



ארגון יהודי עולמי להשבת רכוש (איל"ר)

WORLD JEWISH RESTITUTION ORGANIZATION

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August 14, 2015

His Excellency Andrzej Duda
President of the Republic of Poland
Presidential Palace
Krakowskie Przedmieście 48/50,
00-071 Warsaw
Poland

Dear President Duda,

On behalf of the World Jewish Restitution Organization, we wish to congratulate you on your inauguration as President of the Republic of Poland. The World Jewish Restitution Organization represents Jews worldwide in seeking the recovery of property seized from victims of the Holocaust.

We write to urge you not to reverse the decision of your predecessor to refer to the Constitutional Tribunal, without signature, legislation passed by Parliament on 25 June to amend the Law on Real Estate Management and the Family and Guardianship Code.

We are deeply concerned that the legislation would limit the ability of Holocaust survivors, their families, and other rightful Jewish and non-Jewish property owners to recover property in Warsaw that they claimed decades ago pursuant to the Decree on Ownership and Usufruct of Land in Warsaw of 1945 (the "Warsaw Decree").

As President of Poland, you lead a country that was once the center of the Jewish world, with vibrant communities of 3.3 million Jewish people who made enormous contributions to Poland. Tragically, 90% of Polish Jewry and hundreds of Polish Jewish communities were wiped out by the Nazis in the Holocaust.

Mr. President, we ask you to urge Parliament to pass restitution legislation. Poland still has not met its commitment to pass a law to provide restitution of, or compensation for, property taken – from Jews and non-Jews – by the Nazis and/or nationalized by the Communists. It would be an injustice to Holocaust survivors and their families if Poland instead passed legislation to restrict their opportunity to seek restitution in Warsaw.

WJRO Members: Agudath Israel World Organization; American Gathering of Jewish Holocaust Survivors and Their Descendants; American Jewish Committee; American Jewish Joint Distribution Committee; B'nai B'rith International; Centre of Organizations of Holocaust Survivors in Israel; Conference of European Rabbis; Conference on Jewish Material Claims Against Germany; European Jewish Congress/European Council of Jewish Communities; Jewish Agency for Israel; NCSEJ: the National Coalition Supporting Eurasian Jewry; World Jewish Congress; World Zionist Organization

The legislation passed by Parliament sets a six-month deadline for rightful owners or their heirs to participate in administrative proceedings filed decades ago. Many Holocaust survivors and their heirs are not aware of proceedings that have languished for decades. The legislation would require only limited notice in Polish newspapers and a government website that would be unlikely to reach survivors, their families, and other Jewish and non-Jewish owners, especially people who live abroad or cannot read Polish. The legislation would also end the practice of appointing a trustee to represent an heir who has not been identified.

It would be a profound injustice for the claims of these Holocaust survivors and other Jewish and non-Jewish property owners to be dismissed and for the property to revert to the state or the City of Warsaw.

WJRO is also concerned that the legislation would limit the restitution of property, because it precludes the return of any expropriated property that is currently in public use or fits into a number of other categories.

While limiting the rights of individuals who filed claims under the Warsaw Decree, the legislation would not provide an opportunity for rightful owners and their heirs to file claims if these claims were not filed before the 1988 claims deadline. Many of these owners and their families, especially those living abroad, were not able to file claims in Communist Poland.

The Warsaw Decree provides a rare opportunity under current Polish law for former property owners to seek restitution or compensation through an administrative process. Instead of closing the doors to claimants, WJRO asks that Poland reopen the claims process for those who did not file claims after the Holocaust.

Accordingly, the World Jewish Restitution Organization asks you not to sign this legislation.

Sincerely,



Abraham Biderman
Co-Chairman



Gideon Taylor
Chair of Operations

cc: H.E. Stephen Mull, Ambassador of the United States
H.E. Anna Azari, Ambassador of the State of Israel