ארגון יהודי עולמי להשבת רכוש (איל"ר)

WORLD JEWISH RESTITUTION ORGANIZATION

711 Third Avenue, 10th Floor, New York, NY 10017, U.S.A. Phone: 00-1-212-885-0804 Fax: 00-1-212-370-5467

5 Mapu Street Jerusalem, Israel 94189

May 29, 2012

Hon. Donald Tusk Prime Minister Chancellory of the Prime Minister Al. Ujazdowskie 1/3 00-583 Warszawa, Poland

Dear Prime Minister Tusk,

I write to express the dismay of the World Jewish Restitution Organization ("WJRO") at the lack of progress, of any sort, regarding the restitution of, or compensation for, private property in Poland confiscated during World War II and/or subsequently nationalized during the period of Communist rule. As you are aware, the WJRO represents thirteen international Jewish organizations, as well as survivors of the Holocaust, and heirs of such survivors, worldwide.

Most Central and East European nations have adopted a special approach or additional legislation to provide restitution or compensation for confiscated assets seized in the Holocaust and/or its aftermath. They recognized the unusual, perhaps unique, circumstances of and devastation caused during World War II. In so doing, these countries have acknowledged the inability of regular court systems to effectively address the sheer size and atrocious nature of the crimes in question, which were not of their making. Poland stands alone in its failure to do so.

On several occasions in the past few years, you, personally, promised that relevant legislation would be enacted to deal with this situation. Regrettably, that did not occur. Instead, in recent months, various Polish officials have indicated that the proposed compensation legislation for confiscated private property – contrary to your assurances – will not move forward. These officials maintain that former property owners, and heirs of such former owners, should pursue a remedy in the Polish court system. That, as you must know, is a proposed solution which — due to its cost, procedural obstacles and the time likely involved — will prove extraordinarily difficult, if not prohibitive, for many foreign claimants, especially those that are elderly. Moreover, it is nothing new; it is an option which has been available for years, but which the overwhelming majority of potential claimants dismissed, long ago, as impractical, and for good reason.

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To be meaningful, and constitute a reasonable option – not just an effort to silence the calls for justice – the suggestion that potential claimants go to court to recover their confiscated assets will need to be accompanied by modifications in the legal system and/or laws of Poland.

For example, under current Polish law, only property seized in violation of the nationalization regulations of the post-war Communist regime can be recovered: that automatically excludes many claimants whose property was seized by the occupying Nazi forces and/or their collaborators from September 1939 through the end of the war. No confiscated property located in Warsaw – home, prior to the war, to a significant Jewish population – can be recovered through litigation. And, under current law, there are numerous procedural (including establishing the right to inheritance) and evidentiary obstacles. Without appropriate modifications to these and related laws, Poland is effectively telling pre-war land-owners, including Holocaust survivors, they have no hope for even a small measure of justice with respect to the assets that no one questions were stolen from them. This represents a major step backward on the issue.

In view of these serious concerns – related to the proposal that potential claimants seek private property restitution by way of litigation in Polish courts – we request an opportunity to meet with you again, at the earliest opportunity, and open a dialogue between the government and the WJRO toward the goal of making such a proposal constructive and mutually satisfactory.

Sincerely,

Steve Schwager

Co-Chairman

WJRO Executive