

WORLD JEWISH RESTITUTION ORGANIZATION

POSITION PAPER REGARDING RESTITUTION OF PRIVATE JEWISH PROPERTY IN POLAND

May 3, 2006

1. **We urge Poland to return confiscated properties currently in its possession.**

Throughout Europe, the dominant principle which emerged after World War II – enacted in decrees and legislation of the Allies and of European countries - is that a State, even if not the perpetrator of a crime, should not benefit from it. Assets taken over or expropriated must be given back, otherwise the wrong committed is not redressed. The international community demands it; morality requires it.

Poland should attempt to have all private properties confiscated from 1939 to the end of the Communist regime restituted to their former owners or their heirs, even if many such properties are currently possessed by third parties. At a minimum, stolen property held by the State and other public bodies must be returned.

2. **We urge Poland to return the proceeds of sales of expropriated properties.**

The proceeds of any sales of State-held properties which were illegally taken by the Nazis and/or subsequently nationalized by the Communist regime must be returned, in full, to the innocent former owners of such properties or their heirs. Otherwise the State has been unjustly enriched by selling such properties.

3. **We urge Poland to provide equitable compensation for the expropriated property, when in rem restitution is not possible.**

Where restitution is not possible, full compensation should be provided. There are countries whose economic plight is much worse than that of Poland, yet they are determined – and have been trying – to compensate claimants with the full, current market value of property stolen by the Nazis and/or Communists. This has been in the form of cash payments or tradable securities funded through the privatization of State-owned property.

4. **We urge Poland to include Warsaw and other property in the legislation.**

Warsaw, Poland's largest city, and a city which, prior to World War II, was home to the country's largest Jewish population, must be included in any property restitution or compensation programs. Over

25-30% of Warsaw's pre-war population was Jewish and a substantial portion of the private property in Warsaw at that time was owned by Jewish families.

Alternatively, the deadline for claiming property in Warsaw, under the Decree of 26 October 1945, should be reopened.

Similarly, property of Jewish former Polish citizens held today by Poland in former German areas should be covered by the program to the extent that individuals did not previously receive compensation from another source.

5. **We urge Poland to immediately return State-held confiscated works of art to their rightful owners.**

Looted art must be returned to its former owners or their heirs. Failure to do so would defy core principles adopted by three international gatherings which addressed the recovery of stolen Holocaust art. The Washington Conference on the Holocaust-Era Assets (December 1998), the Parliamentary Assembly of the Council of Europe (November 1999), and the Vilnius International Forum on Holocaust Era Cultural Assets (October 2000), resolved that nations should undertake "every reasonable effort" to achieve the restitution of Jewish cultural assets looted during the Holocaust era.

6. **We urge Poland to address the issue of heirless Jewish property.**

The issue of Jewish property which belonged to those who perished in the Shoah is one which must be resolved.