

OVERVIEW OF IMMOVABLE PROPERTY RESTITUTION/COMPENSATION REGIME – GREECE (AS OF 8 MARCH 2017)

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A. EXECUTIVE SUMMARY

During World War II, Greece was occupied by three (3) of the Axis powers (Bulgaria, Germany, and Italy) and divided into zones of occupation. The safety and security of Jews in Greece varied greatly by occupation zone, but by the end of the war, less than 10,000 of Greece's prewar Jewish population of 72,000 survived.

Greece passed its first property restitution legislation in 1944 and is often praised for being the one of the first countries to pass laws promising restitution of *private property*, *communal property*, and *heirless property*. However, as with many other countries, occupied during the war, in Greece it often took families years to get their property back and the government was reluctant to implement the restitution laws that had been passed in the preceding years.

Greece endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010. Greece is one of only a few countries with a Special Envoy for Holocaust Issues. As of June 2016, Ambassador Photini Tomai-Constantopoulou is the Special Envoy.

As part of the European Shoah Legacy Institute's Immovable Property Restitution Study, a Questionnaire covering past and present restitution regimes for private, communal and heirless property was sent to all 47 Terezin Declaration governments in 2015. Greece submitted a response in September 2015.

B. POST-WAR ARMISTICES, TREATIES AND AGREEMENTS DEALING WITH RESTITUTION OF IMMOVABLE PROPERTY

During World War II, Greece was first invaded by Italy in 1940 and again by the Axis powers (Germany, Italy, Hungary and Bulgaria) on 6 April 1941. Once the Greeks surrendered to the Axis powers, the country was divided into three zones of occupation. Germany occupied western Macedonia, eastern Thrace, the Aegean Islands and western

Crete. Bulgaria occupied western Thrace. Italy occupied the remaining mainland territory and Greek islands. The capital in Athens was jointly occupied by Germany and Italy.

The treatment of Jews varied widely by occupation zone. In the Italian zone, officials largely ignored German calls to institute plans for the mass murder of Jews. Many Jews from the German occupation zone initially found safety in the Italian zone. In contrast, officials in the Bulgarian occupation zone followed German orders. In March 1943, Bulgarian officials rounded up the entire Jewish population of eastern Macedonia and Thrace and transported them to Treblinka. None survived. Between March and August 1943 in Thessaloniki in the German zone of occupation, 19 convoys left with nearly 45,200 deportees. Also deported through Thessaloniki were Jews from other communities in the German occupation zone: 810 from Florina and Verria in western Macedonia, and 900 Jews from Soufli, New Orestias and Didymoticho in the Evros region near Turkey.

At the time the Nazis occupied Greece in 1941, there were roughly **72,000** Jews living in the country. By the end of the war as Germany was retreating from Greece, approximately **60,000** Greek Jews had died. Today, about **5,000** Jews live in Greece.

At the end of World War II, as an occupied country, Greece was not a party to an armistice agreement or any treaty of peace. However, pursuant to **Article 21** of the [1947 Treaty of Peace with Bulgaria](#) and **Article 74** of the [1947 Treaty of Peace with Italy](#), both countries were obliged to pay Greece war reparations. **Article 7** of the **Treaty of Peace with Italy** also ceded sovereignty over certain islands to Greece. Pursuant to a **1960 Greece-Germany Bilateral Reparations Agreement**, the issue of reparations was purportedly settled when Germany paid Greece DM 115 million. The matter of further reparations payments from Germany has reemerged in recent years but no definitive solution has been reached.

Following the war, Greece entered into lump sum agreements or bilateral indemnification agreements with at least six countries. These agreements pertained to claims belonging to either citizens or foreign nationals (natural and legal persons) arising out of war damages or property that had been seized by foreign states after WWII (i.e., during nationalization under Communism in countries outside Greece). They included claims settlements reached with: **Bulgaria** on 9 July 1964, **Hungary** on 27 April 1963, **Poland** on 22 November 1963, **Romania** on 25 August 1956 and 2 September 1966, **Yugoslavia** on 18 June 1959, and the **Federal Republic of Germany** on 18 March 1960. (Richard B. Lillich and Burns H. Weston, *International Claims: Their Settlement by Lump Sum Agreements* (1975), pp. 328-334; Richard B. Lillich and Burns H. Weston, *International Claims: Their Settlement by Lump Sum Agreements, 1975-1995* (1999), pp. 117-119.)

For additional information relating to the size of the Jewish population in Greece, and the historical background and effect of World War II on the Jewish Greek population, see [United States Holocaust Memorial Museum – Holocaust Encyclopedia, “Greece”](#); [United States Holocaust Memorial Museum – Holocaust Encyclopedia, “Holocaust in Greece”](#); [World Jewish Congress, “Communities: Greece”](#).

C. PRIVATE PROPERTY RESTITUTION

Private immovable (real) property, as defined in the Terezin Declaration Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II (“Terezin Best Practices”) for the purpose of restitution, is:

Property owned by private individuals or legal persons, who either themselves or through their families owned homes, buildings, apartments or land, or who had other legal property rights, recognized by national law as of the last date before the commencement of persecution by the Nazis, Fascists and their collaborators, in such properties.

(Terezin Best Practices, para. b.)

Shortly after German officials deported Greek Jews from the German occupation zone to Auschwitz-Birkenau in 1943, **Occupation Laws 205/1943** and **1180/1944** were passed. The laws created the **Service Administration of Jewish Properties (YDIP)** and established a framework for dealing with “abandoned” Jewish properties. **YDIP** was a governmental agency meant to oversee the delegation and use (not ownership) of the Jewish properties to so-called “trustees”. However, scholars such as Stratos N. Dordanas, describe **YDIP** as an agency that provided legal cover for continued expropriation of assets. Beneficiaries of property transferred through **YDIP** included Christians, businessmen, shop owners, collaborationists and sympathizers. The program served to pad the pockets of Germans and Greeks alike. (For more information on YDIP during the war, see Stratos N. Dordanas, “Annihilation and Plundering: The Service for the Disposal of Jewish Property (YDIP)” in *The Holocaust in the Balkans*, (Giorgos Antoniou, Stratos N. Dordanas, Nikos Zaikos, & Nikos Marantzidis, eds. 2011), pp. 331-352.)

As the end of the war drew near, **Occupation Law 1977/1944** was passed. This law annulled the early **Law 1180/1944** and somewhat ironically prescribed that **YDIP** would now be used to restitute properties to their original owners.

After Greece was liberated in 1944, it was one of the first countries to enact private property restitution legislation. On 27 October 1944, the newly liberated Greek government enacted **Law No. 2/1944, concerning the Annulment of Laws 1977/1944 and 1180/1944 and the Return-Restitution of Jewish Properties & Possessions (to their rightful owners)**. The law stated that all properties originally belonging to Jews would be returned. On 23 May 1945 **Compulsory Law No. 337/1945, concerning the Annulment of Law 205/1944 regarding the Administration of Jewish properties impounded by the Occupation Authorities or abandoned** was passed. This law annulled **Occupation Law 205/1943**. On 31 December 1945, **Compulsory Law 808/1945** was passed. It ordered the immediate return of Jewish property by the trustees to the original owners.

Even though private property restitution legislation was passed immediately after the war,

it was in reality often difficult for returning Jews to reclaim their property. As explained by Joshua Eli Plaut:

It took many years for Greek Jews to move back into their prewar dwellings. The state authorities were not willing to dispossess thousands of Greek citizens who were occupying Jewish homes. Jews often had to share their homes with the squatters. [. . .] In 1947 Jewish claims for property restitution in northern Greece engendered anti-Semitic sentiments; in assorted trials, the courts almost always confirmed the tenants' right to title of the Jewish property which they were occupying illegally. Sometimes it was easier for Jews to produce forged identity papers and to give false court testimony to reclaim heirless property of concentration camp victims than to repossess their own homes. It is difficult to determine exactly how long it took for Jews to reclaim property and how much of the property repossessed by survivors was their own or heirless. Most property problems were resolved only after political stability returned to Greece at the end of the civil war in 1949. One estimate shows that out of the 12,000 Jewish homes occupied by squatters, only 600 claims were contested by Jews in court, of which only 300 dwellings were awarded to the original owners
(Joshua Eli Plaut, *Greek Jewry in the Twentieth Century: 1913-1983: Patterns of Jewish Survival in the Greek Provinces before and after the Holocaust*, (1996) ("Plaut"), p. 84; see also ["Restitution of Property to Greek Jews Halted as Government Bows to Pressure Groups"](#), *Jewish Telegraphic Agency*, 3 November 1946.)

We do not have information as to how many properties in total were returned to Jews under Greece's immediate post-war restitution laws. Research suggests that only 300 houses and 50 shops out of more than 11,000 in Thessaloniki were returned to rightful owners after the war. (See e.g., Gabriella Etmektsoglou, "The Holocaust of Greek Jews", in *History of Greece in the 20th Century: World War II, Occupation, Resistance, 1940-1945* (Christos Hatziosif & Prokopis Papastratis, eds, 2007) (in Greek), pp. 188-189.)

D. COMMUNAL PROPERTY RESTITUTION

Communal immovable (real) property, as defined in the Terezin Best Practices for the purpose of restitution, is:

Property owned by religious or communal organizations and includes buildings and land used for religious purposes, e.g. synagogues, churches[,] cemeteries, and other immovable religious sites which should be restituted in proper order and protected from desecration or misuse, as well as buildings and land used for communal purposes, e.g. schools, hospitals, social institutions and youth camps, or for income generating purposes.
(Terezin Best Practices, para. b).

The [Central Board of Jewish Communities in Greece \(KIS\)](#) is the umbrella organization for the Jewish community in Greece. It was established after World War II in 1945 and initially worked to gain the return of private, communal and heirless property

(by working together with **Organization for the Relief and Rehabilitation of the Israelites of Greece (OPAIE)**). **OPAIE** is an independent arm of the **Central Board of Jewish Communities in Greece** and was tasked with administering heirless Jewish property and working with the **Central Board** to allocate resources to rehabilitation programs for Jews of Greece.

Communal property was restituted to the Jewish community in Greece under the same set of laws applicable to private property restitution (*See Section C*):

After the 1944 restitution legislation was announced, communal property slowly reverted to each Jewish community that had a minimum of twenty or more Jewish families in residence. In places with fewer than the minimum, communal property was transferred to the jurisdiction of the Central Board of Jewish Communities in Athens.

A Jewish community that repossessed its buildings often consolidated and liquidated some of its property holdings, since the small postwar Jewish population in each community had no need for large and numerous facilities. (*Plaut*, p. 86.)

One of the last outstanding communal property issues in Greece was resolved in 2011 by **Law No. 3943/2011**, when the Greek government agreed to pay EUR 10 million to the Jewish community of Salonikas for the old Jewish cemetery in Thessaloniki that was destroyed by the Nazis. After World War II, a university had been built on the old Jewish cemetery land. In exchange for the payment, the Jewish community relinquished its legal claims over the property. The cemetery has been described as the “largest Jewish necropolis in Europe, numbering nearly 500,000 graves and covering an area of 350,000 square meters (86.5 acres).” (Leon Saltiel, “Dehumanizing the Dead: The Destruction of Thessaloniki’s Jewish Cemetery in the Light of New Sources”, *Yad Vashem Studies* Vol. 42(1) (2014), p.1.)

According to Asser Moisis, the first President of the **Central Board of Jewish Communities in Greece**, before the war, there were approximately 3,500 pieces of Jewish communal real estate and 35,000 pieces of Jewish real estate in other communities. (Archive of the Central Board of Jewish Communities, Report of Asser Moisis about the problem of abandoned properties, 1945.) We do not have information as to the total amount and value of communal property that was restituted after the war to the Jewish community in Greece.

E. HEIRLESS PROPERTY RESTITUTION

The Terezin Declaration states “that in some states heirless property could serve as a basis for addressing the material necessities of needy Holocaust (Shoah) survivors and to ensure ongoing education about the Holocaust (Shoah), its causes and consequences.” (Terezin Declaration, *Immovable (Real) Property*, para. 3). The Terezin Best Practices “encourage[s] [states] to create solutions for the restitution and compensation of heirless

or unclaimed property from victims of persecution by Nazis, Fascists and their collaborators.” Heirless immovable (real) property, as defined in the Terezin Best Practices for the purpose of restitution, is:

property which was confiscated or otherwise taken from the original owners by the Nazis, Fascists and their collaborators and where the former owner died or dies intestate without leaving a spouse or relative entitled to his inheritances. . . . From these properties, special funds may be allocated for the benefit of needy Holocaust (Shoah) survivors from the local community, irrespective of their country of residence. From such funds, down payments should be allocated at once for needy Holocaust (Shoah) survivors. Such funds, among others, may also be allocated for purposes of commemoration of destroyed communities and Holocaust (Shoah) education.

(Terezin Best Practices, para. j.)

Greece passed heirless property legislation relating to the Holocaust in 1946. On 22 January 1946, the Greek government enacted **Emergency Law 846/1946, on Abolition of the Right of the Greek State to Inherit Jewish Property**. Typically, property escheats or reverts to state ownership when there are no heirs to claim it. However, under **Law 846/1946** the Greek state gave up its right to inherit heirless Jewish properties. Despite passing legislation in 1946, it took until 1949 for the law to actually be implemented. The American Jewish Yearbook for 1948-1949 describes the situation:

For American consumption the release of heirless assets to the Jews in Greece was presented as adversely affecting the budgetary situation in Greece, and indirectly, the American taxpayer’s commitments in Greece. This was untrue, of course, because the transfer of title to properties from one private holder to another within Greece could of be of no fiscal consequence.

(*American Jewish Year Book, Volume 50 (American Jewish Committee)* (Harry Schneiderman & Morris Fine, eds., 1949), p. 373 (Greece).)

Finally, in March 1949, a **Royal Decree** was signed by King Paul for the Establishment of the Organization for the Relief and Rehabilitation of the Israelites of Greece. The Decree established that all Greek heirless property would go to the **OPAIE** acting as a successor organization.

The total value of all Jewish heirless property in Greece in 1953 was estimated to be between USD five (5) and ten (10) million.

We do not have information as to the current value of property being administered by **OPAIE** or the total amount of funds that have been distributed since its establishment in 1949.

Additional information on the creation of OPAIE was taken from *Plaut*, pp. 85-88, 107-108.

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