

European Shoah Legacy Institute's Restitution Database Initiative

Questionnaire

I. Basic information regarding the responding agency

Country:	Republic of Macedonia
Office/Ministry:	Ministry of Foreign Affairs
Title of contact person:	Ambassador, IHRA National Coordinator
Name of contact person:	Mr. Jovan Tegovski
E-mail address of contact person:	jovan.tegovski@mfa.gov.mk
Physical address of Office/Ministry:	Boulevard "Philip II of Macedon", 1000 Skopje, Republic of Macedonia
Web address of Office/Ministry:	mfa.gov.mk
Date questionnaire submitted:	

II. Whom may we contact in your country for additional information about the responses below? This may include other individuals/agencies in government, local NGOs / advocacy groups. Please include the individual's name, affiliation, and contact information (e.g., email address).

1. Mr. Serdjim Muhamed , Counselor in the Ministry of Foreign Affairs	serdjim.muhamed@mfa.gov.mk
2. Ms. Viktorija Mitevaska, Ministry of Finance	viktorija.mitevaska@finance.gov.mk
3. Mr. Mihajlo Mihajlovski, Ministry of Finance	mihajlo.mihajlovski@finance.gov.mk
4. Mr. Goran Sadikarijo, Director of the Holocaust Fund for the Jews of Macedonia	goran.sadikarijo@holocaustfund.org.mk
5. Mr. Tomislav Iliev, Jewish Community of Macedonia	tomislav.iliev@refot.com

III. Overview of Immovable Property Restitution/Compensation Regime – Macedonia (as of 1 July 2015)

The 2000 Denationalization Law, the Compensation Agreement and the amendments to the Law made in 2003, 2010 and 2015.

IV. Questions relating to specific immovable property restitution /compensation regimes in Macedonia

<p><u>Additional Restitution/Compensation Treaties or Agreements</u></p>	<p>Please describe any other treaties or agreements between Macedonia (or the former Yugoslavia) and other countries – in addition to the following:</p> <ol style="list-style-type: none"> 1. 1948 Agreement Between the Government of the United States of America and the Government of the Federal People’s Republic of Yugoslavia Regarding Pecuniary Claims of the United; and States and Its Nationals; and 2. 1965 Agreement Between the Government of the United States of America and the Government of the Socialist Federal Republic of Yugoslavia Regarding Claims of United States Nationals; <p>which address restitution and/or compensation for immovable property that was confiscated or otherwise wrongfully taken during the Holocaust era between 1933-1945.</p>	<p>There are no treaties or agreements between Republic of Macedonia and other countries regarding the issue of restitution/compensation.</p> <p>The two mentioned agreements concluded between the USA and the former SFRY in 1948 and 1965 are not in force in the bilateral relations between the Republic of Macedonia and the USA.</p> <p>Expl.note: In line with Article 24 of Vienna Convention on the succession of States with respect to international Agreements dated 1978 (to which the Republic of Macedonia is a party) there is not an agreement concluded between Republic of Macedonia and the USA regarding the succession of the international agreements (concluded by the former SFRY and USA) which shall remain in force and shall be applicable in the bilateral relations between the Republic of Macedonia and USA. Also there is no political undertaking or commitment that could be understood that these two agreements are in force.</p>
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<p><u>Private, Communal, and Heirless Property - 2000 Law on Denationalization</u></p>	<p>Does 2000 Law on Denationalization (the “Denationalization Law”) apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?</p>	<p>The 2000 Denationalization Law covers the properties confiscated after the period of 02 August 1944.</p>
	<p>What type of property can be claimed pursuant to the Denationalization Law? (Private, Communal, Heirless?)</p>	<p>All three (Private, Communal, Heirless)</p>
	<p>Please describe whose immovable property has been returned pursuant to the Denationalization Law.</p>	<p>The properties of the citizens of the Republic of Macedonia. The properties of religious communities, including the Jewish community. The heirless properties of deported Jews.</p>
	<p>If properties have been restituted <i>in rem</i> pursuant to the Denationalization Law, how many have been restituted and at what value?</p>	<p>The immovable properties that have been restituted: In Skopje - constructional land of 3.451m² and 3 business premises. In Bitola - 33 premises (residential, residential-business and business premises). To the Jewish community - Jewish cemetery of 10.221m² and 3 premises (residential, residential – business and business premises) in Bitola.</p>

	<p>Pursuant to the Denationalization Law, who determined whether restitution <i>in rem</i> was possible, and based upon what criteria?</p>	<p>In accordance with Article 12 of the 2000 Denationalization Law, the restitution authority is the Minister of Finance. The Minister of Finance may establish one or more committees in charge of deciding upon denationalization requests. The Commission shall decide in accordance with the criteria set out in the 2000 Denationalization Law and the Regulation on the implementation of denationalization proceedings.</p>
	<p>Pursuant to the Denationalization Law, what percent of the actual market value of the claimed property have claimants received in cash or in vouchers as compensation?</p>	<p>N/A</p>

	<p>Pursuant to the Denationalization Law, how much has been paid in compensation for immovable property?</p>	<p>The amount of 21,118,893.00 Euro, out of which 4,118,893.00 Euro from second, third, fourth, fifth, sixth and seventh emission has been paid in form of state bonds.</p> <p>The amount of 17,000,000.00 Euro from the seventh emission has been determinate for payment of 687 cadastral parcels (houses with yards out of it 344 in Skopje, 305 in Bitola and 38 in Stip), in ten equal installments for the period 2009 to 2018. Up to date 15,687,428.00 Euro has been paid.</p> <p>The amount of 176,541,729.00 MK Denars in form of state bonds has been paid to the Jewish community.</p>
	<p>How much of the potential immovable property that could have been restituted/compensated pursuant to the Denationalization Law has been restituted/compensated?</p>	<p>N/A</p>
<p><u>Additional Legislation Relating to Immovable Property</u></p>	<p>Please describe any other laws in Macedonia – in addition to the following:</p> <p>1. 2000 Law on Denationalization (the “Denationalization Law”)</p> <p>which relate to the restitution or compensation of immovable property confiscated during the Holocaust (Shoah) Era, 1933-1945.</p>	<p>No, there are no any other laws in the Republic of Macedonia in addition to 2000 Denationalization Law.</p>

V. Questions relating to Macedonia’s commitments under the Terezin Declaration and its Guidelines and Best Practices

<p><u>Restitution/Compensation Laws</u></p> <p>What measures has Macedonia taken to comply with the Terezin Declaration and Guidelines and Best Practices (“GBP”) para. a, which states that <i>“[r]estitution and compensation laws should apply to immovable (real) property which was owned by”</i> –</p>	<p><i>“(i) <u>religious or communal organizations</u> . . . and then subject to confiscation or other wrongful takings during the Holocaust (Shoah) Era between 1933-1945”?</i> (see Terezin Declaration GBP, para. a)</p>	<p>The Government of the Republic of Macedonia, prior to the adoption of the Terezin Declaration, has taken measures regarding the Holocaust (Shoah). The most important legal act in this area was the 2000 Denationalization Law and, in particularly the Special Provisions in Title 5. Articles 66 to 69.</p>
	<p><i>“(ii) <u>private individuals or legal persons</u> and then subject to confiscation or other wrongful takings during the Holocaust (Shoah) Era between 1933-1945”?</i> (see Terezin Declaration GBP, para. a)</p>	<p>The Government of the Republic of Macedonia, prior to the adoption of the Terezin Declaration, has taken measures regarding the Holocaust (Shoah). The most important legal act in this area was the 2000 Denationalization Law and, in particularly the Special Provisions in Title 5. Articles 66 to 69.</p>
<p><u>Restitution/Compensation Processes</u></p> <p>What measures has Macedonia taken to comply with the Terezin Declaration and GBP para. c, which states that the <i>“restitution and compensation process should recognize the lawful owner or holder of other legal property rights as listed in property record files as of the last date before commencement of</i></p>	<p>If the property owner was not a Macedonian (or Yugoslavian) citizen at the time of the taking?</p>	<p>The Government of the Republic of Macedonia, prior to the adoption of the Terezin Declaration, has taken measures regarding the Holocaust (Shoah). The most important legal act in this area was the 2000 Denationalization Law and, in particularly the Special Provisions in Title 5. Articles 66 to 69.</p>

<p><i>persecution against them by the Nazis, Fascists and their collaborators during the Holocaust (Shoah) era between 1933 and 1945 including the period of WWII”?(see Terezin Declaration GBP, paras. c, d) –</i></p>		
	<p>If the claimant was not a Macedonian (or Yugoslavian) citizen at the time of the filing of the claim?</p>	<p>N/A</p>
	<p>If the claimant was not a Macedonian (or Yugoslavian) resident at the time of the filing of the claim?</p>	<p>N/A</p>
<p><u>Restitution/Compensation Processes</u></p> <p>What measures has Macedonia taken to comply with the Terezin Declaration and GBP para. d, which states that “<i>[t]he property restitution and compensation processes, including the filing of claims, should be accessible, transparent, simple, expeditious, non-discriminatory</i>”? (see Terezin Declaration, and GBP, para. d)</p>		<p>The Government of the Republic of Macedonia, prior to the adoption of the Terezin Declaration, has taken measures regarding the Holocaust (Shoah). The most important legal act in this area was the 2000 Denationalization Law and, in particularly the Special Provisions in Title 5. Articles 66 to 69.</p>
<p><u>Archival Access</u></p> <p>What measures has Macedonia taken to comply with the Terezin Declaration and GBP para. e, which states that claimants “<i>have unfettered and free access to all relevant local, regional, and national archives</i>”? (see Terezin Declaration, and GBP, para. e)?</p>		<p>In accordance with the Law on Archival Materials of 2012 the access to all archival documents, including those related to the Jews in Macedonia, is free and unrestricted. The responsible institution is the</p>

		State Archives of the Republic of Macedonia. On the basis of a prior demand each researcher is given a written permission for his research activities.
	<u>In Rem Restitution</u> What measures has Macedonia taken to comply with the Terezin Declaration and GBP para. h , which states that “[r]estitution in rem is a preferred outcome, especially for publicly held property”?(see Terezin Declaration, and GBP, para. h)	The Government of the Republic of Macedonia, prior to the adoption of the Terezin Declaration, has taken measures regarding the Holocaust (Shoah). The most important legal act in this area was the 2000 Denationalization Law and, in particular the Special Provisions in Title 5. Articles 66 to 69.
	<u>Genuine and Adequate Compensation</u> What measures has Macedonia taken to comply with the Terezin Declaration and GBP para. h , which urge compensation to be “genuinely fair and adequate”?(see Terezin Declaration, and GBP, para. h)	The Government of the Republic of Macedonia, prior to the adoption of the Terezin Declaration, has taken measures regarding the Holocaust (Shoah). The most important legal act in this area was the 2000 Denationalization Law and, in particular the Special Provisions in Title 5. Articles 66 to 69.
<u>Forms of Compensation</u> If compensation for immovable property in Macedonia is issued in the form of government vouchers (securities) (see Terezin Declaration, and GBP, para. h) -	May a claimant sell the voucher?	Yes
	May a claimant trade the vouchers on the stock exchange?	Yes

	<p>What limitations are there, if any, on the type of immovable property that may be purchased with the vouchers?</p>	<p><i>In accordance with the Article 39 of the 2000 Denationalization Law, prior to the amendments of the Law, the bonds could have been used to purchase:</i></p> <ul style="list-style-type: none"> - Stocks and shares of the enterprises owned by the Agency of the Republic of Macedonia for transformation of the enterprises with social-owned capital; - Stocks and shares of the enterprises reserved for former owners pursuant to the Law on transformation of the socially-owned capital; - Stocks and shares of enterprises managed by the Agency for Bank Rehabilitation; - Claims of the Agency for Bank Rehabilitation from enterprises, which were subject to sale; - State-owned property offered for sale; and - Other ownership's equivalent determined by Law. <p><i>Following the amendments of the 2000 Denationalization Law, the bonds could be used for:</i></p> <ul style="list-style-type: none"> -Purchase of stocks and shares of state capital in the process of its privatization; - Payment of fees on the concession of state property; - Purchase or payment of rent
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		<p>(lease) of state property;</p> <ul style="list-style-type: none"> - Payment of other obligations arising from this Law. <p><i>Following the amendments of the Law from 2003, the bonds could be used for:</i></p> <ul style="list-style-type: none"> - Payment of claims which have been transferred to the Agency of the Republic of Macedonia for management of capital. <p><i>Following the amendments of the Law from 2010 the bonds could be used for:</i></p> <ul style="list-style-type: none"> - Payment of fees on the concession of state property for the part which represents income to the Budget of the Republic of Macedonia. - Purchase or payment of rent (lease) of state property for the part which represents income to the Budget of the Republic of Macedonia. <p><i>Following the amendments of the Law from 2015 the Article 39 have been changed completely and the bonds could be used for:</i></p> <ul style="list-style-type: none"> -Payment of socially-owned apartments.
<p style="text-align: center;">Prompt Decisions</p> <p>What measures has Macedonia taken to comply with the Terezin Declaration and GBP paras. f and h, which state that “<i>[d]ecisions should be prompt</i>” and “<i>[t]ransfer of property title or payment of compensation should be effected promptly</i>”? (see Terezin Declaration, and GBP, para. f, h)</p>	<p>No new or additional measures were taken following the adoption of the Terezin Declaration. However, the implementing decisions on the basis of the provisions of the Law on Denationalization were taken in a relatively short time.</p>	

	The Compensation Agreement was signed in December 2007, and the first payment was made in June 2009. The final payment should be done in June 2018.
<p align="center"><u>Heirless Property</u></p> <p>What measures has Macedonia taken to comply with the Terezin Declaration and GBP para. j, which encourages states to “<i>create solutions for the restitution and compensation of heirless or unclaimed property from victims of persecution by Nazis, Fascists and their collaborators</i>”? (see Terezin Declaration, and GBP, para. j)</p>	In accordance with the 2000 Denationalization Law and the Compensation Agreement, the Republic of Macedonia has provided compensation for 687 cadastral parcels (houses with yards) out of which 344 in Skopje, 305 in Bitola and 38 in Stip that previously remained without a legal successor.
<p align="center"><u>Heirless Property</u></p> <p>Has Macedonia conducted a survey to assess the total amount of heirless property located in the country? (see Terezin Declaration, and GBP, para. j)</p>	No
<p align="center"><u>Heirless Property</u></p> <p>Who, or what organization, if any, has been designated as the proper recipient of Jewish heirless property, which is still retained by Macedonia for any reason? (see Terezin Declaration, and GBP, para. j)</p>	N/A
<p align="center"><u>Heirless Property</u></p> <p>If an organization, person, or groups of persons have been designated as the proper recipients of Jewish heirless property in Macedonia, what properties have been restituted or compensated to them to date? (see Terezin Declaration, and GBP, para. j)</p>	<p>The Holocaust Fund for the Jews of Macedonia has been designated as the proper recipient of Jewish heirless property in Macedonia in total amount of 21,118,893.00 Euro.</p> <p>The compensation in the amount of 17,000,000.00 Euro in state bonds has been paid for 687 cadastral parcels (houses with yards) out of which 344 in Skopje, 305 in Bitola and 38 in Stip, for constructional land in Skopje area of 3.451 m2 and for 3 business premises.</p> <p>33 premises (residential, residential – business and business premises) have been returned in Bitola.</p>

<p style="text-align: center;"><u>Communal Property</u></p> <p>What provisions have been made in Macedonia for the return of Jewish communal property?(see Terezin Declaration, and GBP, paras. a, b, k)</p>	<p>The provisions for the return of the Jewish communal property (and the other religious communities in the Republic of Macedonia) are integral part of the 2000 Denationalization Law.</p>
<p style="text-align: center;"><u>Communal Property</u></p> <p>Please describe all Jewish communal property in Macedonia that has been returned.(see Terezin Declaration, and GBP, paras. a, b, k)</p>	<p>The following immovable properties have been returned to the Jewish community:</p> <p>10.221m2 – Jewish cemetery and 3 premises (residential, residential – business and business premises) in Bitola.</p>
<p style="text-align: center;"><u>Communal Property</u></p> <p>Please describe any Jewish communal property that remains in the possession of the Macedonian state.(see Terezin Declaration, and GBP, paras. a, b, k)</p>	<p style="text-align: center;">N/A</p>
<p style="text-align: center;"><u>Current Mechanisms</u></p> <p>Are there currently any legal or administrative mechanisms in Macedonia by which a claimant (Macedonian or non-Macedonian citizen) can seek restitution and/or compensation of immovable property seized between 1933 and 1945? If yes, please identify. (see Terezin Declaration, and GBP paras. d, k)</p>	<p>There are no other mechanisms except the 2000 Denationalization Law. However the Courts, upon the request of a claimant, have the possibility of initiating legal proceedings regarding restitution and/or compensation of immovable property.</p>
<p style="text-align: center;"><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>Does Macedonia currently view its commitments under the Terezin Declaration and Guidelines and Best Practices (“GBP”) as being fulfilled? (see Terezin Declaration, and GBP, paras. a-m)</p>	<p>Yes, in general, and in accordance with the 2000 Denationalization Law.</p>

<p><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>What specifically has Macedonia done to fulfill its commitments under the Terezin Declaration and GBP? (<i>see Terezin Declaration, and GBP, paras. a-m</i>)</p>	<p>Implemented the Special Provisions of the 2000 Denationalization Law.</p>
<p><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>Since Macedonia's signing of the Terezin Declaration in 2009, what new laws or regulations, if any, have been passed and/or enacted, which promote the goals of the Terezin Declaration and GBP? (<i>see Terezin Declaration, and GBP</i>)</p>	<p>Except the amendments on the 2000 Denationalization Law (from 2003, 2010 and 2015), there are no other new laws or bylaws put in force after the year 2009.</p>

[If your country has more than one law that relates to Shoah era restitution/compensation of immovable property, please complete Sections VI-XIII of the Questionnaire for each law**]**

VI. Legislation / Regulation relating to restitution and/or compensation of Shoah era immovable property – Basic information (pursuant to Terezin Declaration, Guidelines and Best Practices (“GBP”), para. k)

Territory:	
Title:	
Text (original language):	
Text (English):	
Date of passage:	
Date of entry into force:	
Promulgating authority:	
Citation(s):	
URL:	
Other:	

VII. Scope of this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. c, d, g, h, k)

What type of recovery is permitted?	Restitution? If yes, describe scope of possible recovery.	
	Compensation? If yes, describe scope of possible recovery.	
	Other?	
What time period does the law	Pre-1945? If yes, for which years?	

cover?		
	Post-1945? If yes, for which years?	
	Other?	
What type of property can be claimed?	Movable property? If yes, describe scope of property that may be claimed.	
	Immovable property? If yes, describe scope of property that may be claimed.	
	Private property? If yes, describe scope of property that may be claimed.	
	Heirless property? If yes, describe scope of property that may be claimed.	
	Communal property? If yes, describe scope of property that may be claimed.	

	Other?	
Who has legal standing to bring a claim?	Citizens? If yes, describe who is eligible to make a claim.	
	Noncitizens? If yes, describe who is eligible to make a claim.	
	Foreign residents? If yes, describe who is eligible to make a claim.	
	Direct heirs? If yes, describe who is eligible to make a claim.	
	Indirect heirs? If yes, describe who is eligible to make a claim.	
	Other?	
Is there a special fund from which these claims are paid?		
What is the limitations (prescription) period for making the claims, if any?		

VIII. Identifying claimants (pursuant to Terezin Declaration, and GBP, paras. d, e, g, l)

What measures are available for identifying the current titleholder ?	
What measures have been taken to make government archives	

accessible to persons seeking property ownership documents?	
What measures have been taken to publicize the legislation ?	
What efforts have been made to reach out to local stakeholders , NGOs or advocacy groups?	

IX. Claims procedure under this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. d, e, k)

To what body is a claim made?	Administrative?	
	Judicial / courts?	
	Other?	
What is the claims procedure ?	How is a claim made?	
	Is there any fee for filing a claim?	
	Is prior authorization required?	
	Who decides the validity of the claim?	

	On what basis is the claim decided?	
	What standard of proof is required?	
	Other?	
What is the appeals procedure ?	Can first instance decisions be appealed?	
	Is there any fee for filing an appeal?	
	To what body?	
	What is the standard of review?	
	Other?	
Is this claims process currently open or closed ?		
If closed, can late claims be accepted?		

X. Administrative regulations relating to this Legislation (pursuant to Terezin Declaration, and GBP, para. k)

Territory:	
Title:	
Text (original language):	
Text (English):	
Date of passage:	

Date of entry into force:	
Promulgating authority:	
Citation(s):	
URL:	
Other:	

XI. Key court rulings interpreting this Legislation. Please add additional rows as necessary for additional court decisions (pursuant to Terezin Declaration, and GBP, para. f)

Case 1	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	
Case 2	Name of claimant(s):	

	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	
Case 3	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	

	Citation(s):	
	Other:	
Case 4	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	
Case 5	Name of claimant(s):	
	Name of respondent(s):	
	Date of	

	decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	

XII. Statistical Data relating to this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. c-h, j, k)

How many claims have been filed ?	
How many claims have been finalized ?	
How many claims have been accepted ?	
How many claims have been denied ?	
How many rulings have been complied with ?	
What is the total number of claims that could have been filed?	
How much has been paid by the relevant government in compensation for private property ?	
How much has been paid by the relevant government in compensation for communal property ?	
How much has been paid by the relevant government to date in compensation for heirless property ?	
What is the value of the private property restituted to date?	

What is the value of communal property restituted to date?	
What is the value of heirless property restituted to date?	
What percentage of claims awarded have been paid?	
On average, how long does the claims process take?	
On average, what is the total amount of expenses a claimant will incur when pursuing a claim to completion (excluding attorneys' fees)?	
On average, what is the total amount a claimant will pay in attorneys' fees when pursuing a claim to completion?	
What provision has been made for the distribution of heirless property , if any?	

XIII. Comments. Is there any other information you feel we should know?