



A Battle Over a Home

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Jews who fled Poland during the Second World War left thousands of properties behind, and some of them still remain in the hands of the authorities. However, despite the declarations to the contrary, local government has created many difficulties for the legal owners. Why? Perhaps it is because these properties are worth billions of dollars and no country would easily agree to pay out that much money. NISSAN TSUR, POLAND

Like many other Jews who lived in Poland before the outbreak of WWII, the Karmel family ran a successful business and owned several properties, among them a large apartment building in the Jewish quarter (Kazmierz) of Krakow. At the beginning of the war, part of the family was sent to the extermination camps where they died. Those who survived fled from Poland and never returned, leaving all of their belongings behind.

The building that belonged to the Karmel family was abandoned like the properties of thousands of other Jews who fled Poland. Now, 70 years after the war, Rabbi Yosef Carmel is demanding his ancestral property back, but the task seems nearly impossible.

"As far back as the 14th centur. my family, who lived in Spain, was invited by the Polish king to start a business in Krakow," clarified Rabbi Carmel. "They settled in the Jewish Quarter of the city, and soon opened a successful business and grew prosperous. As a result, they also took part in the Jewish community and were known for their philanthropic endeavors.

"In 1989, when the Solidarity movement came to power, the chairman of the Lauder Foundation received a letter from the leader of that movement indicating that they had records of Jewish property in Poland before World War II and they invited the legal owners of the property to Poland to get them back. Since then for twenty-three years, we have been fighting in Polish courts for our right to take the property back. We fill out forms, submit repeated requests, bring proof, but nothing advances. It's amazing because all the paperwork is already there, including government records proving the family's ownership of the land and real estate, names of family members killed in the Holocaust and all other necessary details, yet nothing happens. "

Who owns the building today?

"The City of Krakow. The mayor himself sent us a letter where he wrote "We want to do the right thing and everyone who owned property in Poland should return to his land. That is what we are trying to do. We are not asking the government of Poland to

pay us money. We don't want anything except to get back what belongs to us. This ridiculous situation has lasted for years."

Carmel notes that not one of the authorities involved in these matters has ever come to him with a proposal to resolve the case or attempt to seek some kind of solution. On the contrary, he says, the court continues to demand more translated documents from him, more forms to fill out, will proceedings and so on. "We are talking about a procedure that would take 20 minutes in a New York court."

A Hot Potato

In recent years international pressure on Poland has grown to follow the example of Germany, Latvia, Hungary and Romania and formulate a law to restitute Jewish property. However, the authorities consider returning property to its original owners as a hot potato and so they try to shift the responsibility from one agency to another.

The government of Poland estimates the value of Jewish property within the country at 10 billion dollars and in February of 2012 it decided to halt the restitution law's legislative process, claiming that the economic situation in the country wouldn't allow it.

Canadian documentary film director Eric Scott decided to produce a film on the subject of restitution of Jewish property remaining in Poland. During his research Scott also came across Rabbi Karmel's struggle to get back the building that his family left behind. Scott intends to come to Poland with his crew and start filming "*Restitution*", focusing on the Karmel family's story. He describes the difficulties that former Polish Jews encounter when they try to get the property they left behind at the time of the Second World War.

"*Restitution*" is a film about an unacknowledged crime committed on a massive scale," says Scott. "Twenty-three years after the fall of Communism, Poland still refuses to do what it promised to do. The government of Poland will not pass a law returning Jewish private property or compensate Jews who lived in the country or their heirs for assets seized during the Nazi Occupation and under the Communist régime. Poland's unwillingness to pass such a law puts the country squarely out of step with rest of Europe. Poland denies its participation in the theft of Jewish property. Two decades after the restoration of democracy in Poland, Jewish survivors and their heirs are still asking compensation for property that was stolen from them by local people or by the government itself but to no avail. In the film, we are going to find out what the real reason is and we will not be deterred from asking hard questions. We will follow those claimants trying to get their property back. We'll knock on the doors of their former houses and see who is living in them now. We will film these conversations with the current occupants or owners. We will go to the different municipal departments accompanied by American lawyers, who have specialized in restitution issues and we will try to expose the process of how Jewish

property was transferred to Poles. Along with this, we are going to illustrate the point of view of Poles who will be threatened over having to give up their homes. We will try to interview the highest officials of the Polish government willing to be interviewed and hear their point of view on the subject”

It's Sell Sell Sell

Jehuda Evron is the president of the Holocaust Restitution Committee, an organization that represents more than 3,000 (Polish) Jews who have filed to get their property back. Evron took part in a large meeting on the subject that was held in Prague at the end of November 2012 accompanied with representatives from 47 countries and he explains that the only country that didn't send its own representatives to the meeting was Poland - where most of the Jewish property can be found. Evron doesn't hide his frustration and bemoans the slowness of the process in Poland. “We don't get any help from the Polish authorities in this matter. All we get are unfulfilled promises from Polish prime ministers and foreign ministers. Unfortunately, instead of returning property they keep selling it to foreign or Polish investors. The majority of claims have been sitting in Polish courts for ten years or more and whoever has succeeded in the courts will wait a couple of years before getting his property back.”

Evron claims that the value of Jewish property in Poland is considerably below 10 billion dollars, so that the government of Poland doesn't have a true reason to blame the non-return of property on economic reasons. There are no claimants for 80% of the Jewish property because the entire family has been exterminated. I estimate the value of the property at 2 billion dollars at the most. In any case, there is no need for monetary compensation. The buildings should just be returned to their owners. 70% of the buildings are under the ownership of local or national authorities. “

Lily Heber, the chairman of the the Polish Immigrants Association in Israel and a member of the steering committee of the Central Organization of Holocaust Survivors agrees. “ I can't determine whether Poland is helping or putting a stick in the wheel but the fact is that the procedures are endlessly delayed. Sometimes there's a great difficulty finding documents that the Polish courts require. A five year process is considered to be very short. I can add that in the courts almost always insist upon verifying the rights of the inheritors even if it is absolutely clear that according to Israeli law and to Polish law the result would be the same. Moreover, almost in every case, they require the petitioner to present repeatedly translation of Israeli inheritance laws. The fact that Poland did not send a delegation to the conference in Prague is very regrettable and testifies to its disregard. The result was terrible for them because everyone slandered the Poles and no one responded to those condemnations.”

"I understand that they can't give away their entire country. On the other hand, our property is there. I am ready to reach a compromise., but no one is suggesting that. No one denies the fact that the property belongs to us, but they contend that the entire process will take a great amount of time. We are always hearing that they are working on it. Our lawyers are of the opinion that the Polish courts are intentionally delaying the process because the moment they start giving back Jewish property to its owners, it will turn into a big problem for them."

"That's not my problem. That property belongs to us," says Rabbi Karmel.

Jan Makowski, the spokesperson for the Krakow Municipality responded that the City isn't taking sides in the argument between Rabbi Karmel and the authorities. "The City of Krakow holds a 48% share of the building while the remainder is under the control of a cooperative. In June 2008 the Krakow court ruled that the claim should be referred to the Polish ministry of infrastructure because it is authorized to handle the matter. On June 3rd 2009, the Ministry announced its decision not to start proceedings to transfer the property to Yosef Karmel because the petitioner had been asked repeatedly to present proof of ownership of the property but had never done so. The decision was legally valid because no further request was made to re-examine that ruling. Generally speaking there is no separate listing of Jewish property therefore the scope and value involved cannot be determined. Cases regarding the return of property are not classified by the ethnicity of the petitioner"