

OVERVIEW OF IMMOVABLE PROPERTY RESTITUTION/COMPENSATION REGIME – ITALY (AS OF 13 DECEMBER 2016)

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A. EXECUTIVE SUMMARY

Italy's Fascist regime – headed by Prime Minister Benito Mussolini joined the Axis powers in 1939. Mussolini's Italy passed numerous laws that restricted the rights of Italian Jews. Throughout the war, Italian officials and bureaucracy were important and willing participants in the enforcement of anti-Semitic legislation. When Italy unconditionally surrendered to the Allied powers in September 1943, a Nazi-controlled Italian Social Republic was quickly established in northern Italy. Between 1943 and 1944 all Jewish assets in the Italian Social Republic were aggressively (if not uniformly) seized and Jews were deported to concentration camps. While four-fifths of Italy's Jewish population survived the war, 9,000 died during the Holocaust. It has also been estimated that 2,000 of Italy's 25,000 Roma were also killed during World War II.

Private Property. A 2001 report commissioned by the Italian government (Anselmi Commission Final Report) found that private property was generally returned. However, differences emerged regarding the ease of the restitution processes in different regions and restitution also varied depending on whether the property was in state or private hands. Certain notable grievances with the restitution process included that the entity that managed the confiscated property during the war was the same entity charged with returning the property after the war, the **Office for the Management and Liquidation of Real Estate (EGELI)**. In addition, persecuted property owners were required to pay **EGELI** for all administrative expenses incurred during the war, a measure which led to numerous lawsuits and broad-based non-payment.

Communal Property. The 2001 Anselmi Commission Final Report provided anecdotal evidence of restitution and restoration efforts relating to synagogues and other religious property but noted the Commission's examination was far from exhaustive. **Law DLG 736/1948** extended provisions for the repair and reconstruction of buildings of worship and premises of public charities to Jewish buildings (legislation previously covered only buildings belonging to the Catholic community).

Heirless Property. The government passed **Law DLCPS 364/1947**, which provided that heirless Jewish property would pass to the **Union of Italian Jewish Communities**. This law was in practice difficult to enforce. In the 1950s, the Italian government also unilaterally determined that heirless property still in state possession would be forfeited and used by the state as a fair refund for all the unpaid **EGELI** administrative expenses. Efforts to have heirless property benefit the Jewish community were renewed in 1997 with **Law 233/1997**.

Italy endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010.

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. As of 13 December 2016, no response from Italy has been received.

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

Italy joined the Axis powers in 1939 and declared war on Britain and France in June 1940. Between 1938 and 1943, Italy's Fascist regime – headed by Prime Minister Benito Mussolini – passed numerous laws that served to restrict the rights of Italian Jews. Thousands of Italian Jews emigrated during this period. Throughout World War II, there was full and zealous participation of Italian officials and bureaucracy in enforcing the anti-Semitic legislation. Fascist officials also collaborated by hunting and capturing Jews between 1943 and 1945. Roughly one-third of the total arrests of Jews were made by Fascists. Yet, Italian forces generally refused to capitulate to Germany's demands to collect and deport Jews living in Italy or Italian-occupied regions in France, Greece and Yugoslavia. As a result, during the war, thousands of refugees from German-occupied regions fled to Italian-occupied regions.

In September 1943, the newly-appointed Prime Minister Pietro Badoglio – Mussolini had been arrested after a no-confidence vote – negotiated a cease fire and unconditional surrender to the Allied powers. In response, Germany quickly occupied north and central Italy as well as the former Italian-occupied zones in France, Greece and Yugoslavia. The Nazis freed Mussolini from prison and he became the leader of the Italian Social Republic. Under the new regime in the northern half of Italy, Nazi German forces rounded up Jews. Between 1943 and 1944, all Jewish assets were seized by the state (the Italian Social Republic), intermingled with looting, plunder and mismanagement. A total of 8,265 Jews were sent to death camps and only 100 survived. In April 1945, Mussolini was executed by Italian partisans. In May 1945, the Germans surrendered to the Allied powers.

In 1938, a so-called racial census conducted in Italy recorded approximately **47,000** Jews. The Jewish community was one of the oldest in Europe and Jews were fully integrated into Italian society. The Jewish population was also notably secular, with over 40 percent

married to non-Jewish spouses in 1938. (See Furio Moroni, “Italy: Aspects of the Unbeautiful Life” in *The Plunder of Jewish Property during the Holocaust: Confronting European History* (Avi Beker, ed. 2001), p. 298 (“Moroni”).) While four-fifths of Italy’s Jewish population survived the war, **9,000** Italian Jews died during the Holocaust. In addition, 6,000 emigrated between 1938 and 1943, 5,500 elected to renounce their Jewish faith (with only a few reconverting after the war), and 1,000 left Italy for Palestine/Israel in the decade after World War II. Today, about **30,000** Jews live in Italy.

It has been estimated that **2,000** of Italy’s **25,000** Roma were killed during World War II. Even before the war, the policy espoused by the Ministry of Home Affairs was to rid Italy of “gypsy” caravans. During the war, a network of concentration camps for the Roma and Sinti was set up in Italy. The Roma and Sinti escaped from these camps after the 1943 **Armistice Agreement**. However, they were later arrested again in the Nazi-controlled Italian Social Republic in northern Italy. Between 1943 and 1945, Italian Roma and Sinti were deported to concentration camps in the Third Reich. Today there are approximately **140,000** Roma in Italy.

On 3 September 1943, Italy concluded an [Armistice Agreement](#) (with the Governments of the United States and Great Britain and in the interest of the United Nations) requiring Italian forces to stop all hostile activity.

On 10 February 1947, a [Treaty of Peace](#) was signed between 20 Allied and Associated powers and Italy. **Articles 75-80** of the **Treaty of Peace** related to the restitution of property belonging to nationals of the United Nations and the right of the Allied and Associated powers to liquidate Italian property located in their countries to pay claims or debts.

Following the war, Italy entered into lump sum agreements, bilateral indemnification agreements or memoranda of understanding with at least 14 countries. These agreements pertained to claims arising out of war damages or property that had been seized by foreign states after WWII (i.e., during nationalization under Communism). They included claims settlements reached with: **Egypt** on 10 September 1946 and 23 March 1965, **United States** on 14 August 1947, **France** on 29 November 1947, **Canada** on 20 September 1951, **Belgium** on 24 October 1952, **Yugoslavia** on 18 December 1954, **Bulgaria** on 26 June 1965, **Brazil** on 8 January 1958, **Czechoslovakia** on 27 July 1966, **Tunisia** on 29 August 1967, **Romania** on 23 January 1968, **Federal Republic of Germany** on 19 October 1967, **Austria** on 17 July 1971, **Hungary** on 26 April 1973. (Richard B. Lillich and Burns H. Weston, *International Claims: Their Settlement by Lump Sum Agreements* (1975), vol. 1 pp. 328-334 & vol. 2; Richard B. Lillich and Burns H Weston, *International Claims: Their Settlement by Lump Sum Agreements, 1975-1995* (1999), pp. 101-103.)

Italy was a founding member of the Council of Europe in 1949 and ratified the European Convention on Human Rights in 1955. As a result, suits against Italy claiming violations of the Convention are subject to appeal to the European Court of Human Rights (ECHR). Italy became a member of the European Union in 1958.

Information in this section relating to the Jewish population in Italy and World War II background was taken from: Ilaria Pavan, “Indifference and Forgetting: Italy and its Jewish Community, 1938-1970” in *Robbery and Restitution: The Conflict over Jewish Property in Europe* (Martin Dean, Constantin Goschler & Phillip Ther, eds. 2007) (“Pavan”), pp. 171-174, 180 n.1; [United States Holocaust Memorial Museum – Holocaust Encyclopedia, “Italy”](#); and [World Jewish Congress, “Communities: Italy”](#). Information relating to the Roma in Italy was taken from: [European Commission, Tackling Discrimination – EU and Roma, “National Strategy for Roma Integration: Italy; and Genocide of the Roma, “Map – Italy”](#).

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.)

Between 1938 and 1943, Italy’s Fascist regime passed numerous laws and roughly 180 related decrees and circulars that served to restrict the family, livelihood and property of Italian Jews. The laws provided for the confiscation of homes and businesses if their values exceeded a certain threshold amount. In 1939, the Italian government set up the **Office for the Management and Liquidation of Real Estate (Ente di Gestione e Liquidazione Immobiliare) (EGELI)**, which was in charge of managing properties confiscated by other branches of the government. Between 1939 and September 1943, confiscation measures were only slowly implemented. During this period, 420 properties were confiscated and then managed by **EGELI**.

Following the 1943 **Armistice Agreement** and the establishment of the Nazi-controlled Italian Social Republic in northern Italy, a 30 November 1943 German Command ordered the arrest of all Jews and confiscation of their property for the benefit of those who lost property in enemy (Allied) air raids. Then in January 1944, **Legislative Decree No. 2/1944** ordered the confiscation of *all* Jewish property, inclusive of that which was previously exempted. Between September 1943 and the end of the war, land and real estate valued at L. 1,053,649,611 was seized. (*See Pavan*, p. 174.) The confiscation process was characterized by non-uniform application, mismanagement, corruption and

theft of Jewish assets. Once the chiefs of the provinces seized the properties, they were also managed by **EGELI**.

1. The Early Post-war Restitution Regime

a. The Legislation

Royal Law Decree (RDL) 25/1944 (on Measures for the restitution of civil and political rights to the Italian and foreign citizens of Jewish race or considered to be of Jewish race) set out the basis for subsequent laws relating to restitution/compensation/reparation.

RDL 26/1944 (on Provisions for the reinstatement of their property rights of Italian and foreign citizens already declared or deemed of Jewish race) abrogated racial laws from the former Fascist regime and regulated procedures and conditions for the restitution of property seized pursuant to the RDL of 26 of February 9, 1939. According to **Article 2**, **EGELI** – formerly in charge of managing confiscated property during the war – was to be kept open to carry out restitution efforts under this and other laws. **Article 3** provided that within one (1) year of the conclusion of peace (i.e., within one (1) year of the **1947 Treaty of Peace with Italy**) those whose property had been confiscated under the 1939 racial law could request restitution. The law applied to immovable properties in general, including enterprises (companies), which were subject to specific provisions under **Articles 12-13**.

Lieutenant Legislative Decree (DLLGT) 249/1944, specifically addressed property confiscated in the Italian Social Republic. It declared null and void “the confiscation and sequestration of property ordered by an administrative or political organ [...] adopted under the rule of the self-styled government of the Repubblica Sociale Italiana”. ([Government of Italy - Presidency of the Council of Ministers, Commission for the reconstruction of the events that characterized Italy in the acquisition of the assets of Jewish citizens by public and private bodies \(Anselmi Commission\), General Report \(Rapporto Generale\) \(April 2001\) \(“Anselmi Commission Report”\)](#), p. 2¹ of official English translation of Section: L'abrogazione delle leggi razziali: l'Egeli e le restituzioni (quoting language of DLLGT 249/1944).)

In addition to this framework legislation, a number of other measures were passed between 1944 and 1947 to assist with the restitution process in Italy, such as **RDL 222/1945** (12 April 1945) (on Complementary, supplementary and implementing provisions of royal law decree 20 January 1944, No. 26, for the reinstatement of Italian and foreign citizens affected by racial provisions in their property rights); **DLLGT 393/1946** (5 May 1946) (on Proprietary claim for assets confiscated, seized and otherwise subtracted to those persecuted by reasons of race under the empire of the professed government of the social republic); **Legislative Decree of the Interim Head of State**

¹ The official English translation of the Anselmi Commission Report does not contain internal page numbers. Page number references here are therefore made according to the pdf document page numbers in specific Sections of the Report.

(**DLCPS**) **364/1947** (11 May 1947) (on Estates of persons passed away due to racial acts of persecution after 8 September 1943 without heirs and beneficiaries) (*see Section E – Heirless Property Restitution*); **DLCPS** **801/1947** (31 July 1947) (on Amendment of article 6 of **RDL** **26/1944** of 20 January, on the restitution of property rights to racially persecuted persons). (Anselmi Commission Report, pp. 2-3 of English translation of Section: L'abrogazione delle leggi razziali: l'Egeli e le restituzioni.)

b. Immovable Property Restitution Through EGELI

Rather unusually, **EGELI** – the same entity established to manage confiscated property during the war – was entrusted to return of the property after the war. **EGELI** was charged with returning both property seized from Jews via 1938 and 1939 laws, and property confiscated by the Italian Social Republic from 1943 until the end of the war.

According to the Anselmi Commission Report (*see Section C.1.d*), by the end of 1945, with respect to property confiscated under the 1938 and 1939 laws, 170 properties were in the custody of **EGELI**, 133 had been returned, and 27 were still in the possession of expropriated firms. (Anselmi Commission Report, pp. 4-5 of official English translation of Section: L'abrogazione delle leggi razziali: l'Egeli e le restituzioni.) The Anselmi Commission Report listed specific dates of restitution of properties by **EGELI** but also more broadly assessed:

According to the data supplied by the **EGELI**'s annual financial reports from 1944 to 1955, supplemented by some documents that were subsequently produced by **EGELI**, the management of Jewish property was to result in a large number of expropriated assets being returned to their rightful owners by the late 1960s. In some cases the owners had given up all claims. Despite the limited information contained within, these records still provide evidence of the progress of this phenomenon.

(*Id.*, p. 5.)

Restitution of property seized in the Italian Social Republic was more difficult as records were not systematic and zones of the Italian Socialist Republic were liberated at different times. Moreover, an **EGELI** Report covering 1945 stated that it was not possible to provide information on the extent of restitution in 1945 because many previously confiscated assets were returned informally. (*Id.*, p. 17.)

The post-war restitution process had other problems. Specifically written into the restitution legislation was the requirement that persecuted owners were required to pay **EGELI** (i.e., the Italian state) all of the expenses associated with administering their property between 1939 and 1945². This requirement led to many contentious lawsuits.

² *See DLLGT* **393/1946** – “[...] owners of the assets are charged with, in addition to the expenses for the normal management and preservation of the assets, the amounts disbursed for repayment of debts, repairs and increase and improvement of the assets, and in general all expenses that owners would have been obliged to bear should they have

Most claimants refused to pay, even under threat, or when EGELI agreed to reduce the requested amounts by 50 percent.

The issue was not resolved until the late 1950s. In 1958, the Ministry of the Treasury “from an ethical, juridical and economic point of view” recommended cancelling administrative payments owed under **DLLGT 393/1946**. In exchange, the government would rely upon heirless Jewish assets and use those assets “as fair recovery for the settlement of outstanding accounts.” (Anselmi Commission Report, pp. 38-39 of official English translation of Section: L'abrogazione delle leggi razziali: l'Egeli e le restituzioni (quoting memorandum from Minister of the Treasury).)

Italian historian Ilaria Pavan notes that most property in state hands was returned. This could be concluded from the fact that only seven percent (7%) of post-war restitution litigation was brought against the state and 93 percent was brought against individuals and firms. (*Pavan*, p. 178.) Fifty-eight percent of legal proceedings brought by Italian Jews after the war related to revocation of contracts for the sale of real estate or businesses that were signed between 1938 and 1943. (*Id.*, pp. 178-179.) 64 percent of these cases were decided against the Jewish claimant. As Pavan explains:

On the subject of the sale of property, the Italian Committee of Jewish Communities petitioned in vain the Ministry of Justice to annul all sales of property made by Jews after the antisemitic campaign had commenced, on the grounds that “in those years many Jews had sold their assets either because they had no alternative means of support, or because they feared harsher laws still to come.” Since the postwar laws required proof of bad faith on the part of the purchaser – an almost impossible achievement – the lawsuits were [...] often decided against the claimants.

It should in any case be noted that only about one hundred Jews actually initiated legal proceedings of this nature, a mere fraction in relation not only to the size of the postwar Italian Jewish population but also to the mass of confiscations between 1939 and 1945. The decision of so many not to appeal the law was perhaps indicative of the damage done by the racial laws: even after seven years many Jewish citizens simply felt that they could no longer trust the government. An additional reason may lie in the fact that their postwar finances were such that the majority were unwilling or unable to commit themselves to the cost of a lengthy legal action. A third and equally plausible reason might lie in the desire simply to turn the page and put the tragedies of the recent past behind them, thus conveniently lightening the burden of responsibility borne by the Italian national with regard to antisemitism.

(*Id.*, p. 179.)

retained the usage of their assets, as well as the fees due to the managers, that will be liquidated to the extent strictly necessary for normal management.”

Information in this section relating to postwar private property restitution was taken from: *Pavan*, pp. 175-179; and Anselmi Commission Report, official English translation of Section: L'abrogazione delle leggi razziali: l'Egeli e le restituzioni.

2. Italy's Holocaust Commission – The Anselmi Commission

In December 1998, the Prime Minister's Office established a commission to reconstruct the events concerning the acquisition of Jewish assets by both public and private bodies between 1938 and 1945. The Commission came to be known as the Anselmi Commission, after the commission's chairwoman, Tina Anselmi. The Commission was composed of members of the government, the Jewish community, executives from the banking and insurance industries, and scholars. The [Anselmi Commission Final Report](#) was published in April 2001.

The Commission was tasked with inventorying property confiscations and restitutions, but did not have a mandate to recommend how heretofore uncompensated losses could be addressed. (Alexander Karn, *Amending the Past: Europe's Holocaust Commissions and the Right to History* (2015) ("Karn"), p. 114.) Three (3) main objectives of the Commission included to: (1) provide analysis of the legal norms and regulations that governed official policy in the period under review; (2) make a comprehensive assessment of the expropriations that took place in that interval (victims, mechanism, and estimate total value of seized property); and (3) review the scope and scale of post-war restitution measures. (*Id.*, p. 116.)

The Final Report was replete with recitations of the dozens of confiscation laws and inventories of property taken and returned (though many gaps in research capabilities were self-identified in the Final Report). While the Commission offered a generally favorable assessment on official postwar restitution, in its Concluding Remarks to the Final Report, the Commission recommended "the Government proceed as quickly as possible with individual compensation for the victims of sequestration, confiscation and theft during the years 1938-1945 and as a result of anti-Jewish persecution. And this should be done together with the rightful beneficiaries and the institutes representing them." (Anselmi Commission Report, p. 5 of official English translation of Section: Considerazioni conclusive.)³

Historian Alexander Karn has noted that Italy's political climate in the early 2000s discouraged implementation of the Commission's recommendations and that shortly after the presentation of the Final Report to Prime Minister Giuliano Amato, the government fell. (*Karn*, p. 123.) Subsequent governments have not again taken up these issues.

Since endorsing the Terezin Declaration in 2009, Italy has not passed any laws dealing with restitution of private property.

³ The Commission also made specific recommendations concerning future access to archives, additional research projects and preservation of memory.

Information in this section relating to the creation of the Anselmi Commission and the contents of its April 2001 Final Report were taken from: [Anselmi Commission Report, official English translation of Section: Considerazioni conclusive](#); *Karn*, pp. 113-126; and Dario Tedeschi, “Research Findings of Commission for General Spoliation in Italy and Research of the Library in Rome” in *Holocaust Era Assets Conference Proceedings, Prague* (26-30 June 2009) (“*Tedeschi*”), pp. 1137-1138.

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.)

Today, the [Union of Italian Jewish Communities](#) is the representative organization for the 21 Jewish communities in Italy. The **Union** was founded in 1930 and represents the Jewish community at the government level and also provides religious, cultural and educational activities to Italy’s Jewish community. It was also instrumental in encouraging the passage of heirless property legislation in Italy in the early postwar years. (See **Section E – Heirless Property Restitution.**)

1. Confiscation of Communal Property

The April 2001 [Anselmi Commission Final Report](#) included a section addressing the confiscation, destruction and restitution of synagogues and other religious property. The Final Report concluded that between September 1938 and July 1943, there were no legislative or administrative measures aimed specifically at depriving Jews and Jewish communities of their cultural possessions. (Anselmi Commission Report, p. 1 of official English translation of Section: Asportazione di bene artistici, culturali e religiosi.)

Despite the lack of official measures, during this period a number of synagogues were looted and desecrated, including those in Ferrara (1941), Trieste (1942), and Padua (1943). Two (2) cemeteries belonging to the Livorno community were also expropriated during this period. Compensation was offered in the form of alternate land, but the expropriation resulted in the destruction of the original 17th and 18th century cemeteries. (*Id.*, p. 15.) Allied bombing also destroyed or damaged synagogues in Turin (1942), Reggio Emilia (1943), and Milan (1943). (*Id.*, p. 6.)

After the creation of the Fascist government of the Italian Social Republic, between September 1943 and January 1944, specific provisions were issued for the confiscation of

possessions of cultural or artistic significance from Jews and Jewish communities. (*Id.*, p. 2.) On 28 January 1944, the Chief of Police in the Italian Social Republic ordered that “all Jewish communities are to be disbanded and their property seized.” (Anselmi Commission Report, p. 7 of official English translation of Section: *La normativa antiebraica del 1943-1945 sulla spoliazione dei beni.*) Among a number of examples, in 1944 the synagogue of Alessandria in Florence was seriously damaged by the Fascists, and the main synagogue of Fiume/Rijeka was set on fire by the Nazis. The Livorno synagogue and Bologna Temple were also hit during Allied bombing raids.

2. **Reconstruction and Restoration of Communal Property**

The Anselmi Commission Final Report provided only limited information regarding the restoration and reconstruction of synagogues and religious property. It also underscored that “the information collected and presented [in the report] does not reflect the full scale of the seizures that occurred with regards to property of this type. It can only be hoped that attention will continue to be focused on the issue . . .” (Anselmi Commission Report, p. 22 of official English translation of Section: *Asportazione di bene artistici, culturali e religiosi.*)

Legislative Decree (DLG) 35/1946 of 27 June 1946 addressed the repair and reconstruction of buildings of worship and the premises of public charities damaged or destroyed during the war. This Decree only covered buildings belonging to the Catholic community and not any other non-Catholic structures. ([American Jewish Yearbook v. 49, 1947-1948 \(American Jewish Committee, 1948\) p. 350 \(Italy – Religious and Educational Activities\).](#)) However, **DLG 736/1948** of 17 April 1948 extended the provisions of **DLG 35/1946** to non-Catholic buildings of worship, which were destroyed or damaged during the war. According to the American Jewish Committee, “this measure placed synagogues and Christian churches in practically the same category insofar as state aid for reconstruction was concerned. In accordance with this law, the temples of Bologna, Milan, Leghorn and Florence were to be rebuilt.” ([American Jewish Yearbook v. 50, 1948-1949 \(American Jewish Committee, 1949\), p. 349 \(Italy – Legislation\).](#)) The Anselmi Commission was unable to determine “which, if any, communities availed themselves of [**DLG 736/1948**]”. Thus, while anecdotal information describes the reconstruction of certain synagogues in Italy, we are unaware of a complete official documentation of what immovable communal property was destroyed/damaged and what was subsequently returned/reconstructed.

3. **Recent Measures Relating to Expropriation of Communal Property**

Decree of the President of the Republic No. 327/2001 of 8 June 2001 provides special protection for Jewish places of worship from future expropriation by eminent domain. Expropriation will only take place for serious reasons and *after* an agreement with the **Union of Italian Jewish Communities**. (*See Article 4.*)

Since endorsing the Terezin Declaration in 2009, Italy has not passed any laws dealing with restitution of communal property.

Information in this section relating to confiscation and restitution/restoration of communal property was largely taken from two (2) chapters of the Anselmi Commission Final Report: [Anselmi Commission Report, official English translation of Section: Asportazione di bene artistici, culturali e religiosi](#), and [Anselmi Commission Report, official English translation of Section: La normativa antiebraica del 1943-1945 sulla spoliazione dei beni](#). For more information on the post-war situation of Jews within Italian Society, see Mario Toscano, “The Abrogation of Racial Laws and the Reintegration of Jews in Italian Society (1943-1948)” in *The Jews Are Coming Back: The Return of the Jews to their Countries of Origin after WWII* (David Bankier, ed., 2005), pp. 148-168 (“Toscano”).

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.)

In Italy, heirless property typically escheats to the state. After World War II, at the urging of the **Union of Italian Jewish Communities**, a special provision was made for formerly Jewish property without heirs.

Legislative Decree of the Interim Head of State (DLCPS) 364/1947, on Estates of persons passed away due to racial acts of persecution after 8 September 1943 without heirs and beneficiaries, was passed on 11 May 1947. The law provided that

Estates of Jewish people, passed away due to actions of racial persecution after 8 September 1943, assigned to the State pursuant to the terms of article 586 of the Italian Civil Code, are transferred without consideration to the Union of Italian Jewish communities

The law made the Jewish community in Italy the beneficiary of heirless property. In practice, the law was difficult to enforce. In particular it was hard to ascertain what property had been confiscated and had not been claimed by heirs. The law also required that the **Union** seek possible heirs to the sixth degree. To facilitate the identification of property, the Anselmi Commission Final Report found that in 1950 and 1951, **EGELI** was instructed to hand over information to the **Union of Italian Jewish Communities** that was essential to future heirless property claims. (Anselmi Commission Report, p. 33 of official English translation of Section: L'abrogazione delle leggi razziali: l'Egeli e le restituzioni.)

Yet, there is evidence that after 1958, the government determined that heirless property still in state possession would be forfeited and used by the state as a fair refund for all the unpaid **EGELI** administrative expenses (*see Section C.1.b*). (*Pavan*, p. 176.).

A new heirless property law was passed in 1997, **Law 233/1997**. It provided that assets stolen from Jewish citizens, or persons regarded as such, for reasons of racial persecution, which could not have been returned to their rightful owners as the latter were missing or untraceable as well as their heirs, and which are still retained or held by the Italian state for any reason – shall be assigned to the **Union of Italian Jewish Communities** who shall distribute them to the relevant Communities according to the origin of such assets and location from here they were stolen. (*Tedeschi*, pp. 1139-1141.) The law also allocated L. 3 billion (USD 1.7 million) to the Jewish community for “looted assets of Jews, who were racially persecuted, or for heirless assets whose owners cannot be identified.” (*Moroni*, p. 310 (quoting 1997 law).)

Since endorsing the Terezin Declaration in 2009, Italy has not passed any laws dealing with restitution of heirless property.

Information in this section on heirless property was taken from: *Moroni*, p. 310; *Pavan*, p. 176; *Tedeschi*, pp. 1139-1441; *Toscano*, p. 155; and [Anselmi Commission Report, official English translation of Section: Asportazione di bene artistici, culturali e religiosi](#).

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