

105TH CONGRESS
1ST SESSION

S. CON. RES. 19

Concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 1997

Mr. D'AMATO (for himself, Mr. CAMPBELL, Mr. KEMPTHORNE, Mr. ABRAHAM, Mr. LAUTENBERG, Mr. GRAHAM, Mr. REID, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions.

Whereas Fascist and Communist dictatorships have caused immeasurable human suffering and loss, degrading not only every conceivable human right, but the human spirit itself;

Whereas the villainy of communism was dedicated, in particular, to the organized and systematic destruction of private property ownership;

Whereas the wrongful and illegal confiscation of property perpetrated by Fascist and Communist regimes was often specifically designed to victimize people because of their

religion, national or social origin, or expressed opposition to the regimes which repressed them;

Whereas Fascists and Communists often obtained possession of properties confiscated from the victims of the systems they actively supported;

Whereas Jewish individuals and communities were often twice victimized, first by the Nazis and their collaborators and then by the subsequent Communist regimes;

Whereas churches, synagogues, mosques, and other religious properties were also destroyed or confiscated as a means of breaking the spiritual devotion and allegiance of religious adherents;

Whereas Fascists, Nazis, and Communists have used foreign financial institutions to launder and hold wrongfully and illegally confiscated property and convert it to their own personal use;

Whereas some foreign financial institutions violated their fiduciary duty to their customers by converting to their own use financial assets belonging to Holocaust victims while denying heirs access to these assets;

Whereas refugees from communism, in addition to being wrongly stripped of their private property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by the Communists who ruled their countries;

Whereas the participating states of the Organization for Security and Cooperation in Europe have agreed to give full recognition and protection to all types of property, including private property, as well as the right to prompt, just, and effective compensation in the event private property is taken for public use;

Whereas the countries of Central and Eastern Europe, as well as the Caucasus and Central Asia, have entered a post-Communist period of transition and democratic development, and many countries have begun the difficult and wrenching process of trying to right the past wrongs of previous totalitarian regimes;

Whereas restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation are arbitrary and discriminatory in violation of international law; and

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 or legislatures and such laws themselves must be consistent with international human rights standards: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That the Congress—*

3 (1) welcomes the efforts of many post-Com-
4 munist countries to address the complex and dif-
5 ficult question of the status of plundered properties;

6 (2) urges countries which have not already done
7 so to return plundered properties to their rightful
8 owners or, as an alternative, pay compensation, in
9 accordance with principles of justice and in a man-
10 ner that is just, transparent, and fair;

1 (3) calls for the urgent return of property for-
2 merly belonging to Jewish communities as a means
3 of redressing the particularly compelling problems of
4 aging and destitute survivors of the Holocaust;

5 (4) calls on the Czech Republic, Latvia, Lithua-
6 nia, Romania, Slovakia and any other country with
7 restrictions which require those whose properties
8 have been wrongly plundered by Nazi or Communist
9 regimes to reside in or have the citizenship of the
10 country from which they now seek restitution or
11 compensation to remove such restrictions from their
12 restitution or compensation laws;

13 (5) calls upon foreign financial institutions, and
14 the states having legal authority over their oper-
15 ation, that possess wrongfully and illegally property
16 confiscated from Holocaust victims, from residents
17 of former Warsaw Pact states who were forbidden
18 by Communist law from obtaining restitution of such
19 property, and from states that were occupied by
20 Nazi, Fascist, or Communist forces, to assist and to
21 cooperate fully with efforts to restore this property
22 to its rightful owners; and

- 1 (6) urges post-Communist countries to pass and
- 2 effectively implement laws that provide for restitu-
- 3 tion of, or compensation for, plundered property.

