



# Unfinished Justice: Restitution and Remembrance

---

## Conference Proceedings



## Monika Flašíková-Beňová

Member of the European  
Parliament  
Vice-Chair of the European  
Alliance for Holocaust  
survivors

### Ladies and Gentleman,

On the 25th of March, we have remembered 75 years since the first transport of Slovak Jews to the Nazi extermination camp Auschwitz-Birkenau. Train with nine-hundred and ninety nine young women on board departed from the city of Poprad shortly after eight o'clock in the evening. Only 20 of those brave women have survived.

Slovakia was a puppet state of Germany which has grown from the debris of the inter-war Czechoslovakia destroyed by Hitler. Holocaust in Slovakia, as well as in the other countries didn't start with the deportation and mass murder of Jews. It began with the deprivation of their citizenship, the abolition of right to own property, followed by the state organized robbery of Jewish population. Slovak Clero-fascist president Jozef Tiso and his government considered it as a natural process, which has their all support.

Numbers of laws were enacted in order to facilitate the expropriation of Jewish properties. State Hate propaganda was strongly complimenting this process. Result was the creation of so-called Jewish Question which did not exist in the pre-war period. Unlike the other countries, Slovak Government made even more efforts to get rid of its Jewish citizens. It paid 500 Marks for every deported citizen, which mainly means every deported Jewish citizen. The reality is that only a fraction of Slovak Jewish citizens returned from the extermination camps. Subsequently, upon seeking their property they encountered further injustice and direct hate. Unfortunately, even after the Velvet revolution and democratic changes in the 90s much of the Jewish property, which was firstly aryanised by fascists and after the war confiscated by communists, has returned to hands of family members and descendants of arizators, not to hands of family members of original Jewish owners.

It is more than clear that even after seven decades since the defeat of Nazi and Fascist madness, restitution process still remains an ongoing struggle. The inherent function of democracy is a strong adherence on fundamental rights and dignity of all people regardless of their nationality, social background or religious conviction. Its aim must be to fight the injustice imposed on the victims and their families as a result of the Holocaust. Therefore, it is critical that the Member states are encouraged to implement the Terezin Declaration and that the fight for justice is unwavering and unconditional. Even after such a long period of time families and their heirs cannot enjoy full satisfaction.

As Member of the European Parliament and the representative of the European Alliance for Holocaust survivors, I wish to emphasize



that we intend to continue this fight. The proof is the today's Declaration. Let me underline few of its main points.

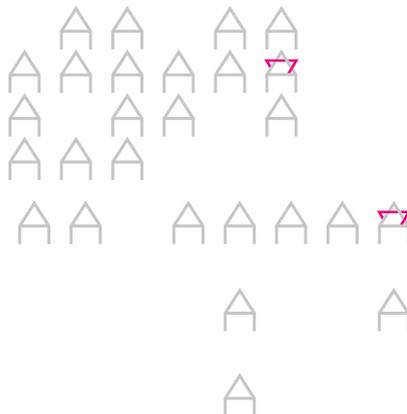
We, members of the European Parliament, affirm the moral responsibility of European Union member states to advance Holocaust-era property restitution.

We also declare our enduring commitment to the provision of adequate and immediate social welfare support for Holocaust survivors, the demarcation, protection and preservation of Jewish cemeteries, mass graves and other burial sites, the preservation of Jewish heritage sites, and the promotion of Holocaust education, research and remembrance.

We recognize the commitment of the European Parliament to restitution of Holocaust-era assets as called for in previous resolutions of the Parliament and reaffirm past international principles and declarations that reflect a consensus for the restitution of Holocaust-era assets.

We call upon the European Union to provide technical advice and support to assist and monitor various restitution processes in Member States and to encourage the implementation of the Terezin Declaration by its Member States.

Thank you very much Ladies and Gentleman for your attention. In the name of the European Parliament I clearly believe that we need to be Successful with this declaration.





**Nikola Poposki**

Minister of Foreign Affairs  
of Former Yugoslav  
Republic of Macedonia

**Dear Excellences,  
Ladies and gentlemen,**

Thank you for the invitation to participate at today's International Conference dedicated to the restitution and remembrance of the victims of the Holocaust. I would like to welcome this initiative which witnesses that the Holocaust is a topic that is still pertinent and important for Europe. Keeping the issues of restitution and remembrance high on the agenda of different stakeholders, including the EU institutions, is of utmost importance.

Today there are still concerns that the restitution process of the Holocaust victims has not been finished and that in certain cases it has been faced with obstructions and reserves. For achieving more progress and closing of this issue, there is a need for continuous efforts and engagement at national and international level.

Let me share with you the views on this topic from the perspective of my country.

The Macedonian Jews are recognized as religious community in the Constitution of the Republic of Macedonia. They represent an important part of our multiethnic and multi-confessional society and we are firmly committed to investing continuous efforts in the fields of Holocaust remembrance, education, research, preservation of the Jewish cultural heritage.

In the framework of the efforts to correct the injustice done in the past and prior to the adoption of the Terezin Declaration, the Government has taken very concrete and unique measures and activities that enabled a successful finalization of the restitution process of the Macedonian Jews. The most important legal act in this area was the adoption of the 2000 Denationalization Law and, in particular, its Special Provisions. According to these Provisions the Jewish community, the legal successors, and the heirless properties of deported Jews confiscated after the period of 2 August 1944 were entitled to open a procedure for property restitution. A special provision allows the possibility of property restitution of Jews without legal successors, mainly the Holocaust victims.

[ FOR INFO

The value of the property to be paid/ compensated was estimated to the amount of 21 million EUR. Out of this amount 4 million EUR in state owned bonds has already been paid to the Jewish Community.



The remaining amount of 17 million EUR, following the signature (December, 2007) of the Compensation Agreement between the Ministry of Finance and the Jewish Community has been agreed to be paid, in state owned bonds, on the account of the Holocaust Fund in ten equal installments in the period 2009 to 2018. ]

In addition to these legal acts, in 2002, a Holocaust Fund for the Jews from Macedonia was established following a Government decision. The main goal of the Fund is to commemorate, remember and educate about the Holocaust of the Jews from Macedonia. It is independent, nonpolitical, nongovernmental, voluntary and public organization acting in the capacity of a legal entity.

One of the most important activities of the Fund was the construction of a Holocaust Memorial Centre of the Jews from Macedonia located in Skopje, that was officially inaugurated in March 2011.

The Memorial Center is an institution design to commemorating, researching and disseminating the story of Jews in the Republic of Macedonia, with a primary focus on their deportation and destruction during the Holocaust. Its activities are also dedicated to:

i) finding out the names of the Macedonian Jews – Holocaust victims, ii) researching and collecting of necessary data on the assets of these Jews, iii) developing, in cooperation with the Government institutions and Civil Society, appropriate programs in the areas of Holocaust remembrance, education and research, iv) keeping the memory of the Jews in Macedonia, their traditions and their two - millennia long history in the Balkan by collecting historical materials, data and artifacts.

This Memorial Center has allowed, in a symbolic way, 7.144 Macedonian Jews deported and exterminated in Treblinka death camp to be "returned home". It represents a valuable example of synergy between the processes of restitution and remembrance in Macedonia.

The cooperation between the state institutions and the Memorial Center, as well as with the Jewish Community from Macedonia is on an excellent level. We put continuous efforts in addressing all issues related to the Holocaust and in remembrance of the victims of the Holocaust from Macedonia.

Thank you!





**Gideon Taylor**

Chair of Operations,  
World Jewish Restitution  
Organization

Mister President, Your Excellencies, Members of European Parliament, Holocaust survivors, honored guests.

On behalf of the World Jewish Restitution Organization which represents fourteen international Jewish organizations, I would like to thank President Tajani and the European Association of Holocaust Survivors for hosting this groundbreaking gathering.

Today is about many things.

It is about memory, it is about history and it is about justice.

It is about returning that which was taken from those who lost so much. And it is about using the possessions which belonged to those who were killed and who died heirless, in order to help those who survived.

My grandfather was born in a remote village in Northeast Poland where some of his family perished in the Holocaust. I was born in Ireland, a thousand miles away from where he grew up. Two countries that for so many years were polar opposites in a divided world. Yet today, they are united in this great European enterprise.

There is no institution more appropriate than this parliament of the peoples of Europe to be the venue to address this moral challenge... and to be the place from where a call for justice goes out to Europe and to the world.

We cannot bring back the murdered. We cannot help survivors to forget the horrors of what they lived through. We cannot resurrect the destroyed homes, synagogues and study halls where Jewish life once thrived.

But we can stand up and say - history matters. A Jewish school was here. A tailor's shop here. A house stood there.

A hardworking family with young children sat around the kitchen table in that very home every evening talking about their daily lives.... until it was all shattered in the Holocaust.

To ignore that history is to deny it.

It is not the bricks and the mortar that are important.

It is a link, a connection, a bond.

Historical justice sometimes means looking into the dark chapters of history where we would much rather not go. But we need to, not so that we look backwards but so that we can look forwards, proud that history was not trampled on or belittled or ignored.

Proud that we faced up to that history and dealt with its consequences.

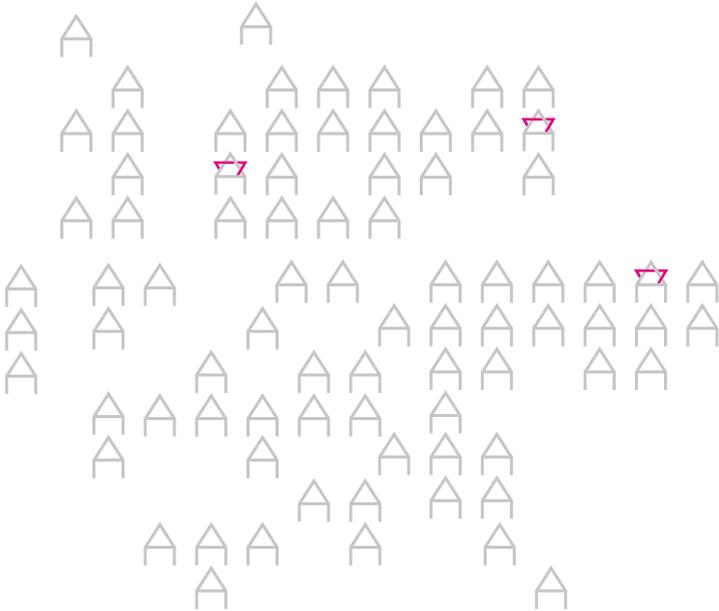
Time moves on.

A few hundred thousand aging victims of the Holocaust are still alive today. But soon we will face a world where there will be none. Soon there will not be anyone to stand up at a conference in this parliament building and say.... "I was there".

Future generations will look back and ask us: What did you do for those who survived this terrible chapter in European history? How



did you deal with the past? Did you make sure that they could live out their lives with dignity? Did you secure justice for those who lost so much?  
That is the task before us.  
Before it is too late.





**Nuno Martins**

Director of European Affairs,  
European Jewish Congress

**Members of the European Parliament,  
Your Excellencies,  
Distinguished Guests,  
Dear Friends**

72 years after the end of the Second World War the Jewish World is still seeking some justice for both victims and survivors of the most horrific human tragedy: The Shoah!

We should be clear that we are not seeking justice for the world we have lost, the world of our fathers, the world that existed for centuries and that vanished in 12 years. Communities have now been re-born from the Rhein River to Odessa. But so many other hundreds of Jewish communities will never be re-born. Thessaloniki, that once thriving Jewish community, was almost erased from its Jewish past and population.

Restitution is not going to bring back the lost Jewish world but will give those who have passed through the horror of the Holocaust and those who try to maintain a small piece of that past the possibility to live in dignity or to give the new generations the tools to understand and know that where they live today a Jewish life once flourished. This is what we are seeking in continuing our pursuit for justice.

We are here today at the European Parliament to discuss positive case studies and also ways of pushing forward restitution and the compensation process in order to give a last moment of justice and dignity to those who survived, as well as the means to support communities to maintain a Jewish life in European Union member states.

We understand that the European Union is not responsible to deal with the issue of restitution as this is subject to the internal legislation of the EU member states. This has been confirmed by decisions of the European Court of Human Rights.

However, this legal impediment does not block the responsibility of the Union to deal with issues that cross the wider restitution issue. Neither does it prevent the appliance of political pressure that some Institutions of the European Union can make vis-à-vis the member states. This is certainly the case of the role of the European Parliament. Members of the European Parliament can use their tremendous influence in order that the past must be faced and a solution must be found. There is no future without facing this past. Furthermore, a successful property restitution programme is an indicator of the effectiveness of the rule of law in any democratic country. Non-discriminatory, effective property laws are also of crucial importance to a healthy market economy. As the EU has a



say in the democratic development of its members, it is now the moment to use this argument also in favour of democracy, of the democratic ethos of the EU member states, especially those that once suffered under the Nazi regime.

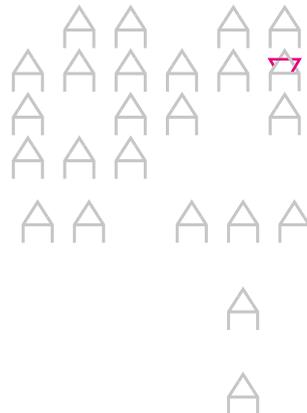
The European Jewish Congress (EJC) is the umbrella organisation of more than 40 national Jewish communities. The EJC does not see the debate over restitution without the active role of its affiliates, the national Jewish communities. Despite the fact that not all the EU countries faced the Nazi invasion, the truth is that the majority, if not all, have Holocaust survivors and had individual people and companies involved in this huge Nazi enterprise business which was the mass pillage of Jewish property.

Members of the European Parliament,

You have the power to discuss these matters in your countries, within your political parties, among your peers either in Government or in the opposition. Even if the burden and the double spoliation of property is a reality, let's start by seeing how we can help deliver restitutive justice to those who were once living and contributing to the societies which you today represent.

To conclude, let's take this conference and see what effective role the EU can take, not only in putting back restitution on the agenda but also as a viable broker between the member states and the survivors, since there is no justice without restitution or compensation for the biggest robbery in the history of mankind.

**Thank you**





**Eric Fusfield**

Deputy Director,  
B'nai B'rith International

Thank you, Mr. Ambassador, and thank you to the conference organizers for making this important gathering possible. It is a privilege to take part on behalf of B'nai B'rith International and to add the support of my organization to this crucial endeavor.

B'nai B'rith has played a key role in the efforts to provide restitution for Holocaust survivors and their heirs since the early days of the post-war era. As a founding member of the Conference on Material Claims Against Germany in 1952, B'nai B'rith took part in a five-person presidium, chaired by Nahum Goldmann, that negotiated with Germany for large scale financial reparations to Israel, and later, compensation for victims. Four decades later, after the fall of communism, B'nai B'rith became a founding member of the World Jewish Restitution Organization, formed to negotiate restitution agreements with governments of the burgeoning democracies of Central and Eastern Europe. Later came landmark international gatherings in which B'nai B'rith participated, such as the State Department's 1998 Washington conference on Nazi-looted art and the 2012 Prague conference on property restitution and the social needs of survivors.

Since the fall of the Berlin Wall, no country has fully embraced its obligation to restitute property – on the contrary, most countries have strenuously resisted. B'nai B'rith has played a lead role in negotiations with Croatia and Slovenia, but forward movement has occurred only intermittently, given the obstacles to claims posed by major loopholes in existing legislation. In both countries, for example, property seized prior to 1945 is not covered by law, whereas most Jews were killed or forced out during the Holocaust.

While meaningful restitution measures have been in short supply, excuses for inaction have not been. Yes, Jews were victims, goes the reasoning, but others also lost properties during World War II through nationalization and other means. Current governments are not "successor" governments. The political timing is wrong, given elections that are always, invariably, pending. Besides, these are lean economic times, so funding is simply not available at the moment. Support lacks even for the creation of foundations that would administer funds based on heirless property, aid remaining survivors, and kickstart Holocaust remembrance and research projects.

Unfortunately, opportunities for leverage over many of these countries have passed, as most of the former communist countries have long joined the European Union and NATO. What is left is our collective willingness to shine the light on individual governments and our ability to call on political leaders and other influential figures to demonstrate the necessary goodwill to affect positive change.





It has long been a fear of Jews and other supporters of Israel that the generation of European politicians who grew up either during the war or in its immediate aftermath would give way to a younger generation for whom the Holocaust was merely a distant historical episode, its lessons substantially faded, if not forgotten altogether. This helps explain the easy embrace of anti-Semitic attitudes—taboo for many years after the war, but no longer, apparently. Also compromised is the bedrock understanding of the crucial importance of Israel’s existence, as some critics of the Jewish state have asserted that Israel’s very right to exist must be put into question as a result of its policies.

This historical amnesia extends to the struggle for Holocaust restitution, as well. Gone is the urgency of addressing history’s gravest wrong, as past injustices increasingly take a backseat to current political and social realities. Similarly lacking is an understanding that the question of compensating at the full value of properties is not the issue; rather, it is the “small measure of justice” – the symbolic restitution – that is the driving incentive for survivors and their supporters. The fight for Holocaust restitution can never simply be about financial compensation. It is about recognizing and preserving the dignity of individual victims and about reinforcing the pledge “never again” – that the enormous crimes of the Holocaust will never be repeated.

In the end, there can be no statute of limitations on the injustices of the Holocaust. But as survivor numbers continue to dwindle, the problem takes on an added dimension. What will happen when there comes a time, as will certainly happen in many of our lifetimes, that the last remaining survivor will have passed away? Will our obligation to preserve their legacies end? Clearly not. Some of us are here today as representatives – from both sides of the Atlantic – of Jewish organizations in the 21st century, still dealing with the issues of the 20th century. We are united in our conviction that the plight of Holocaust survivors is one of the most urgent facing the Jewish world. With only about 100,000 survivors left today, we must redouble our efforts for their sake. All of them are old. Many of them are poor. For them, the time for excuses is long past. For them, there are few tomorrows left. For us, though, a question and an ethical imperative linger: What will we do in our time to ease their physical and emotional suffering in the time they have left?

**Thank you.**





## Ben Helfgott MBE

Holocaust survivor and  
Chairman of the '45 Aid  
Society for Holocaust  
Survivors

I was born in November 1929 in Piotrkow-Trybunalksi, a town in Poland. I lived with my father and mother and two younger sisters. I enjoyed a normal family life; playing with friends, going to school, visiting grandparents during vacations and being raised by devoted, caring and loving parents.

This scenario was to change dramatically when on the 1st September 1939, before my 10th birthday, Poland was invaded signalling the start of the Second World War. From that day until the 9th May 1945 – more than 5 and a half years later – I was a victim of Nazi persecution. I survived the war, but with the exception of my 14 year old sister, none of my immediate family survived. My mother and my youngest 8 year old sister, together with 532 people were killed by the Nazi firing squad in the Rakow Forest on the 20th December 1942. My father was killed whilst trying to escape one of the death marches in April 1945 two weeks before the end of the war. I was alone from 1944, having been subjected to living in a ghetto for three years, used as a slave labourer in both a glass factory and wood factory and having been incarcerated in the concentration camps of Buchenwald and Schlieben. I was liberated in Thereisenstadt in Czechoslovakia.

My Holocaust experiences may have hardened me, made me more realistic about human nature, but I was repelled by the evil I witnessed.

I despaired but I did not let cruelty and injustice break my spirit. I refused to poison my life with revenge because I believe that hatred is corrosive.

Instead, I was left with a dream; to live in a world of understanding, compassion, fraternity and love for my fellow man. In spite of the fact that I have diligently pursued my career, sporting activities and social engagements, I have always been conscious of my responsibility to preserve the memory of those who perished in such a barbarous way.

It has always been my mantra to promote Holocaust education and remembrance and to encourage others to do the same. It is gratifying to see that in recent years, many institutions throughout the world have been established with this as their goal.

I must emphasise that I have never been obsessed with the Holocaust. Had I been, I would have failed my parents and society. All my adult life I have striven to overcome bigotry and racial prejudice brought about by ignorance and intolerance. To this purpose, I spend most of my time promoting research, education and re-



membrance of the Holocaust in the hope that the lessons of the Holocaust may be learned and understood.

I believe that the Holocaust, which established the standard for absolute evil, is the universal heritage of all civilized people. The lessons of the Holocaust must form the cultural code for education toward humane values, democracy, human rights, tolerance and opposition to racism and totalitarian ideologies.

Economic discrimination and the seizure of Jewish property were integral parts of the Holocaust; humiliating us, stripping us of our worth, rendering us worthless. Not only this, but the proceeds and wealth generated from realising the value of our property was then used to persecute us further; at a minimum, 30% of the German war effort was financed through the theft of our property. A quantifiable total of €12billion was taken from German Jews alone, not including the less tangible thefts of Jewish communal property, of synagogues, hospitals and cultural institutions belonging to local Jewish communities, of organizations and political parties.

In Western and Central Europe, the process to return stolen Jewish property or offer compensation began in the 1950s and has been growing ever since, catalysed by the opening of the archives in the 1990s and an increased desire to assume responsibility. I must praise Germany for their leadership and welcome contributions to this matter, but in most Eastern European countries, the majority of stolen Jewish property has not been returned.

Indeed, the Conference on Jewish Material Claims Against Germany and World Jewish Restitution Organization published a report on September 11, 2014, finding that there has been 'extremely minimal effort put forth by individual countries since the Washington Conference to return Jewish artwork stolen by the Nazis. Two thirds of the countries that signed on to the Jewish Art Reparation Agreements have done 'little or nothing' to implement the requirements of these agreements'.

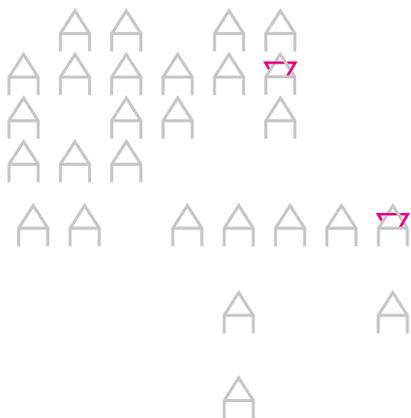
This is simply not acceptable. There is a moral obligation to the survivors and the dead, to memory and identity, and to connecting families to their roots and repairing a historic injustice.

Deprived of basic human rights for a significant period of time; restitution and the return of stolen property helps to justly and compassionately see to the well-being of aging Holocaust survivors.



Committing to a substantial, broad and coordinated programme of restitution by the governments of today goes some way to recognising the suffering, anguish and torment that occurred directly to those Jews present at the time, and the damage it continues to cause for generations afterwards.

Acknowledgement of our suffering and accepting the horrors we suffered as children is vital to the healing process. Not only this, with racial tensions currently at a notable high, a coordinated European effort to acknowledge and denounce the most horrific extermination ever seen would engender tolerance and respect, and would show unity at a time of uncertainty and divide in Europe.





## Hania Rosenberg

### Child Survivor

President Antonio Tajani Ladies and Gentlemen Good Morning  
Thank you for inviting me to this very important conference.  
This is my story.

I am Hania Rosenberg - a Polish born child survivor. I was born in Oswiecim in 1934. My family on both sides had lived for generations in this area. In 1939 our city received its German name Auschwitz.

In 1941 my parents and I were transported to the ghetto of Sosnowiec. Within a year, deportations to Auschwitz concentration camp began. Being aware of the situation my mother smuggled me out of the ghetto in order to save the life of her only child.

My father perished soon after his arrival to Auschwitz concentration camp only 45 years old. My mother endured years of hard labour in a munition plant. In October 1944 she and thousands others were driven from Auschwitz on a death march to Ravensbrück, a concentration camp in northern Germany.

Many did not make it. My mother succeeded to stay alive and in April 1945 she came to Sweden with the Red Cross.

From 1943 until the end of the war I was hidden with a Polish family, not far from Auschwitz. My Polish family was declared in 1995 by Yad Vashem to be Righteous Among the Nations.

After spending a year in an orphanage not knowing if somebody would come and look for me my mother found me and arranged for me to come to Sweden. We were reunited in 1946 and Sweden became our new home.

My grandparents owned quite a lot of agricultural land and garden plots, the last ones bought as late as in 1931. They also owned a three-story house and a general store.

As early as in 1947 my mother made plans to go to Poland in order to register and claim her legacy after her parents - my grandparents. However, the existing circumstances held her back and she decided not to go after all. Instead she contacted a number of authorities which could be responsible for these issues. As far as I know she never received any answers or confirmations that her property rights were registered. However, her position was that she had legally registered her claim.

During the following decades the process of regaining lost properties came to a standstill - at least our did. During that period many survivors hired attorneys, but very few cases ended successfully - if



any. However, my mother and I decided to carry on by ourselves. Following an extensive correspondence in 1990-1991 to various authorities not really knowing which one to address, my mother succeeded in reopening her case in 1992 by filling out a statement of her birthright with a district court. Evidently establishing her identity and succession rights were necessary steps to enable her to start the process all over again.

However, this process was not so simple. Her legal status was questioned. Consequently she was invited to the Polish Embassy in Stockholm to submit additional information. Owing to poor health she suggested that the questions she was supposed to answer would be sent to her and she would answer in writing. She never received any reaction to her proposition.

In the meantime we learned that already in the 1950s most of our land was expropriated and sold and subsequently had now new owners. A great deal is still under a tenancy contract and most likely generates an income to the state or community or the new owners.

Unfortunately my mother passed away in 2003. I informed the authorities in question including the relevant courts, of her passing away and that from now on I am the heiress and will conduct the process of retrieving my grandparents' property. More than ever I felt now a strong emotional connection to my family's past.

My decision to go on was not based primarily on the value these assets may represent. It was - and still is - about my family roots. I felt that I would like to walk on our land, the same one which once my mother and my grandmother walked on.

Finally I succeeded in establishing my succession rights but the road leading up to recognition was a jumpy journey. In response to my declaration to proceed with the restitution issue of my family's property the authorities conducted an extensive investigation of me. In 2011 the relevant authority required me to prove my identity because they could not find my name in any records from 1934, the year I was born.

In response to this request I produced an extract from the Swedish population register and copy of my passport. Evidently these documents were not enough to bring me back to life.

Under these critical circumstances I decided to refer to my Polish passport still in my possession issued by the Polish Embassy in Stockholm although expired in 1953 in exchange for my first Polish passport issued in 1946 by the Foreign Ministry in Warsaw. The

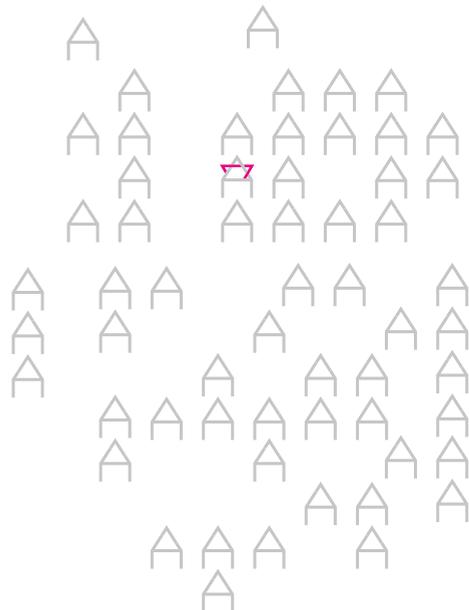


old Polish passport enabled me to pass through the needle's eye and I was allowed to go on with my struggle to retrieve the family property.

I have met with a great deal of obstacles over the years the process has been going on all in all you may say 26 years. My conclusion is that the demands required from us in order to retrieve our legacies are unjust and should be openly declared as such. Many survivors, like my mother, have passed away or were forced to give up their efforts to recover their property. They do not have the necessary strength or the time left for that matter to pursue the struggle as the process is extremely time-consuming in terms of years and years. The clock is ticking for all of us.

Legislation granting us to recover what rightfully belongs to our families as well as procedures implementing these rights are extremely important. The challenge to all of us is to see to it that according to signed declarations the commitments are fulfilled. Allow me to send a message today to the legislators and people of good conscience: do your utmost to support the remaining survivors in their efforts to retrieve what legally belongs to them and please do it now.

**Thank you.**





**Anežka Nekovářová**

Director, European Shoah  
Legacy Institute

**President Tajani, Honorable Members of the European Parliament, Mrs. Rosenberg, Mr. Helfgott, Esteemed Guests, Ladies and Gentlemen,**

It is a great honor being here and I would like to extend my sincere gratitude to every one of you for participating here today and for contributing to the success of this conference.

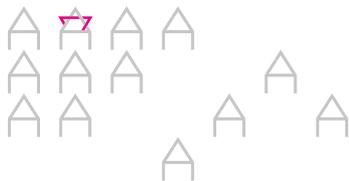
My name is Anežka Nekovářová and I am the director of the European Shoah Legacy Institute - shortly ESLI - which was created in 2010 to seek international solutions to the problem of the restitution of immovable property, art, Judaica and Jewish cultural assets stolen by the Nazis; social welfare for Holocaust survivors and other victims of Nazism; and the promotion of Holocaust education, research and remembrance.

During the Second World War, over six million Jews were systematically murdered and millions were imprisoned or exiled. Entire families and communities were destroyed or completely wiped out. Today, more than seventy years later, many victims and their families are still awaiting justice. The devastation of Europe's Jewish communities is even more outrageous when you consider the fact that the looted personal and immovable property contributed to their own death.

These reasons were a contributing factor when, in 2009, while holding the Presidency of the Council of the European Union, the Czech Republic convened the International Holocaust Era Assets Conference in Prague. This conference resulted in the Terezin Declaration, endorsed by all 47 participating countries in which they committed to ensuring assistance, redress and remembrance for victims of Nazi persecution, and I quote:

"Noting the importance of restituting communal and individual immovable property that belonged to the victims of the Holocaust and other victims of Nazi persecution, the Participating States urge that every effort be made to rectify the consequences of wrongful property seizures, such as confiscations, forced sales and sales under duress of property, which were part of the persecution of these innocent people and groups, the vast majority of whom dies heirless."

European Shoah Legacy Institute was created as an inclusive and voluntary platform whose mission is to provide support and expertise to Terezin Declaration countries. We facilitate dialogue between all stakeholders and create possibility of sharing best practices in



the five key post-Holocaust issues included in Terezin Declaration. ESLI has strived over the past seven years to carry out activities addressing the five key post-Holocaust issues such as this conference.

In 2010, ESLI published the Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property, which was later endorsed by 43 countries.

In 2012, ESLI hosted the Immovable Property Review Conference with 39 participating countries which presented national reports on the progress made in the field of restitution since the endorsement of the Terezin Declaration.

In 2015, ESLI commissioned the Immovable Property Restitution Study that aimed to systematically examine whether, and to what extent, countries were meeting their obligations under the Terezin Declaration and Guidelines and Best Practices.

The Study is a unique source of information about all significant Holocaust restitution legislation and case law dealing with immovable property over last 70 years for Jewish and non-Jewish claimants, heirs, governments, NGOs and other stakeholders.

It is my pleasure to officially launch the Study here today, at the heart of the European Union, where many of the Terezin Declaration countries have come together to promote justice, protect human rights, and prevent future persecution and suffering.

The study is available on our website and can be downloaded in part or in full version free of charge. We sincerely hope it will serve to promote ongoing discussion and progress on issues related to the immovable property restitution today. Additional information is available in the conference brochure.

Now I would like to give the floor to my dear colleague and lead author of the Study, Professor Michael Bazylar, who will address us via Skype from California and share with us the key findings of the Study.





## Strahinja Sekulić

Director, Restitution  
Agency, Republic of Serbia

## Serbian Holocaust Restitution Law: Success and Challenges

Respected audience,

The topic of my talk will be: the contents of the 2016 Law on regulating consequences of property seizure to the Holocaust victims with no living legal heirs; facts related to the procedure in passing this law and its journey towards the Parliament of the Republic of Serbia; and results and challenges that occur in its application, started over a year ago.

The process of restitution in the Republic of Serbia started in 1991, but it was limited in scope. The first Law regulated exclusively the return of farming land seized in accordance with the Law on the obligatory buy-out of 1953. That Law encompassed and enabled the return of just a fraction of seized property, and it was limited to farming land.

All the way to 2006, there were no other system laws regulating the process of restitution. That year, the Law that enabled the return of all the seized property to churches and religious communities was passed. That was the foundation for the restitution of property seized from Jewish communities.

This Law made it possible for the Jewish communities of Serbia to claim back their property in the capacity of religious communities, but they couldn't claim the property of legacies, funds and other organizations connected to the Jewish community. Those organizations, however, had substantial property in former Yugoslavia. Agency for Restitution, which I lead, is in charge of the enforcement of the 2006 Law, and on that basis alone we returned just shy of 10 million € to the Jewish communities. **(see Appendix 1).**

The next step in the process of restitution was the passing of the so-called "General law" on restitution in October 2011. This Law made it possible for all individuals – former owners and their heirs, including foreigners on reciprocity condition – to accomplish their rights to restitution of property seized in accordance with 41 laws dated from 1945 to 1968.

Article 5 of this Law obliged the Republic of Serbia to pass a law that would regulate the issue of property seized as the consequence of the Holocaust. The Law also specified a two-year term for submission of restitution claims, which expired on March 3, 2014. The Agency for Restitution received more than 76,000 applications by that date. By the end of 2016, the Agency returned the



substantial property to Jewish families based on the General law (see Appendix 2).

Apart from Jews who are citizens of the Republic of Serbia, beneficiaries were Jewish families that after the War or later emigrated to Israel, USA, Canada, Brazil, Argentina, Venezuela and several European countries.

The final phase in the process of restitution was passing of the Special Law on restitution of heirless and unclaimed property confiscated as the consequence of the Holocaust in 2016. I have to say that process of bringing political decision to pass this law lasted very long, for almost 5 years. Besides formal-legal difficulties in passing the law and attempts to codify the return of Jewish property, there was significant resistance in the institutions as well as the society. That resistance wasn't obvious, but it was persistent.

There was a long-lasting negative conflict of jurisdiction between two ministries – the Ministry of finance and the Ministry of justice – regarding the preparation of the Law until the Government of the Republic of Serbia finally authorized the Ministry of justice to prepare the Law. A working group was formed, with representatives from the Agency for restitution as well, to prepare the text of the Law. The process lasted more than two years.

All the while there was a conflict between Jewish communities of Serbia and the World Jewish Restitution Organization about the distribution of and the control over the funds received according to the Law. In certain moments the Agency, as an institution trusted by both sides, had a role of a mediator in order to find quick solutions and to prevent the escalation of the conflict that would endanger the Law.

The Law was finally passed on February 19th, 2016 without a single negative comment in Serbian national Assembly or in the general public!

I can proudly say that solutions from this Law, tailored by my colleague from the Agency, Branko Lakic and myself, contributed that the Republic of Serbia with its legal regulation become a role model for the best practice in this complicated matter. I hope that other countries that still haven't regulated this issue in an adequate manner will follow us on this path. Serbian Special Law of 2016 is the best example of the encompassing codification of the issue of restitution of Jewish property.

### The Law

Alongside enabling Jewish communities to exercise the right for restitution of heirless property, the Law enables individuals who



did not submit claims in accordance with the General law of 2011 until the set deadline, to exert their rights. Jewish communities are authorized to claim the properties in both instances, but they are legally obliged to transfer them to the legal heirs in cases of unclaimed property. The Law also enabled restitution of the property not included in the „religious“ law of 2006 or the General law of 2011, that is, property that belonged to different legacies and other legal entities that were in any way connected to the Jewish community.

A significant aspect of this law is that it enables restitution of property seized from Jews in the period from 1945 to 1968. That includes property confiscated on the grounds of loss of citizenship due to emigration to Israel. Of course, the return of property in kind is possible only if it is still publicly owned, i.e. owned by the Republic of Serbia, cities or municipalities.

In addition to property return, the Law declared financial support of the Republic of Serbia to Jewish communities and specified the amount to 950.000 Euro annually in the next 20 years. Until this day, in accordance with the Special law, the Agency returned property estimated at 14 million Euros (see Appendix 3).

It is interesting and important to note that the initiative for this law, the work on the text, lobbying, and media campaigns were initiated and enacted mainly by the institutions of the Republic of Serbia, primarily the Agency for Restitution, and eminent individuals, mostly non-Jewish, gathered in the NGO New Balkans Institute, led by professor Nikola Samardžić. The only member of the Jewish community engaged throughout this process is Haris Dajč, present here. Crucial steps that influenced enacting of the law were the two international conferences in 2014 and 2015, organized by the Agency and Branko Lakić, alongside the NBI and Haris Dajč, and aided by the Ministry and other partners from Serbia and abroad.

### **Appendix 1:**

**The sum of property returned to each Jewish community on the Grounds of the Law for restitution of property to churches and religious communities from 2006:**

Jewish community Belgrade: 3 business spaces, 1 apartment, and 1 building, 1.935 m<sup>2</sup> in sum

Jewish community Novi sad: 2 buildings, 3.555 m<sup>2</sup> and 3.303 m<sup>2</sup> in Novi Sad and 11.488 m<sup>2</sup> of agricultural lands in Bečej

Jewish community Subotica: 2 business places, 1 apartment, and 2 buildings, 2.879 m<sup>2</sup> in sum, as well as 244.959 m<sup>2</sup> of agricultural lands



Jewish community Zemun: Synagogue, 300 m<sup>2</sup>  
Jewish community Zrenjanin: 1 apartment, 52 m<sup>2</sup>  
Jewish community Pančevo: agricultural lands, 27389 m<sup>2</sup>  
Total: 9.983.279 €

## **Appendix 2:**

Property returned to Jewish communities on the grounds of the General Law of 2011

### **1) Property restituted in kind to Jews that live in Serbia**

- 44 commercial buildings in total surface of 4.839 square meters (28 in Belgrade, 2 in Novi Sad, 14 in Subotica)
- 7 buildings in total surface of 1208 square meters (5 in Belgrade, 2 in Subotica)
- 4 apartments in Belgrade in total surface of 135 square meters
- 4.500 square meters of construction land (in Belgrade, Pancevo, and Subotica)
- 104.166 square meters of undeveloped construction land (in Belgrade, Pancevo, and Subotica)
- 221 hectares of agricultural land in Pancevo, Backa Topola, Sombor and Zabalj

### **2) Property restituted in kind to Jews that live in Germany**

- 1 commercial building in total surface of 82 square meters in Pancevo and 2 apartments in Belgrade in total surface of 101 square meters

### **3) Property restituted in kind to Jews that live in Canada and Venezuela**

- 9 commercial buildings in total surface of 400 square meters in Novi Sad
- 3 buildings in total surface of 1504 square meters (1 in Novi Sad and 2 in Senta)

### **4) Property restituted in kind to Israeli citizens**

- 28 commercial buildings in total surface of 1434 square meters (9 in Belgrade, 5 in Novi Sad, 7 in Sombor and 7 in Subotica)
- 4 apartments in total surface of 164 square meters (3 in Belgrade and 1 in Sombor)
- 2 buildings in total surface of 391 square meters (1 in Senta and 1 in Novi Sad)
- 1.027 square meters of construction land in Belgrade and Senta
- 1.248 square meters of undeveloped construction land in



Belgrade

- 640 hectares of agricultural land in Sombor, Kula, Senta, Subotica, Backa Topola and Coka

### **Property restituted in kind to Jews – SUM**

- 82 commercial buildings
- 12 buildings
- 10 apartments
- 6.031 square meters of construction land
- 105.414 square meters of undeveloped construction land
- 861 hectares of agricultural land

### **Appendix 3:**

#### **Law on regulating consequences of property seizure to the Holocaust victims with no living legal heirs of 2016**

On the grounds of this law, the Agency received 211 claims and in 14 months the Jewish community Belgrade already received 41 property in Belgrade (32 business spaces, 7 apartments, 1 garage, and one building, 3.165 m<sup>2</sup> in total), while Jewish communities Kikinda and Subotica received 145ha 96a 1 m<sup>2</sup> of agricultural land in sum (57ha 6a 75 m<sup>2</sup> in Novi Kneževac, claimed by JC Kikinda; 88ha 89a 26 m<sup>2</sup>, claimed by JC Subotica).

Total estimated value of the property returned so far is around 14 million €.





**Gunnar Hökmark**

Member of Parliament,  
chairman of the European  
Alliance for Holocaust  
Survivors, Sweden

## **Mister President, Survivors, Yours excellences, Members of European Parliament, Ladies and Gentlemen,**

On behalf of me and my co-host Charles Goerens I would like to welcome you all to this conference here in the European Parliament, in the center of Europe, which is taking place in order to call for justice to all those who lost their lives, to all those who lost their families, their future, their identity and their rights during the most terrible and brutal times in the modern European history. The Holocaust survivors. I would like to pay a special tribute to you, the survivors participating in this conference.

You are heroes; you represent the truth and the most traumatic parts of our modern history, atrocities so brutal and so inhuman that it is difficult for us to understand how they could take place in our Europe, not far away neither in time nor in room.

You are the tellers of truth, by your history, by your lives, by your existence, by your memories and by our memories of you and so many others, far stronger than any fake news or alternative facts. We have arranged this conference in order to call for justice. To call for restitution. Because by doing right today we are honoring the lives of millions Europeans, Jews and others, who were living in a Europe where they shouldn't have had any reason to fear for their lives and for the safety of their families.

But they and all other decent Europeans were wrong. The brutality of evilness without any borders wiped away human lives and dignity as well as the civilization and humanity of the European society. Without any borders across the borders of Europa.

The European society failed. European states failed in upholding the most fundamental rules of a civilized society. European citizens failed. Europe failed. The lives that were sacrificed cannot be restored. Individuals can't be restituted. But recognizing and respecting their rights to the property that were theirs, the identities of those who lost their lives in the Holocaust can be restituted. Now 2017, more than 70 years after the WW II, and after the terrible truth of the concentration camps is the final countdown to right the wrongs regarding property.

We call upon European governments to initiate and implement the restitution of Jewish property during the Holocaust. We call upon parliamentarians in all those countries where properties in barbarian way were stolen from Jewish citizens to act. We call upon European media and European historians, together with the very



many judicial institutions of our continent, to define what needs to be done in every country and to call for action. Now is the time for the restitution of our history.

Restitution of property is about more than the property. It is the restitution of justice, of fairness and of human decency. It is the restitution of morale and of the rule of law that is the fundament of every human civilization. It is the restitution of all the identities, and their rights, of those who lost their lives in the darkest time of European history. In a time when some make politics by questioning that the atrocities took place restitution is a way to once and for all use the truth as a point of departure for the future by righting the wrongs.

It is about the final restitution of the Europe that was lost because of a crime against humanity, Europe that now must be regained. I am together with my co-host Charles Goerens proud to host this conference and to welcome you to this European house. Please be welcome!





**Antonio Tajani**

Presidente del Parlamento  
Europeo

**Distinguished guests,  
Dear colleagues,  
Ladies and gentlemen,**

I am very pleased to be with you today. I wish to thank my colleagues Mr. Hokmark and Mr. Goerens for their invitation and this important initiative. I take this opportunity to thank also the European Alliance for Holocaust Survivors, the World Jewish Restitution Organisation and the European Shoah Legacy Institute for their support for the organisation of this event.

I welcome a Holocaust survivor, Mrs Hania Rosenberg. Thank you for your presence and your engagement. It is crucial for our discussions and it inspires us all.

The Holocaust has been the worst tragedy in European history. We cannot allow time to make us forget.

Remembering is not only an act of commemoration. It is an essential process if we want to avoid repeating the errors of the past. Remembrance keeps us vigilant and ready to defend freedom, peace and tolerance. Remembrance alerts us to the permanent danger of anti-Semitism.

When we see that Jewish people in Europe are attacked or they leave because they do not feel anymore safe, we have to react. In September last year, in my role as Vice-President responsible for interreligious dialogue, I had the honour to organise a high-level conference on the future of Jewish communities in Europe. The aim of the meeting was to send out one strong message: the future of European Jews is in Europe and Europe will not be Europe without Jews.

With the words said by Lord Rabbi Jonathan Sacks during the conference: "We make a great mistake if we think anti-Semitism is a threat only to Jews. It is a threat, first and foremost, to Europe". Our European identity is based on our Judeo-Christian roots and we should never forget it, because forgetting our past means losing orientation for our future.

Restitution, together with remembrance and reconciliation, is a fundamental element to restore justice after the Holocaust. Restitution is still challenged by legal and technical problems. The European Parliament has called on the Commission to develop common principles and guidelines.

And the Terezin declaration provides a clear reference point for res-



titution and a commitment for all European countries. Member States authorities should assist victims and their families during the complex legal proceedings. Progress has been made over the last years. Some countries have done a lot and have even developed best practices. Others should do more.

For this reason, today`s discussions are so important to keep working together for restitution. The European Union has achieved a lot in the last sixty years because it has the richness of its diversity. Europe is much more than a single market or a common currency. Europe is diversity of opinion, of religions, of ideas. The Holocaust is the antithesis of diversity.

Through "remembrance and restitution" we reject all acts of hatred based on differences and we pay tribute to the importance of diversity as key for our unity.

Thank you! I wish you a fruitful and constructive debate.

