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Internationale Liga der Opfer der Gewaltherrschaft
International league of victims of abuse of power

PETITION TO THE EUROPEAN PARLIAMENT

Petition No. 437/99

I the undersigned.....

..... Citizen of.....

Profession

.....
Full address (Postal Code)

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

Concerning the Restitution or equitable Compensation of Properties illegally and illegitimately confiscated by totalitarian Governments (i.e. by ex-Nazi, ex-Communist and ex-Fascist Countries), and those properties, which were illegally incorporated in the patrimony of some National and Foreign Financial Institutions.

- 1) Granted that every Member of the European Parliament is elected democratically and freely in his/her own Country of affiliation;
that every State with parliamentary representation in the European Parliament is an integral part of the European Union;
that all Countries participating in the Community have solemnly adhered to all the Fundamental Principles of Human Rights expressed in the manifold declarations;
- 2) Granted that every Member of the Parliament has to abide by the Fundamental Principles of Human Rights signed by their Countries of affiliation;
- 3) Granted that the 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) Granted 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) Granted that 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) Granted that the Nazi and Communist Leaders often obtained the properties confiscated from their victims through the policies they themselves supported;
- 7) Granted that some people and some communities have often been victimised twice and have suffered confiscation without remuneration under both Nazi and subsequent Communist regimes.
- 8) Granted that churches, synagogues, mosques and other religious owned property, such as hospitals, schools and orphanages, have been destroyed or confiscated with the sole purpose to break spiritual devotion and religious loyalty, to the extent of dismantling entire religious communities;
- 9) Granted that Nazis and Communists used Foreign Financial Institutions to reorganise and to unjustly acquire properties, illegally confiscated from their victims.
- 10) Granted that some National and Foreign Financial Institutions have violated the fiduciary mandate of their clients using their patrimonies for personal financial use, denying constantly legitimate heirs access to the latter (e.g. holocaust victims).
- 11) Granted that the refugees from communism not only suffered the illegal confiscation of their private property, but were also often forced by the Communists who governed their Country to relinquish their citizenship in order to protect themselves and their families from retaliations;
- 12) Granted that States which are members of the Organisation for the Safety and Co-operation in Europe (OSCE) have agreed to give full recognition and protection to all types of property, including private property, and the legal right to request equitable and effective compensation in cases where private property is acquired for public utility;
- 13) Granted that Countries in central and eastern Europe, the Caucasus and Central Asia have entered a post-Communist period of transition and democratic development, and like many other countries, have begun, without much success, the difficult and lacerating process of trying to correct the violations of previous totalitarian regimes.
- 14) Granted that in many Countries of Central and Oriental Europe laws have been implemented to guarantee the restitution or "virtual" compensation for illegally seized properties by totalitarian regimes; laws which are full of restrictions and conditions, cunningly studied in such a manner that for one reason or another, all claims become groundless, maintaining thereby the totalitarian expropriating governments' objective;

- 15) Granted that some restrictive regulations (legal as well as administrative restrictions) have been recently introduced in the laws of several of the above mentioned Countries,
e.g.: one must be a resident or citizen of the Country from which one now demands restitution or equitable compensation;
the latter together with all other restrictions sustaining the communist "status quo" is arbitrary, discriminating and constitutes a violation of International Laws;
- 16) Granted that democracy requires all Governments and their administrative representatives, to act conform the laws passed by their own Parliaments in accordance with International Standards;
- 17) Granted that after the World War II many state borders have been changed and that therefore numerous individuals suffered property loss.
- 18) Granted that Countries like Germany and Italy, due to war events, have numerous citizens, whose property was unjustly confiscated, and yet neither of the receptive governments have ever provided these citizens with legal instruments to assert their rights.
For example German citizens living within their own country are confronted with insurmountable legal difficulties;
difficulties, which are not justifiable, and yet present, made intentionally to impede victims their right of restitution or compensation.
- 19) Granted the matter regarding illegally confiscated property, Italy (also Germany as well as many other countries) has passed laws which have never been fully executed;
stipulated bilateral agreements which have never been respected;
re-interpreted in a distorted manner whole chapters of numerous treaties, including the Paris Peace Treaty;
it has deliberately and stubbornly ignored, trampled and disregarded all declarations of Fundamental Human Rights;
- 20) Granted that the absence or feasibility of legal devices to ensure the restitution of illegally confiscated property pertains all member-states of the European Union and Candidate Members.
- 21) Granted that some states which like to denote themselves democratic, but are in fact still communists (resp. neo-communists), fore the ruling class as well as the laws in force have barely changed.
- 22) Granted that the neo-communist Countries have been governed for many decades by people who have scrupulously indoctrinated most of today's rulers as well as the use of laws and regulations, preconceived by the former communist regimes, induces their incapability to govern a community with the legislative tools of a liberal democracy;
that the regimes have constantly opposed all private initiative, forcing so, the exodus of the remaining entrepreneurs, impoverishing thereby the Country's true wealth (private enterprise); "bestowments" from incompetent bureaucrats, who still run the countries today;
many generations will be needed, to prepare and produce capable executives and experienced entrepreneurs from a population, which was suppressed over various decades.
that, the appropriation of funds through European Union supporting these pseudo-liberal democracies, should instead be used to give an incentive to reinstated former owners, so the accomplishment of privatization can act as a catalyst for the birth and development of liberal-democratic ideals;

- 23) Granted that nearly all member states of the European Union have done little or nothing to redress the illegalities perpetrated by former dictatorial governments; instead of restoring justice they have been trying to consolidate their own illegitimacies and justify those of other countries;
- a) Granted that, all governments, many of which are members of the European Union and others which aspire to become members, involved with liabilities for the neglect of fundamental Human Rights, will not spontaneously change their attitude towards this issue, unless they are forced by law and by a magistracy 'super partes' - an expression used by the European Union, which prevents them from resolving actions concerning Fundamental Human Rights with hasty solutions that are of political nature;
- b) Granted that all countries governed by dictators or puppet governments imposed by occupying powers, have skeletons in their closets; skeletons that are still yet to be removed.
E.g. The German reunification brought out the iniquities and the illegalities of the former Nazi regime, as well as others inherited from the communist regime in the ex German Democratic Republic.
- c) Granted that the non-resolution of such illegalities is in itself a further distressing insult to Human Rights;
- d) Granted that, it would be incorrect and misleading to judge those people, who refuse to provide suitable legal tools as helpless followers of a perverse ideology;
- e) Granted that the menacing attitude and ideology of former dictators remain, even after their disappearance, in many indoctrinated minds.
- f) Granted that the denial of justice, the asperity towards the victims, the treating of the weak and defenceless with extreme harshness and considering every diversity as a threat, is quite common to all extremists including the communist regime;
- g) Granted that the communist ideology, instilled and assimilated like a religion, has left deep impressions on both minds and spirits of followers as well as opponents of the regime;
- h) Granted that the manner for reasoning and giving significance to words and terms have always been profoundly distorted by communist ideology;
- i) Granted that communism due to it's inherit deceiving nature, using and obtaining support from 'useful' idiots, organizing itself in basic compartments (that have never been dissolved), lurking, exploiting every minute portion of power, makes this ideology so much more dangerous as it inclines itself to give a docile impression, whilst manoeuvring everything to it's own advantage, including the independent magistracy;
- j) Granted that before recommending possible remedies, one should at this point take a moment and look in the past; one should bare in mind that hundreds of thousands of people during the course of the elapsing century have been suppressed and forced into exile. Many of them deprived of all their possessions - due to age or to ill-health were unable to re-build a dignified life and died in poverty and misery;

DEMAND:

that the European Parliament, after having verified the veracity and consistency of the previous statements and of all the declarations made therein, enacts the following:

Article 1

All laws, Regulations, Treaties, Agreements, and any other acts stipulated at any level (none excluded) initiated or imposed by any of the member states of the European Union or European Union membership candidates states, which have violated, directly or indirectly, during the Twentieth Century, the Fundamental Rights of Private Ownership are to be considered void, null, and divested of any legal value.

Article 2

All nationalization, confiscation, expropriation and any other procedures that have been contrived by whomever, to appropriate other people's possessions, are to be considered illegal.

Article 3

All Laws, Regulations, Treaties and any other acts stipulated, initiated or imposed, which have been enacted to regulate that referred to in articles 1 and 2 and those enactments which do not foresee restitution of properties illegally subtracted from the legitimate owners are to be considered void, null, divested of any legal value.

Exceptions are indicated for acts of expropriation intended to serve public good and subject to a compensation according to civilised standards.

All other still existing possessions, which were illegally confiscated, have to be returned to their legitimate owners in the same state they were prior to their subtraction.

For all deteriorated or destroyed confiscated possessions an equitable and immediate compensation (market value) is payable.

Reimbursement is due to all real estate owners for loss of profits regarding the period, where rights of ownership could not be exercised.

Article 4

All persons, who have been recognized as the rightful owners, in accordance with the laws in force of the country of origin, before the expropriation took place, have a right to be reinstated (meaning restitution or compensation) - this applies also to their legitimate heirs.

Article 5

Should the title-holders for restitution of property or for equitable compensation be dead or otherwise irretrievable, the right of succession must pass over to "Associations" (e.g. Treuhandanstalt or Privatisation Funds), which will provide for the redistribution of the possessions among its affiliates.

Article 6

Legal acts and accompanying bylaws should apply to all citizens of the European Union and its Candidate Members as well as to persons of any other nationality provided their property is located within the territory of the European Union or its Candidate Members and they have also suffered violations of the property rights mentioned in Article 1 and 2.

Article 7

The here implied Law must apply to all cases where illegitimacy subsists:
Resorting directly to the Judicial Organs of the European Union, where appropriate and efficient legal measures are unavailable or non-existent for Community citizens.

Article 8

The European Union shall constitute a Commission with the task of tracing all available documentation and ask all Member States and Candidate Members to support this assignment with the inclusion of civil organisations representing those interested in restitution.

Article 9

The regulations for the application of this Law must be prepared and made assessable within six months after the date of publication in the Official Gazette.

Article 10

The Law comes into force the same day of its publication in the Official Gazette.

The law introduced hereby:

- reasserts the Resolution 1096 adopted by the Parliamentary Assembly of the Council of Europe and the U.S. Congress Resolution No. 19 and the U.S. House of Representatives Resolution No. 562.
- acknowledges the effort, which many post-communist countries or other totalitarian regimes are making to reach an equitable solution concerning confiscation issues.
- indicates the urgency to those countries, which still have not complied with the restitution of properties illegally expropriated from their legitimate owners or, equitably compensated the victims conform the principles of justice;
- summons the restitution of properties belonging to Religious Communities including the Jewish ones, making amends, so to speak, to the exceptionally delicate issue of Holocaust victims; and convokes any other Nation whose Laws provide restrictions towards those who request restitution or an equitable compensation of their properties illegally expropriated and plundered by the Nazis or the Communist regimes,
- calls upon Croatia, Czech Republic, Latvia, Lithuania, Poland, Romania, Slovak Republic, Slovenia and any other Nation whose laws and regulations, inherent to illegally expropriated properties, limit the restitution of real ownership or deny an equitable compensation for those properties which have been destroyed, to the people who do not reside in, or are not citizens of the country from which they are now requesting restitution or an equitable compensation, to remove such restrictions;

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- urges Financial Institutions within the Community, as well as the ones in foreign countries, who have legal authority over illegally expropriated possessions to restore the properties to their legitimate owners.
- emphasizes the urgency to former totalitarian countries to adopt efficient legal measures to guarantee restitution or equitable compensation.
- establishes once and for all that within the European Union's territory and the territory of Candidate Members all the above-mentioned illegitimacies will be rectified by Community Law.

Recapitulating:

- all properties illegally expropriated are to be entirely reinstated to their legitimate owners;
- every Law, Act, Provision, Regulation, etc. enforced by totalitarian regimes which are detrimental to Fundamental Human Rights are to be considered null and void from the moment they came into force - All consequences caused by these illegitimate actions must be equitably compensated
- a just and equitable compensation is due for deteriorated possessions, based on their actual market value as well as interests.
- it is essential that legislative measures are installed and used from now onwards by the magistrates of the European Union and its Candidate Members.
- implement within the European Union and its Candidate Members a legislative measure that allows single individuals or communities to resort directly to the European Union in cases where, they were impeded or not granted in their own country of origin the possibility to initiate or to conclude legal process for violations of Fundamental Human Rights. (*)

Whoever, and for any reason whatsoever, refuses to acknowledge the need to implement such mechanisms is not much more sagacious nor more just than those who perpetrated these illegalities.

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proponent's signature

(*) 'Fundamental Human Rights' signifies the complete explicit statement in the 'UNIVERSAL DECLARATION OF HUMAN RIGHTS', adopted by the GENERAL ASSEMBLY of the UNITED NATIONS on December 10, 1948, and confirmed by the Final Document of the Helsinki Conference, by the OSCE documents, by the Paris Charter, etc.

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The Petition has to be addressed to:

Mr. A. GUILLEN ZANON
Head Division Activity Deputies
General Direction of the Presidency
Direction for Programming of Parliamentary Affairs
c/o European Parliament

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