

European Parliament
Committee on Petitions
B-1047 Brussels
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PETITION TO THE EUROPEAN PARLIAMENT

I the undersigned
Citizen of
Profession
Full address

submit herewith to the Members of the European Parliament the following
Petition:

Concerning the rapid passage of EPP-ED draft resolution Condemning totalitarian
Communism (4th February 2004) as well as the establishment of an independent
forum competent to deal with confiscated property claims.

1) Whereas every Member of the European Parliament is elected democratically and
freely in his/her own Country of affiliation; every State with parliamentary
representation in the European Parliament is an integral part of the European
Union; all Countries participating in the Community have solemnly adhered to all
the Fundamental Principles of Human Rights expressed in the manifold
declarations;

2) Whereas every Member of the Parliament has to abide by the Fundamental
Principles of Human Rights signed by their Countries of affiliation;

3) Whereas totalitarian regimes, including the Nazi and Communist dictatorships
have caused incommensurable human suffering and damages, degrading not only
every conceivable human right but the very same human spirit;

4) Whereas that the iniquity of communism has devoted itself to the systematic
destruction of proprietary rights and subsequently the rights of private and
public ownership, including factual, personal, commercial and financial
properties, impeding thereby every possible private industrial activity as well
as repealing by fact and by law any public, political or religious activity, to
the extent of prohibiting any form of individual professional practice;

5) Whereas the illegitimate and illegal confiscation of private properties,
without any equitable remuneration on behalf of Nazi and Communist totalitarian
regimes, was deliberately enforced in order to persecute people because of their
religion, their nationality, their social origin, or to eliminate the latter due
to their opposition to the such regimes;

- 6) Whereas certain individuals twice suffered the taking of their properties without compensation, first by the Nazis and then by subsequent Communist regimes.
- 7) Whereas refugees from communism, in addition to being wrongfully deprived of their property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by Communists who ruled their countries.
- 8) Whereas the victims had no effective judicial remedy against these seizures.
- 9) Whereas more than half a century has passed since these egregious practices Central and East European Nations continue to avoid returning property that was illegally seized by the Nazis during WW II or by Communist regimes after the war.
- 10) Whereas survivors of the exodus, their descendents, and heirs to non-survivors are legally entitled to the return of property stolen from them, no country, sixteen years since the fall of Communism, has adopted a 'model law' for restitution.
- 11) Whereas present legal or administrative restrictions that require claimants to reside in, or be a citizen of, the country from which they seek restitution or compensation for confiscated property are arbitrary, discriminatory, and in violation of international law.
- 12) Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments, and as such laws themselves must be consistent with international human rights standards.
- 13) Whereas the European Union allegedly can presently only address measures taken or having continued effects after the accession. Historical acts, undertaken by authorities of former communist countries cannot be the subject of any retroactive scrutiny.
- 14) Whereas the European Court of Human Rights(von Maltzan and others No. 7191/01), in contrast to the UN Human Rights Committee (Ivan Somers v. Hungary, Communication No. 566/1993, U.N. Doc. CCPR/C/53/D/566/1993 (1996); Marik v Czech Republic U.N. Doc. CCPR No. 945/2000) obstinately contends, without taking in consideration that the victims had no effective judicial remedy against these illegal measures, that expropriations are instantaneous acts of which the effects extinguish with their implementation.
- 15) Recalling art. 1 of the first additional protocol to the European Convention on Human Rights,
- 16) Recalling the European Union's commitment to respect and defend human rights,
- 17) Recalling the European Union's commitment to the duty of remembrance,
- 18) Recalling EP resolution B4-1493/95 on return of plundered property to Jewish communities, Council of Europe resolution 1096 (1996) on measures to dismantle the heritage of former communist totalitarian systems, as well as the EPP and Council of Europe's draft resolution condemning totalitarian communism (Council of Europe Doc. 9875 rev) and Doc. 10765 of the Council of Europe's Parliamentary Assembly regarding the need for international condemnation of crimes of totalitarian communist crimes (16th December 2005),

19) Recalling States' international obligations under UN A/CN4.L602,
Responsibility of States for internationally wrongful acts.

I urge, in the name of Justice, the European Parliament alone or together with the Committee of Ministers of the Council of Europe to adopt the resolution condemning totalitarian communism and to establish an independent forum (i.e. set up a committee composed of independent experts with the task of collecting and assessing information regarding communist property confiscations and implement a Tribunal apt to pass binding property restitution decisions on EU Member States) competent to deal with confiscated property claims since the European Court of Human Rights deems itself *ratione temporis* incapable to hear such claims and the UN Committee on Human Rights may only consider property restitution requests which involve discriminatory regulations, given that the right of property is not directly protected by the International Covenant on Civil and Political Rights.

Anyone who refuses to acknowledge the necessity to pass the aforementioned resolution or the need to implement a judicial mechanism to redress Nazi/communists crimes, in particular property confiscations, perpetuates injustice, creates a climate of impunity and certainly lacks a fundamental understanding of the principle of the rule of law, nor has fully grasped the significance of democracy.

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petitioner's signature