

POLAND MUST DEAL WITH ITS PAST - AND RETURN STOLEN PROPERTY

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On May 11, thousands of Polish nationalists marched to the U.S. Embassy in Warsaw, protesting the Justice for Uncompensated Survivors Today (JUST) Act, passed unanimously by the U.S. Senate last year. The bipartisan legislation was signed into law by President Donald Trump, requiring the U.S. State Department to report on the state of restitution of properties wrongfully seized during and in the aftermath of World War II in dozens of European countries, including Poland.

"This is Poland, not Polin," protesters - including far-right groups - chanted, referring to the Hebrew name for the country. The US is putting "Jewish interests" over the interests of Poland, they said, carrying signs reading "Poland has no obligations" and "Holocaust Hyenas" to mark their dissatisfaction. One man wore a shirt saying: "I will not apologize for Jedwabne" - a massacre of Jews carried out by their Polish neighbors in 1941 under the German occupation.

The protest took place amid a dramatic rise in hate speech in Poland. The sociologist Rafał Pankowski, who heads the country's leading anti-racist organization, categorized the march as "probably the biggest openly anti-Jewish street demonstration in Europe in recent years."

It is estimated that there are more than 170,000 private properties held in Poland, wrongfully seized from Jewish victims of the Holocaust terror and nationalized by the Polish Communist government. They have an estimated value of billions of dollars, according to a report drawn up by experts from the business sector and nongovernmental organizations at the request of the Israeli government.

As we approach the 75th anniversary of the liberation of Auschwitz, no viable solution has been found to resolve the restitution issue, despite a strong commitment from the U.S., the EU, Israel and the international community to support Holocaust survivors in their quest for justice. In contrast, Warsaw's governing right-wing Law and Justice (PiS) party as well as the centrist and liberal opposition, have downplayed the JUST Act, insisting that it will have no impact on Poland.

Prime Minister Mateusz Morawiecki went one step further on May 19, vowing that his country will never pay restitution for properties stolen during the Holocaust, saying it would be "Hitler's posthumous victory." Similarly, when a delegation of Israeli government officials landed in Warsaw to discuss Holocaust restitution earlier this month, they were told by their local counterparts to turn around, get back on the plane and return to Jerusalem.

Poland was among the main victims of Nazi Germany: Six million of its citizens – half of them Jews – were murdered by the Germans. Whereas most Central and Eastern European countries have adopted legislation to provide for the restitution of or compensation for confiscated property, every post-1989 government of independent Poland has - as concluded by the country's former Foreign Minister Władysław Bartoszewski - discussed property restitution, but lacked the determination to pass these legislative efforts.

After regaining its independence in 1989, joining NATO and entering the EU, Poland established itself as a model for free and democratic states in Central Europe. However, since taking power in October 2015, the country's current government has been engaged in what analysts have termed as a forced march backward toward authoritarianism by subjecting the judiciary to political control, rejecting the media's independence and stirring nationalist sentiments against outsiders.

These developments have been accompanied by a political battle over Poland's collective memory, turning it into an instrument of partisan polarization. Last year, President Andrzej Duda signed a bill making it illegal to accuse Poland of complicity in the Holocaust. Speaking to journalists days later, Prime Minister Morawiecki rejected criticism of the law and prompted censure for implying that Jews should be seen as among the perpetrators of the Holocaust, leading to an unprecedented diplomatic crisis with Israel.

Currently, days ahead of the May 26 European Parliament elections - followed by Polish parliamentary elections a few months later - far-right nationalists are gaining in popularity, where an informal alliance of extreme-right and nationalist groups have joined forces with a farmers' union to campaign against property restitution.

Poland must honor the memory of the past by passing comprehensive legislation providing for the complete restitution of assets stolen by the Nazis and the Communist governments. The advanced age of remaining Holocaust survivors makes the matter all the more urgent and the need to act all the more pressing.

The international standards are clear. The overriding principle that emerged in the immediate postwar period in Western Europe that has continued to this day. is that property that was taken from owners and their heirs must be returned to their former owners. A wrong was committed; the wrong must be remedied.

The European Convention of Human Rights (1953), which the Republic of Poland has ratified, determines that each person is entitled to the enjoyment of his possessions while making it clear that "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law".

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