

European Shoah Legacy Institute's Restitution Database Initiative

Questionnaire

I. Basic information regarding the responding agency

Country:	UK
Office/Ministry:	Foreign & Commonwealth Office
Title of contact person:	Head, Stable World Team, Human Rights & Democracy Department
Name of contact person:	Sue Breeze
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Date questionnaire submitted:	23/6/2016

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. Michael Newman, Chief Executive (michael@ajr.org.uk) The Association of Jewish Refugees (AJR) Tel: 020 8385 3074 Fax: 020 8385 3080 www.ajr.org.uk Jubilee House Merrion Avenue Stanmore Middx HA7 4RL
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III. Overview of Immovable Property Restitution/Compensation Regime – the United Kingdom (as of 1 July 2015)

The United Kingdom (UK) was not invaded by the Nazis during the Second World War and therefore property (either immovable or movable) was not looted or seized on a scale or in a way comparable to the nations that suffered Nazi rule or the rule of Nazi collaborators.

Under the terms of the Trading with the Enemy Act 1939, residents of countries at war with the UK did have some property confiscated during the war, however this related overwhelmingly to bank account balances, share holdings, the contents of safety deposit boxes and other financial assets based in the UK, as opposed to immovable, physical real estate. It is estimated that less than 10% of assets relate to physical items, and less to real estate.

The UK continues to have one scheme (the Enemy Property Payments Scheme - operated in tandem with the similar Baltic States Scheme) which provides payments to people whose property was confiscated in this way.

(The Baltic States scheme exists to compensate residents of the Baltic States, which during the period of Nazi occupation were ‘technical’ enemies of the UK, whose property was confiscated. After the war agreements were settled with the Governments of most countries to compensate their own citizens for property confiscated in the UK. However, as the Baltic States had no governments the UK recognized after the war – owing to their annexation by the Soviet Union – residents of these countries had no mechanism to seek compensation. The Baltic States scheme was created to provide compensation for them.)

The Enemy Property Payments Scheme provides compensation for residents of enemy nations whose property was confiscated, but who themselves suffered persecution at the hands of the Nazis and their collaborators. In order to claim, applicants must provide some evidence of their persecution.

Both schemes operate alongside each other with the same application and approval mechanisms. The only difference is that the Enemy Property Scheme requires some evidence of persecution.

In completing the questionnaire below, as much detail as possible is included relating to these schemes which provide restitution for people whose assets were confiscated in this way. However, while theoretically this could relate to physical, immovable property, there are no known claims where compensation or restitution has been requested for examples of immovable property in the UK.

This questionnaire has been completed in good faith, and aims to be as complete and helpful as possible, however owing to some instances of incomplete documentation, the answers cannot be guaranteed as 100% accurate.

IV. Questions relating to specific immovable property restitution /compensation regimes in the United Kingdom

<p><u>Restitution/ Compensation Treaties or Agreements</u></p>	<p>Please describe any treaties or agreements between the United Kingdom and other countries, 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><i>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Czechoslovak Socialist Republic (1982)</i></p> <p>Under this agreement the former-Czechoslovakia is deemed to have settled any claims from the Government of the United Kingdom, UK nationals, or any individuals, companies, firms or associations whose money or property was subjected to special measures as a consequence of the Nazi occupation of Czechoslovakia, (as well as subsequent Czechoslovak nationalisation) provided those claims arose prior to the agreement being settled. Czechoslovakia paid £24,266,619 to the UK to settle these claims.</p> <p>This agreement remains in force with both the Czech Republic and Slovakia.</p> <p><i>Exchange of notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Estonia concerning the settlement of outstanding claims and financial issues (1992)</i></p> <p>Under this agreement both Governments agreed not to pursue any claims relating to ‘property, rights and banking, commercial and financial interests, including those affected by nationalization or other measures’ in the other country arising from the time period 1 January 1939 until 27 August 1991.</p>
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Private Property - Baltic States Scheme	Does the Baltic States Scheme apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?	Theoretically yes, the scheme applies to all forms of property confiscated by the British Government during the period 1939-1945 under the terms of the Trading with the Enemy Act 1939.
	What type of property can be claimed pursuant to the Baltic States Scheme ? (Private, Communal, Heirless?)	Private property can be claimed.
	Please describe whose immovable property has been returned pursuant to the Baltic States Scheme .	Insofar as records show, no immovable property is eligible to be returned. The scheme was created for those whose property was confiscated by the British Government during 1939-1945 citizens of the UK's enemies. Residents of the Baltic states who feature on records of confiscation are eligible to claim compensation.
	If properties have been restituted <i>in rem</i> pursuant to the Baltic States Scheme , how many have been restituted and at what value ?	Insofar as records show, no immovable properties have been returned.
	Pursuant to the Baltic States Scheme , who determined whether restitution <i>in rem</i> was possible , and based upon what criteria?	Unknown. Possibly because the question is moot.

	Pursuant to the Baltic States Scheme , what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?	Claims under the Baltic States Scheme and the Enemy Property Payments Scheme are handled together and the average successful claim value from 1999-2014 was £46,409. However, as noted this rarely relates to physical immovable property.
	Pursuant to the Baltic States Scheme , how much has been paid in compensation for immovable property?	Under both the Baltic States Scheme and the Enemy Property Payments Scheme the value of all successful claims from 1999-2014 is £23,668,525. The sums relating to immovable property are likely to be zero or very low.
	How much of the potential immovable property that could have been restituted/compensated pursuant to the Baltic States Scheme , has been restituted/compensated?	Impossible to know, too much documentation has been lost. It is not clear if any physical properties were eligible to be returned. However, the number of claims has slowed dramatically since 2009. The schemes remain available for claims to come forward.
<u>Private Property - Enemy Property Payments Scheme</u>	Does the Enemy Property Payments Scheme apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?	Theoretically yes, the scheme applies to property confiscated by the British Government during the period 1939-1945 under the terms of the Trading with the Enemy Act 1939.
	What type of property can be claimed pursuant to the Enemy Property Payments Scheme ? (Private, Communal, Heirless?)	Private property can be claimed.

	Please describe whose immovable property has been returned pursuant to the Enemy Property Payments Scheme .	The scheme was created for those whose property was confiscated by the British Government during 1939-1945 citizens of the UK's enemies but who also suffered persecution under those regimes.
	If properties have been restituted <i>in rem</i> pursuant to the Enemy Property Payments Scheme , how many have been restituted and at what value ?	Insofar as records show, no immovable properties have been returned.
	Pursuant to the Enemy Property Payments Scheme , who determined whether restitution <i>in rem</i> was possible , and based upon what criteria?	Unknown. Possibly because the question is moot.
	Pursuant to the Enemy Property Payments Scheme , what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?	The average successful claim from both the Enemy Property Payments Scheme and the Baltic States Scheme from 1999-2014 is £46,409. However, as noted this rarely relates to physical immovable property.
	Pursuant to the Enemy Property Payments Scheme , how much has been paid in compensation for immovable property?	Under both the Baltic States Scheme and the Enemy Property Payments Scheme the value of all successful claims from 1999-2014 is £23,668,525. The sums relating to immovable property are likely to be zero or very low.
	How much of the potential immovable property that could have been restituted/compensated pursuant to the Enemy Property Payments Scheme , has been restituted/compensated?	Impossible to know, too much documentation has been lost. However, the number of claims has slowed dramatically since 2009. The schemes remain available for claims to come forward.

<p><u>Additional Legislation Relating to Immovable Property</u></p>	<p>Please describe any other laws in the United Kingdom – in addition to the following:</p> <ol style="list-style-type: none"> 1. Baltic States Scheme; and 2. Enemy Property Payments Scheme <p>which relate to the restitution or compensation of immovable property confiscated during the Holocaust (Shoah) Era, 1933-1945.</p>	<p>Between 1948 – 1957 the UK ran a compensation scheme (‘The Board of Trade Scheme’) to provide recompense for victims of Nazi persecution. However, the scheme placed the burden of proof on the victim and did not accept incarceration only as sufficient evidence of ‘persecution’.</p> <p>Compensation was paid less a 2% administration charge, and without interest.</p> <p>Of over 1,000 claims, 84% were however successful, with the Government paying out a total of £2 million.</p>
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<p><u>Return of Immovable Property</u></p>	<p>What is the current status regarding the future of the Enemy Property Compensation Advisory Panel?</p>	<p>The panel remains available to claimants, and its status was confirmed in a consultation in 2015.</p>
<p><u>Return of Immovable Property</u></p>	<p>What happens to compensation otherwise owed to heirs of property taken pursuant to the 1939 Trading with the Enemy Act, when the heirs fail to make a claim with the Enemy Property Compensation Advisory Panel?</p>	<p>Compensation is provided for where appropriate out of normal Government running costs, and not a specific fund.</p>

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

<p><u>Restitution/Compensation Laws</u></p> <p>What measures has the United Kingdom (“UK”) taken to comply with the Terezin Declaration and Guidelines and Best</p>	<p><i>“(i) religious or communal organizations . . . and then subject to confiscation or other wrongful takings during the Holocaust (Shoah)</i></p>	<p>No properties of this type were subject to confiscation during the Holocaust era.</p>
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<p>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>Era between 1933-1945”?</i> (see Terezin Declaration GBP, para. a)</p>	
	<p><i>“(ii) private individuals or legal persons 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 United Kingdom created the Enemy Property Compensation Scheme in order to provide compensation for those who had property confiscated during the war but were residents of countries occupied during WW2, or were themselves subject to Nazi persecution.</p>
<p><u>Restitution/Compensation Processes</u></p> <p>What measures has the UK 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 persecution against them by the Nazis, Fascists and their collaborators during the Holocaust (Shoah) era between 1933 and 1945 including the period of WWII”?</i> (see Terezin Declaration GBP, paras. c, d) –</p>	<p>If the property owner was not a UK citizen at the time of the taking?</p>	<p>The only factor that matters was the residency of the individual – this was the factor that determined whether his/her property was confiscated.</p>
	<p>If the claimant was not a UK citizen at the time of the filing of the claim?</p>	<p>Nationality / citizenship / residency has no impact on claiming.</p>
	<p>If the claimant was not a UK resident at the time of the filing of the claim?</p>	

<p align="center"><u>Restitution/Compensation Processes</u></p> <p>What measures has the UK 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>Information regarding the Enemy Property Compensation Scheme is available online, alongside a list of all property confiscated under the terms of the Trading with the Enemy Act 1939.</p>
<p align="center"><u>Archival Access</u></p> <p>What measures has the UK 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>The overwhelming majority of archives are already open, and more are being released. Currently Government files relating to the compensation for victims of Nazi persecution during WW2 are being released.</p>
<p align="center"><u>In Rem Restitution</u></p> <p>What measures has the UK taken to comply with the Terezin Declaration and GBP para. h, which states that “<i>[r]estitution in rem is a preferred outcome, especially for publicly held property</i>”? (see Terezin Declaration, and GBP, para. h)</p>		<p>Very few (if any) physical properties were seized in the UK. So this is not an issue.</p>
<p align="center"><u>Genuine and Adequate Compensation</u></p> <p>What measures has the UK taken to comply with the Terezin Declaration and GBP para. h, which urge compensation to be “<i>genuinely fair and adequate</i>”? (see Terezin Declaration, and GBP, para. h)</p>		<p>Compensation sourced through the Enemy Property Payments Scheme is based on the original value adjusted for RPI inflation.</p>
<p align="center"><u>Forms of Compensation</u></p> <p>If compensation for immovable property in has the UK is issued in the form of government vouchers (securities) (see Terezin Declaration, and GBP, para. h) -</p>	<p>May a claimant sell the voucher?</p>	<p>No vouchers have been issued.</p>
	<p>May a claimant trade the vouchers on the stock exchange?</p>	<p>n/a</p>
	<p>What limitations are there, if any, on the type of immovable property that may be purchased with the vouchers?</p>	<p>n/a</p>
<p align="center"><u>Prompt Decisions</u></p> <p>What measures has the UK taken to comply with the Terezin Declaration and GBP paras. f and h, which state that “<i>[d]ecisions should be prompt</i>”</p>		<p>The adjudicating panel for the Enemy Property Compensation Scheme continues to meet biannually to rule on applications.</p>

<p><i>and include a clear explanation of the ruling” and “[t]ransfer of property title or payment of compensation should be effected promptly”?</i> (see Terezin Declaration, and GBP, para. f, h)</p>	
<p><u>Heirless Property</u> What measures has the UK 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>	<p>Unclear whether there is any heirless property in the UK</p>
<p><u>Heirless Property</u> Has the UK conducted a survey to assess the total amount of heirless property located in the country? (see Terezin Declaration, and GBP, para. j)</p>	<p>No survey has been conducted.</p>
<p><u>Heirless Property</u> Who, or what organization, if any, has been designated as the proper recipient of Jewish heirless property, which is still retained by the UK for any reason? (see Terezin Declaration, and GBP, para. j)</p>	<p>No property is retained by the UK Government</p>
<p><u>Heirless Property</u> If an organization, person, or group of persons have been designated as the proper recipients of Jewish heirless property in the UK, what properties have been restituted or compensated to them to date? (see Terezin Declaration, and GBP, para. j)</p>	<p>No group or individual has been so designated.</p>
<p><u>Communal Property</u> What provisions have been made in the UK for the return of Jewish communal property? (see Terezin Declaration, and GBP, paras. a, b, k)</p>	<p>No Jewish communal property was confiscated in the UK during the Holocaust era.</p>
<p><u>Communal Property</u> Please describe all Jewish communal property in the UK that has been returned. (see Terezin Declaration, and GBP, paras. a, b, k)</p>	<p>None to return.</p>
<p><u>Communal Property</u> Please describe any Jewish communal property that remains in the possession of the UK state. (see Terezin Declaration, and GBP, paras. a, b,</p>	<p>None.</p>

k)	
<p style="text-align: center;"><u>Current Mechanisms</u></p> <p>Are there currently any legal or administrative mechanisms in the UK by which a claimant (citizen or non-citizen of the UK) can seek restitution and/or compensation of immovable property seized between 1933 and 1945? If yes, please identify. (<i>see Terezin Declaration, and GBP paras. d, k</i>)</p>	<p>Yes, the Enemy Property Payments Scheme remains available.</p>
<p style="text-align: center;"><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>Does the UK currently view its commitments under the Terezin Declaration and Guidelines and Best Practices (“GBP”) as being fulfilled? (<i>see Terezin Declaration, and GBP, paras. a-m</i>)</p>	<p>Yes. In the UK these issues apply to a small number of properties, and may apply to none at all – those confiscated by the state from citizens of ‘enemy’ countries, who themselves ended up being the victims of Nazi persecution. In regard to these individuals, the UK has done a great deal to facilitate restitution through compensation.</p>
<p style="text-align: center;"><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>What specifically has the UK done to fulfill its commitments under the Terezin Declaration and GBP? (<i>see Terezin Declaration, and GBP, paras. a-m</i>)</p>	<p>The UK has created a claims system that is simple, accessible and non-discriminatory. Potential claimants have unfettered access to records of confiscated properties online.</p>
<p style="text-align: center;"><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>Since the UK’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>The continuation of the Enemy Property Payments Scheme has been confirmed through a Government consultation in 2015.</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:	
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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 cover?	Pre-1945? If yes, for which years?	
	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?