this respect**.

Moreover, the issue of the **restitution of properties abusively confiscated** by the communist regime **was amongst the conditions for Romania's accession to the European Union. The adoption of these laws** conveys the importance Romania has given to the matter of property restitution.

To this effect, we wish to mention that, **after January 1st2007, too, the measures adopted for the resolution of the problem of property restitution, in general, and of religious cults and communities of citizens pertaining to national minorities, in particular**, were continued, thus complying with the engagements made towards Romania's European partners.

It should be emphasized that property restitution has been the object of **Country Reports made by the European Commission, occasions on which progresses**

made by Romania in this domain as well as aspects which need improvement were emphasized such as the deadline for the resolution of retrocession claims filed by individuals entitled to these and the improvement of the current system of property restitution and the award of compensation.

Thus, **the resolution of abuses committed by the totalitarian regime as well as the necessity to abide by the right to property represents a permanent concern for the Government of Romania.**

22. Slovakia

Information regarding the steps taken on the issues covered by Guidelines and Best Practices

Introduction

The population of the Jewish community in Slovakia before World War II was approximately 89,000 people (according to the 1930 census in it was approximately 135,000 people but approximately 40,000 Jews resided in territories acquired by Hungary after the First Vienna Arbitration in November 1938). From 1942 to 1944 almost 72,000 citizens of Jewish origin were deported to the concentration camps from the Slovak State. Approximately 10,000 fled to neighboring Hungary or hid on the territory of Slovakia to avoid deportation. Many of the Jewish citizens were saved from deportations thanks to the selfless help of the Slovak population. Prior to the mass deportations from the Slovak State from 1942 to 1944, segregation measures were introduced and Jewish assets were liquidated and "aryanized".

According to preliminary official data from 2011 census, 631 persons claim Jewish nationality and 460 persons claim the Yiddish as mother tongue. More than 2,000 persons are registered in Jewish religious communities in the SR. The Central Union of Jewish Religious Communities in the SR (hereinafter the "Central Union") is the umbrella organization of Jewish communities that has registered 13 Jewish religious communities and 15 other locations in which persons practicing Jewish religious life reside.

Compensation of Holocaust Victims in the Slovak Republic

Agreement between the Slovak Government and the Central Union on the Partial Compensation of Holocaust Victims in the SR

On September 18, 2002, the Government of the Slovak Republic through its Resolution No. 1027, approved *The Proposal for the Partial Compensation of Jewish Holocaust Victims* and subsequently the *Agreement between the Slovak Republic Government and the Central Union on the Partial Financial Compensation of Holocaust Victims in the SR* (hereinafter the "Agreement") was signed on October 9, 2002 which was consequently

amended by three amendments.

Pursuant to the Agreement, the Council for the Compensation of Holocaust Victims in the SR (hereinafter the "Council") was established. It is composed of four representatives appointed by the Central Union and three representatives appointed by the Slovak Government (based on the proposal of the deputy prime minister, the minister of finance and the minister of foreign affairs). The main task of the Council is to ensure the implementing of the process of the partial compensation of Holocaust victims in the SR. Pursuant to Article 5 of the Agreement, a principal in the amount of EUR 28,214,831 was remitted to the special account of the Central Union in the National Bank of Slovakia, from which the annual yield in the course of 10 years will be used for the purposes of the compensation of Holocaust victims. The above mentioned sum was determined as 1/10 of the estimated value of the assets that changed ownership due to racial laws, liquidation or Aryanizing[35]. The reason for the conclusion of the Agreement was, besides others, to compensate for the loss of certain assets, which in the course of the World War 2 became state property and were not returned even after the war.

The Council implements the partial financial compensation of Holocaust victims in the SR and the financing of social and cultural needs projects of the Jewish community in the SR. In justified cases over the course of the ten year period, it is possible to use up to one third of the principal, i.e., EUR 9,393,879 for the partial financial compensation of Holocaust victims. The principal bank balance will be used by the Central Union after the expiration of the ten year period, i.e., after December 31, 2012.

[35] The estimate was created based on period materials on aryanizing – the estimate included the value of the aryanized enterprises, blocked bank deposits and unpaid policies in insurance companies and the prices of some movable assets (such as livestock). The following formed the working group of historians, established for these purposes: Katarína Závacká (Institute of State and Law of the Slovak Academy of Sciences), Katarína Hradská (Historical Institute of the Slovak Academy of Sciences), Ľudovít Hallon (economic historian) and Eduard Nižňanský (Philosophical Faculty of Comenius University). The sum in the period currency estimated in such way was subsequently recalculated in today's currency. The consensus outcome determining the value of the assets; the compensation is related to the assets in the value of today's EUR 28,214,831.

The Council makes decisions regarding the provision of financial allowances in the process of the partial compensation of Holocaust victims in the SR:

1) to natural persons, whose assets were neither returned nor indemnified in any way, for the purpose of the mitigation of certain asset injustices caused by the Holocaust;
2) for social-health care projects with special consideration for the needs of Holocaust survivors;
3) for the reconstruction, renewal and maintenance of immovable and movable Jewish monuments on the territory of the SR;
4) for projects dedicated to the dignified memory of Holocaust victims;
5) for support of social, cultural and education activities in the field of Judaism.

Between years 2006 - 2008 most decisions on the compensation has been issued. The following years, the Council mainly focused on administration of the applications submitted in order to exclude the omission of any application or applicant. Today, the process of compensation of natural persons is completed.

The Council also funds several activities targeted on combating anti-Semitism, Holocaust remembrance and activities targeted on ensuring the social needs of Holocaust victims in the SR. The activities of the Holocaust Documentation Center, which is one of the prominent and key organizations professionally dealing with the issues related to Holocaust history in Slovakia, and the operation of the Home for retired persons/ Holocaust victims and the National Center of Health and Social Aid (see below) are also co-financed from Council funds.

Compensation pursuant to the Act on Mitigation of Certain Assets Injustices Caused to Churches and Religious Communities

The rationale for the passing Act on the Mitigation of Certain Asset Injustices Caused to Churches and Religious Communities36 that entered into effect on January 1, 1994 was to partially compensate for the consequences of certain asset injustices caused to

[36] Act No. 282/1993 Coll. on the Mitigation of Certain Injustices Caused to Churches and Religious Communities as amended.

churches and religious communities through the deprivation their ownership rights towards movable and immovable objects based on the decisions of state authorities in civil and administrative acts issued contravening the principles of a democratic society in the period from May 8, 1945 (Jewish religious communities from November 2, 1938) until January 1. 1990. Restitution of property37 could be applied for within a period of 12 months (from January 1, 2004 – December 31, 2004) otherwise the right expired and the proceedings related to the restitution of property were exempted from administration and court fees.

Pursuant to the above mentioned act, The Jewish communities in Slovakia, in cooperation with the experts of the World Jewish Restitution Organization (WJRO)[38] prepared a list of communal and public assets belonging to the Jewish community in Slovakia. The Central Union submitted over 500 applications for the restitution of property (including cemeteries) and more than 300 objects were restituted, most of them cemeteries. Some applications are currently under proceedings in Slovak courts.

Most of the Jewish religious assets remained in the hands of natural persons. Other movable assets were sold to legal entities from 1945 to 1990, i.e., to the state administration authorities or state enterprises and parts were developed, i.e., not subject to restitution pursuant to the above mentioned Act.

Compensation Pursuant to the Act on the Mitigation of Certain Injustices to Persons Deported to Nazi Concentration and Prison Camps

Pursuant to the Act on the Mitigation of Certain Injustices to Persons Deported to Nazi Concentration and Prison Camps [39] an compensation was awarded not only for the reasons of political, national, racial and religious persecution in camps outside the territory of the SR[40], but also for detention and concentration in the camps on the

[37] Within the framework of the Act, several restrictions related to the rendering of later built structures on lands or lands used in the public interest and others are in force.

[38] World Jewish Restitution Organization.

[39] Act No. 305/1999 Coll. on the Mitigation of Certain Injustices to Persons Deported to Nazi Concentration and Prison Camps as amended.

[40] "Persons deported from the territory of the Slovak Republic or the territory of the former Protectorate of Czech Lands and Moravia from the period from 1939 to 1945 to a concentration camp and prison camp established on the territory of the Great German Reich or on the other territories."

territory of the SR in the period from 1939 to 1945[41]. Pursuant to the Act, persons who were hidden throughout this period due to racial or religious persecution may also be indemnified.

This Act was amended[42] in 2002 for the purpose of extending the number of persons eligible for compensation. This is because the original Act did not indemnify the persons living on the territory that belongs/belonged to current and pre-war era Slovakia, but which was under the administration of Hungary in the period from 1939 to 1945. Thus, based on the amended regulation, it is also possible to indemnify those citizens of the SR, who at the time of their deportation were officially citizens of Hungary[43] and were deported from the territories of the Czechoslovak Republic from the period from 1918 to 1938. At the same time, the Act will indemnify spouses and children of deceased persons deported to the prison camps and the survivors of the persons deported to the concentration camps from the territory of the former Protectorate of the Czech Lands and Moravia or after the modification of the current territory of the Czechoslovak Republic, which was not possible under the currently valid legal regulation.

Pursuant to the above mentioned Act, a concerned person is entitled to financial compensation for each started month of deportation or hiding in the amount of EUR 99.60, and in the event that the person died during deportation or hiding, the surviving relatives of the victim[44] are entitled to a single compensation in the amount of EUR 3,319.40.

[41] Including the time of the return from the concentration and prison camp to homeland.

[42] Act No. 126/2002 Coll. that changes and amends Act No. 305/1999 Coll. on the Mitigation of Certain Injustices to Persons Deported to Nazi Concentration and Prison Camps

[43] It especially pertains to the persons who did not submit a claim for the acknowledgment of compensation from the Republic of Hungary or submitted this claim after its legal deadline. Pursuant to the applicable laws, the Republic of Hungary settled the claims of 533 persons who applied for compensation from the overall number of 839 submitted applications. The Czech Republic compensated only persons who were their citizens, by means of which a group of persons was subject neither to the Czech legislation nor could they submit their claim in the SR.

[44] In the following order: a) spouse and children of the eligible person all equal shares, and if there is none b) parents of the eligible person.

Holocaust-Era Looted Works of Art

Pursuant to Resolution No. 109/1999,[45] the Slovak Government authorized the Ministry of Culture to process the database of works of art alienated from the territory of the SR throughout and after World War 2. The assigned task was implemented in cooperation with the Slovak National Gallery and the Slovak National Museum.

In Phase 1, in May 1999, the Ministry of Culture addressed all state collection institutions with art collections with the request for their revision from the aspect of their acquisition or for the provision of information on any collections that included objects from the assets of Jewish citizens who were deported from the territory of the SR during World War 2. A total of 44 of the 61 addressed museums and 9 of the 21 addressed galleries responded to the Ministry request. Except for the Ľubovniansky Region Museum in Stará Ľubovňa,[46] all addressed organizations responded negatively.

At the same time, the Ministry of Culture of the SR addressed the Ministry of Interior of the SR for their cooperation in analyzing the archive documents on the auctions of the assets of Jewish citizens in Slovakia during the Holocaust era. Based on the response of the Ministry of Interior, several funds regarding Holocaust issues are located in the Slovak National Archive. However it is impossible to determine definitely, which of them, if any, incorporates the lists of the works of art – cultural objects that constituted part of the auctions of the assets of Jewish citizens in Slovakia during the Holocaust era. In order to find out the relevant information regarding works of art (cultural objects) in the archive documents, it would be necessary to carry out detailed research of the archive funds almost on the level of the individual archive documents. However, the overall volume is enormous – 4,427 archive boxes, i.e., approximately 553 common meters (all relevant archive documents are accessible to the general public pursuant to applicable legislation in the SR).

In May 2007, a meeting of the representatives of the Ministry of Culture, the Slovak National Museum, the Slovak National Gallery, the Ministry of Interior, the Central Union

[45] Slovak Republic Government Resolution No. 109 of February 10, 1999 regarding the report on the participation of the Slovak Republic delegation at the Washington Conference on Holocaust-Era Assets.
[46] The works of art were returned pursuant to the applicable legislation.

and the WJRO and CJMCG[47] regarding the issues related to works of art and other assets of a cultural artistic character looted from the territory of Slovakia during and after World War 2 took place. Based on the conclusions of the working meeting, the Ministry of Culture again addressed all Slovak museums and galleries with a request to provide information on the collection items that constituted assets of deported citizens of Jewish origin. 57 museums (of the 86 addressed) and 11 galleries (of the 25 addressed) responded to this request. The addressed organizations responded negatively regarding the subject matter, i.e., according to the available documentation and records on the method of acquisition, none of the registered collection objects was identified as objects coming from the assets of deported Jewish citizens. The outcomes of both above mentioned surveys were also publicized on the website of the Ministry of Culture.

However, it is necessary to state that as opposed to other European countries where during and after the Holocaust era, the auctions of valuable works of art confiscated from Jewish citizens assets were frequently organized and thus in some cases documented in auction catalogues, the situation in Slovakia was entirely different. It not known that any separate auctions of works of art were organized. Works of art from the assets of Slovak Jews did not become part of independent auctions of works of art; they were taken from Jewish citizens pursuant to the valid laws at that time and found their way to the interiors of houses, villas and apartments. Due to the above mentioned facts, no necessary materials exist for the elaboration of the database of works of art looted from the territory of Slovakia during and after the Holocaust era. The absence of relevant documents is also confirmed by the Central Union.

Jewish Cultural Assets and Judaica

Within the framework of the above mentioned meeting at the Ministry of Culture (May 2007) regarding the issues of art objects and other assets of cultural artistic character looted during and after the Holocaust, the possibilities for establishing an internet location where information on the origin of the collection objects of the Slovak museums and galleries would be available, the creation of a database of Judaica in Slovakia and making the archive funds related to Holocaust issues or the question of further historical

[47] Conference on Jewish Material Claims against Germany.

research in the Slovak archive funds were discussed. In continuation of this discussion, the Ministry of Culture undertook to create conditions for the completion of the electronic form of the central register of the collection objects in museums and galleries in Slovakia, which is implemented by the Slovak National Museum and the Slovak National Gallery. Making the electronic form of the register available to the general public is also included in the above mentioned project. At the same time, the above mentioned register will be within the framework of the *European Digital Library Network***,** a European Union project, whose goal, besides others, is to preserve digital collections and to make the European digital cultural heritage accessible.

As in the case of the works of art and other Jewish cultural assets and Judaica, the archive funds of the Slovak Republic connected with the period from 1933 to 1948 are accessible to the general public. The relevant archive collections constitute the long-term research of, besides others, the Holocaust Museum in Washington. However, in order to find out any information on works of art or cultural items in the archive documents, detailed research of the archive funds must be carried out all the way down to the level of individual archive documents.

In connection with the issue of documenting Jewish cultural heritage in Slovakia, it is also necessary to mention the project of the Slovak Jewish Cultural Heritage Center, which for a long time has carried out documentation activities targeted on creating a database of preserved Jewish buildings and monuments in Slovakia. The outcomes of the *Synagoga Slovaca* project (a database of photographs and other documents related to Jewish Cultural heritage in Slovakia) are accessible and continuously updated on the website www.slovak-jewish-heritage.org.

Unpaid Insurance Policies

Due to the fact that claims for the payment of the unpaid insurance policies of Holocaust victims in Slovakia were individually resolved by Holocaust victims or their descendants, the SR has no official statistics on the returned means. ICHEIC[48] which established an office in Bratislava, assisted in the recovery of unpaid insurance policies to the individual

[48] The International Commission on Holocaust Era Insurance Claims

applicants and has exact statistics on the recovered unpaid insurance policies from the Holocaust era.

Publicizing Information on Liquidated and Aryanized Jewish Assets

The aryanization and liquidation of Jewish enterprises was part of the process of the elimination of Jews from the economic and social life of the Slovak Republic in the period from 1939 to 1945. The term aryanizing describes the dispossession and transfer of assets of Jews to citizens of non-Jewish origin ("Aryans" in the period terminology). The liquidation of enterprises entailed the seizure, inventory, appraisal and sale of the movable assets of the original owner. In both cases, the original owner was deprived of the possibility of doing business and of the enterprise itself without any compensation.

Aryanization and liquidation affected all types of assets of Jews (capital assets, houses, enterprises, etc.) From the overall number of approximately 12,300 enterprises in the ownership of Jews, more than 2,000 enterprises were aryanized and more than 10,000 were liquidated in those years. This process was managed by the Central Economic Authority.

Since December 2005, The National Memory Institute (Ústav pamäti národa - UPN)49 has gradually made public the register of liquidated and aryanized Jewish assets from the Holocaust era. The ÚPN website 50 currently includes the lists of liquidated and aryanized assets including the basic data on the owner of the enterprise, the nature and location of the business and the information on its liquidator 51 or aryanizer 52.

Social Security of Holocaust Survivors

The National Center of Health and Social Aid (hereinafter the "Center") is the key organization in the field of ensuring social and health care and assistance for holocaust survivors in the SR. It was established in Bratislava in 2000 based on the initiative of the Central Union in cooperation with individual Jewish religious communities, the Ezra

[49] The leading institution in the SR in the field of making the facts on the activities of the repressive authorities from 1939 to 1989 accessible. The National Memory Institute launched its activities in 2003.
[50] http://www.upn.gov.sk/arizacie/ a http://www.upn.gov.sk/likvidacie/
[51] Persons entitled to carry out the liquidation (sale) of enterprises. The liquidator was entitled to pertinent financial remuneration for the execution of the liquidation.
[52] Persons authorized to take over the enterprise.

Foundation and Hidden Child Slovakia[53]. It was established to implement the program OR CHAIM (Light of Life) – assistance to Holocaust victims. The first phase of this project included creating a database of all persons, within the framework of Jewish communities and others who survived the Holocaust (according to data at that time, there were approximately 1,400 survivors and more than 880 of them were in database). The Center, besides others, provides contributions for medication, health aids, glasses, dental treatment, nursing service, therapeutic-rehabilitation care, and reconstruction of apartments into barrier-free apartments, social assistance, transport to healthcare facilities, treatment in private facilities and individual assistance to people in extraordinary situations.

The Center's activities are financed from several international sources (the Conference on Jewish Material Claims Against Germany, the International Commission on Holocaust Era Insurance Claims and others) but also from the funds of the Council, which pursuant to the Agreement, may be used, besides others, also for the support of social and health care projects with special regard to the needs of Holocaust survivors. Currently more than 900 clients have entered the Center from the overall number of 1,220 survivors in Slovakia. The day sanatorium in Bratislava, which is visited by approximately 10 to 12 people daily, operates as part of the Center. The sanatorium provides a daily program consisting of a social component and therapeutic and work rehabilitation. Telephone help lines in Bratislava, Banská Bystrica and Košice were established within the framework of the Center.

Besides the Center, the OHEL DAVID, home for retired Holocaust survivors also operates in Bratislava. The activities of this home are predominantly financed from the funds of the Council.

The fixed supplementary sum to the monthly pension pursuant to the Act on the Mitigation of Certain Injustices of Persons Deported to Nazi Concentration and Prison Camps[54] constitutes a separate chapter within the framework of the social security of

[53] The Kuratorium (Curatory) is the top body of the Center, composed of employees of the Central Union, some Jewish religious communities and representatives of The Hidden Child Slovakia organization. *Kuratórium* approves the criteria for the provision of allowances and budgets and monitors the drawing of the funds, etc.

[54] An eligible person included in § 2 Section 3 of the concerned Act, who is awarded indemnification, is

Holocaust survivors. The so-called “Second Generation” Project has been launched successfully in 2010. It focuses on people who were born after the World War (945-1961), but were touched by the Holocaust. (May 2012)

23. Spain

Madrid, September 2012

Spain’s Remarks on property restitution and compensation, according to Terezin Declaration

At the conference in Prague, the delegation of Spain was composed by the Ambassador At Large for Jewish Communities and Organizations (Ministry of Foreign Affairs) as head of the delegation, the Director of Holocaust and Anti-Semitism of the public institution Sefarad-Israel Center as head deputy, a representative of the Ministry of Culture from the inter-ministerial commission for International Task Force (ITF) issues, and a representative of the Federation of Jewish Communities or Spain (FCJE).

All of them took part actively in the working groups (see below) about looted art, Holocaust Education, remembrance and Research (ITF), caring victims, and especially in the political commission in charge of the redaction of the TEREZIN DECLARATION that finally was adopted by our country.

The interest of Spain on Holocaust issues really started quite late as a consequence of our own history. We didn’t resume democracy until 1978, and we only become member of the European Community (now EU) in 1986. Until then Spain lived backward to European policies. 1986 was also the moment when we established diplomatic relations with Israel. Therefore our interest and consequently researches about Holocaust issues started really then, favoured by a new law of religious liberty as part of fundamental rights of the Spanish citizens and allowing the full recognition of Judaism in the public space as clearly indicated in the Constitution approved in 1978 by Parliament. To culminate this process, in 1992, 500 years after the expulsion of the Spanish Jews by

entitled to a supplementary sum for each even started month of deportation to the pension in the amount EUR 1 monthly in case of the old age pension, disability pension, partial disability pension, special retirement pension and disability special retirement pension.

the catholic Queen Isabel II, the government of Spain signed an historical agreement with the Federation of Jewish Communities to repair centuries of contempt and persecution.

In this special new context the interest of our authorities was to show clearly the commitment to overcome outdates behaviours. As a part of that process, Spain decided to participate to the “London Conference on nazi gold” in 1995. The head of the Spanish delegation was the former Minister of Justice, Enrique Múgica. He was accompanied by various seniors of the government and representatives of the Jewish Communities, as well as university researchers, which afterwards will be participating in the Spanish investigation. We endorsed then the conclusions of this Conference.

In July 1997, the government of Spain created the “Comisión de Investigación de las Transacciones de Oro provenientes del Tercer Reich durante la Segunda Guerra Mundial”. This Commission was chaired as well by Enrique Múgica and was composed by economists, historians, and seniors. They did examine the complex economic and commercial relations of the Franco regime with the Nazi Germany, Switzerland and allies. Also they investigated the gold introduction in Spain between 1939 and 1945.

In April 1998 the Commission issued a report coordinated by the historian Pablo Martin Acena, and edited by the Spanish Diplomatic Library (Ministry of Foreign Affairs) in 2001. This investigation exculpated finally Spain of clear responsibilities in matter of spoliations of Europeans Jews. After some polemic induced by the publication, at that time, of the so called “Eizenstat report” (State Department of USA) the conclusions of our Commission about the nazi gold transactions in Spain were finally accepted by the American researchers. Anyway in spite of a non direct relation with the issue, our government felt close to the spirit of the London Conference and the creation of a Fund for needy Victims of Nazi Persecution, and decided (1999) to collaborate giving 250 million of pesetas to a Jewish Spanish private Foundation, created with the aim to help Judeo-Spanish victims of nazi persecution.

After the conference of London, Spain participate in the Conference of Washington about Jewish properties spoiled from 1933 to 1945. In the report of the above Spanish commission mentioned there is a chapter additional about looted art. The historian

Miguel Martorell comments that when Germany defeat was envisaged numerous traffickers linked in some way to the third Reich, with the consent of Franco authorities, tried to pass their art collections through Spain to receiving countries such as the USA or other countries in South America. The only case well-known is the one of the Dutch merchant Alois Miendl. He tried to introduce in Spain some 20 paintings supposed be looted art. But the end of the conflict and the beginning of the "cold war" with the context of the new strategic alliances had allowed after long and heavy negotiations that the Spanish government convince the allies that Spain respected the Bretton Woods agreement in relation to avoid circulation of the looted art from the occupied countries.

The last incident we can report is the claim by the heir Ernst Cassirer for a painting of Pissarro belonging since the nineties to the Thyssen Museum in Madrid. This problem was especially complex. Only after about more than eigth years of discussion and negotiations, the Court in California decided on 25th May 2012 not continuing the trial against Foundation Thyssen Bornemiza about the property of the Pisarro picture "Rue Saint Honoré. Aprés Midi. Effet de Pluie". The Court based its decision on the precedent of Von Saher case (2009), according to which these kinds of trials are against Foreign Inmunities Act.

In the pipeline, the next step in this field could be to contrast the list of the 20.000 looted art compiled by the Claims conference and the list of the art objects of our museums.

After the Nazi gold Commission, the new challenge of Spain was defined at the Conference in Stockholm creating a new field of international commitment on Holocaust specifically developing Education, Remembrance and research. For this purpose, the next important step of Spanish authorities was the appointment of an Ambassador (At Large) in charge of the relations with the Jewish communities and international Jewish organizations. That decision was completed in 2007 with the creation of Casa Sefarad-Israel, as a public body aiming at fostering relations with Jewish diasporas and Israel.

Since 2005, Ambassador for Relations with Jewish Communities And Organisations has been in charge, among other responsibilities, to articulate through an inter-ministerial commission (Ministries of Foreign Affairs, Justice, Education and Culture) our relations with the Holocaust International Task Force for Education, Remembrance and Research

(ITF), where we were accepted as full member in 2008. In this framework we have been training more than 500 teachers on Holocaust transmission. And that's why our participation in the corresponding working group at Prague Conference was appreciated.

In the working group of caring survivors we couldn't make any significant contribution, because in Spain we have only very few Shoah survivors and they have been attended by international Jewish organizations who manage the compensation funds granted by Germany to the victims of Shoah. However we must say that we found in Spain, mostly since the restoration of Democracy, many survivors of nazi concentration camps. Generally these thousands of survivors were deported during the WWII because being Spanish refugees of the civil war, they pursued their struggle against fascism, fighting the German occupation in France, involved in armed resistance networks. They have being receiving compensations as any other political deported from France and when they decided to go back to Spain with the return of democracy, as Spanish citizen they were included in the general protection of our welfare state.

Assitant: Henar Corbi

Holocaust and Combating Anti Semitism Area

Sefarad – Israel Centre

24. Sweden

On steps taken on the issues covered by the Guidelines and Best Practices

Honorable Mr. Šonka,

In response to your letter dated April 12, 2012:

We reaffirm our commitment to the Declaration of the Stockholm International Forum on the Holocaust, the Terezin Declaration and the Guidelines and Best Practices on property restitution, and welcome the initiative European Shoah Legacy Institute to review progress achieved in states on restitution and compensation of immovable real property confiscated during the holocaust era 1933-1945.

In response to your request for information on the steps taken by Sweden on the issues covered by the Guidelines and Best Practices, we take pleasure in reporting the following:

As far as has been possible to determine, no litigation or restitution claims regarding the kinds of property covered by the above instruments have been initiated or submitted in Sweden or to Swedish authorities in the relevant period of time.

In the event of such litigation, it should be noted that Swedish legislation on sales and transactions in real estate requires an unbroken chain of properly acquired titles in order for a new title to be registered and recognised. In cases such as those covered by the Guidelines, this would hardly be the case. The original owner (holocaust victim) or her legal heirs would thus be in a favourable position to prove their right to the property at hand.

On the matter of knowledge and awareness raising regarding the property of holocaust victims, it should be mentioned that the Government of Sweden already in 1997 commissioned a special inquiry (UD 1997:05) into Jewish assets in Sweden and Jewish property brought into Sweden before or during the Second World War, with the objective of determining how authorities, banks and other entities before or under WWII had disposed of assets which may have belonged to Jews and had been acquired from Nazi

Germany, how ownerless bank accounts of Jews in Sweden had been handled, if property which had belonged to German Jews had been liquidated through the actions of government agencies and if the Bank of Sweden had procured looted gold.

We finally take the opportunity to mention that the Swedish Forum for Living History according to its Instruction (Förordning 2007:1197) regularly carries out various awareness raising and educational activities regarding the holocaust, its victims, and their rights and entitlements, including informing on the confiscation and destruction of property.

Sincerely,

Per Bergling

25. Switzerland

ESLI – Switzerland

During the Holocaust (Shoah) Era between 1933-1945, including the Period of World War II, the Swiss territory was never occupied by the Nazis, Fascists and their Collaborators. Nevertheless Switzerland was involved in the immeasurable damage done to Jewish individuals and communities as well as to other victims of persecution between 1933-1945. As Jewish individuals, Swiss citizens were victims of the persecutions. A part of the looted property was sold in Switzerland. Immediately after the war, the Swiss authorities decided measures to identify, locate and restitute the assets of the victims. A special issue was the Heirless property managed by the Swiss banks. The “Federal Decree on Registration of Dormant Accounts” which came into force in 1962 was owned to refute any suspicion that Switzerland had enriched himself from the assets of the victims of contemptible events.

The mobility of goods and capital caused some problems for Switzerland, because Swiss banks, firms, companies or business men could be involved in the transactions with assets seized by the Nazis, Fascists and Their Collaborators.

At the end of the 20th century, the Swiss authorities and firms decided measures to investigate about the assets transferred in Switzerland or acquired by Swiss persons during the Nazi domination on Europa. Two Commissions were founded: the Independent Committee of Eminent Persons (known as “Volcker Committee”) and the Independent Commission of Experts Switzerland-Second World War (known as “Bergier Commission”[55]). Theirs final reports were published in 1999 and in 2002. These investigations goaled the fate of Assets which reached Switzerland as a result of the National-Socialist regime.

In 1996 and 1997, a series of class action lawsuits were filed in several United States federal courts against certain Swiss banks and other Swiss entities, alleging that Swiss financial institutions collaborated with and aided the Nazi Regime by knowingly retaining and concealing assets of Holocaust victims, and by accepting and laundering illegally

[55] About the « Bergier Commission », see http://www.uek.ch.

obtained Nazi loot and profits of slave labor. In August, 1998, the Swiss banks and the The plaintiffs reached an agreement in principle to settle the lawsuits for $1.25 billion ("Global Settlement"). In exchange for the settlement amount paid by the Swiss banks ("Settlement Fund"), the plaintiffs and class members agreed to release and forever discharge Swiss banks, the Swiss government and other Swiss entities from, among other things, any and all claims[56] relating to the Holocaust, World War II, and its prelude and aftermath. The distribution of the funds is achieved since March 31, 2012.2

For historical reasons, the immovable (real) property confiscated or otherwise wrongfully seized by the Nazis, Fascists and their collaborators was only by the way mentioned in the reports of the "Bergier Commission". The Swiss banks and the insurance companies were involved in transactions with immovable property in Europa. For example, a Swiss big bank was interested in a building in Berlin. In the study about the Swiss financial center and Swiss banks during the Nazi period (especially about the Major Swiss banks and Germany), you can find information[57]. In the study about the Swiss insurance companies in the area governed by the Third Reich[58] facts are published on the immovable property.

"Traditionally, the insurance companies were among the largest mortgage lenders and also owned assets in the form of real estate. In some cases, Swiss companies were involved in the «Aryanization» of property on which they had previously granted mortgages and which now had to be disposed of through forced auction: Basler Leben purchased this type of property in Mannheim in 1936 and in Frankfurt in 1939. Rentenanstalt and Vita also acquired real estate as a result of forced auctions, yet were exonerated of the charge of unjust enrichment during restitution proceedings after the end of the war. In other cases, the Swiss insurance companies' intention to purchase and «Aryanized» property was thwarted by their German competitors. When the Swiss insurance companies rented out properties in Germany, they terminated their Jewish tenants' leases voluntarily without coming under pressure to do so from the state; when

[56] See http://www.swissbankclaims.com/Overview.aspx.

[57] Marc Perrenoud, Rodrigo López, Florian Adank, Jan Baumann, Alain Cortat, Suzanne Peters, *La place financière et les banques suisses à l'époque du national-socialisme. Les relations des grandes banques avec l'Allemagne (1931–1946)*, Zurich, 2002.

[58] Stefan Karlen, Lucas Chocomeli, Kristin D'haemer, Stefan Laube, Daniel Schmid, *Schweizerische Versicherungsgesellschaften im Machtbereich des «Dritten Reichs»*, Zurich, 2001.

the relevant legislation was passed in April 1939; they were thus able to report that these rented premises no longer had Jewish tenants."[59]

In the book about «Aryanization» measures in Austria and their relevance to Switzerland[60], information is published about Swiss citizens who were victims of persecutions: their immovable properties were confiscated[61].

[59] Final Report of the Bergier Commission, 283-285.
[60] Gregor Spuhler, Ursina Jud, Peter Melichar, Daniel Wildmann, *«Arisierungen» in Österreich und ihre Bezüge zur Schweiz*, Zurich.
[61] See the section of the Final Report of the Bergier Commission: «Aryanization» and the diplomatic protection of Swiss property", 339-342.

26. Turkey

Excerpt from a letter from the Minister of foreign Affairs, H.E. Mr. Prof. Ahmet Davutoglu to H.E. Mr. Karel Schwarzenberg in May 22, 2012:

"[…] As a signatory to the Terezin Declaration, Turkey welcomes the opening of the European Shoah Legacy Institute in 2010, established in line with the mentioned Declaration. The Institute will undoubtedly make a valuable contribution to the reparation and compensation of the survivors of the Holocaust during which six million innocent Jewish people and other minority group members perished under the Nazi regime.

During that period, Turkey took a resolute stance in staying outside this dark shadow of European history. In fact, the territory on which we live has for centuries provided a safe haven to many groups, including Jewish people, who escaped oppression, persecution, and bigotry. During the Holocaust, Turkish diplomats did not hesitate to risk their lives in order to rescue and protect those who escaped from this unprecedented human tragedy and suffering. In the same vein, Jewish professors in Germany were given tenure at Turkish universities, continuing their work in a friendly country and escaped the Holocaust with their families. These professors contributed to Turkey's development in the academic and intellectual field.

In view of this well-known Turkish position, the request for data with regard to the immovable property seized during the Holocaust is not applicable to Turkey. […]"

27. United Kingdom

ESLI: Immovable Property Restitution Conference: 2012

UK Report

Summary

The time is long overdue for all governments to ensure that there are simple, practical, accessible, transparent, and non-discriminatory procedures whereby those who lost property during the Holocaust, or their descendants, may have their claims for restitution or compensation finally and expeditiously addressed.

Introduction

1. The British Government is a signatory of the Terezin Declaration of 2009 on Holocaust Era Assets and Related Issues and is committed to implementing its recommendations. A key set of those recommendations addressed the issue of the restitution of immovable (real) property, both private and communal.
2. The British Government strongly encourages all countries to adopt the "Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II" (The Guidelines) agreed at Terezin in 2010.

UK Practice

3. In December 1997 a conference was held in London at Lancaster House on Nazi Gold. It was attended by 240 delegates from 40 countries. The British Government announced a scheme designed to compensate victims of Nazi persecution, and their heirs, whose assets had been confiscated under the UK's wartime trading with the enemy legislation. The Enemy Property Payments Scheme was launched in April 1999. When the scheme closed in July 2004 there had been 377 successful claims, with payments of £16.2 million.

4. The Spoliation Advisory Panel was set up in 2000 to help resolve claims on cultural property lost during the Nazi era and now held in UK national collections. It considers claims under Section 3(2) of the Holocaust (Return of Cultural Objects) Act of 2009. This Panel considers both legal and non-legal obligations, such as the interests of fairness. Its proceedings are an alternative to litigation, and its recommendations are not legally binding on any parties. However, if a claimant accepts the recommendation of the Panel, and the recommendation is implemented, the claimant is expected to accept this as full and final settlement of the claim.

UK Concerns

5. The British Government recognises the efforts made by many governments in Europe since the end of World War II to resolve these hugely complicated issues. But the British Government greatly regrets that there are still many claimants across Europe who have never had their claims properly addressed. There are some claimants now living in the United Kingdom who still seek justice in respect of property taken from them or their close relations in other parts of Europe.
6. The Guidelines are a set of legally non-binding but morally important guidelines and best practices which countries may draw upon when developing their own national programmes or legislation for addressing or revisiting matters of compensation and restitution. The central thrust of the Guidelines is that the procedures for the filing of claims should be accessible, transparent, simple, expeditious, non-discriminatory, uniform and not subject to burdensome costs. Access to government or commercial archives and records is essential. Mediation and arbitration can play a constructive and healing role.
7. Restitution to local communities of communal property used in the past for religious or communal social purposes has proved to be in some countries an easier proposition than restitution of private property, homes, land or commercial property. But protection of both communal and private rights is an

essential part of democratic societies and enshrined in many documents of contemporary domestic and international law.

8. The barriers to justice vary from country to country. In some they are due to past or present inadequacies in the administration of justice. In others they arise from the unpredicted consequences of arbitrary dead-lines. Sometimes they reflect severe economic pressures. Sometimes there is a lack of political consensus. But as long as the legitimate claims of Holocaust survivors and their descendants are thwarted by interminable and impenetrable court proceedings or other barriers to information and fair process, final closure and full reconciliation are impossible.

Conclusions

9. All the countries which have endorsed the Stockholm Declaration of 2000 and the Terezin Declaration of 2009 have publicly committed themselves to resolving the outstanding issues in the interest of ensuring that the experiences and lessons of the Holocaust are never denied and never forgotten. Most of the signatories to Terezin have also adopted the European Convention on Human Rights (ECHR), and Article One of the Protocol states: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."
10. This review conference is an opportunity for participating governments to agree on practical steps that they could now take to facilitate a settlement of outstanding claims.

July 2012

28. Ukraine

Excerpt from a Letter from the Minister of Foreign Affairs of Ukraine Kostyantyn Gryshchenko to H.E. Mr. Karel Schwarzenberg, sent On May 18, 2012:

“Your Excellency,

I have given careful consideration to your letter concerning the restitution of property lost by Jewish individuals and Jewish communities during the Holocaust and the organization of the Immovable Property Restitution Conference on November 26-28, 2012 in Prague.

The Government of Ukraine as one of the Terezin Declaration signatory countries appreciates the effort of the Czech Government aimed at resolving the Holocaust property issues. Ukraine shares the idea that the memory of the Holocaust tragedy should be preserved and the rights of national minorities, including the rights of the Jews, to develop their culture and religion, should be safeguarded.

Long before the adoption of the Terezin Declaration and also after the document was signed, Ukraine, led by the standards of national legislation and restitution approach, continued to be committed to the returning of the religious monuments, cultural and historical heritage objects to the Jewish community. The country has also been taking proper care of the Jewish burial places and memorial sites as well as contributing to the learning of the Holocaust history and preserving the memory of this tragedy. Ukraine will continue to keep to this policy.

At the same time, the absence of specific legislation on restitution in Ukraine makes the restoration process under the certain articles of Terezin Declaration and the “Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascist and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II” scarcely possible. […]”

29. Holocaust Era Restitution Revisited

Article on the Shoah Immovable Property Restitution written by **Prof. Michael Bazyler**: HOLOCAUST-ERA RESTITUTION REVISITED: IN FACE OF THE 2012 REVIEW CONFERENCE OF THE 2009 PRAGUE CONFERENCE ON HOLOCAUST-ERA ASSETS