

Report on Visit of Ms. Halyna Senyk to Belgrade, Republic of Serbia

25 March 2015

The Embassy of Serbia in Prague, upon the request of the European Shoah Legacy Institute, arranged the following meetings in Belgrade:

- Ambassador Mira Nikolic - Assistant Minister for Foreign Affairs in charge of Multilateral Issues
- Mr. Strahinja Sekulic - Director of the National Agency for Restitution
- Ms. Gordana Stamenic - special representative of Minister of Justice
- Mr. Jovan Ivanovic - special adviser to the Minister of Finance
- Mr. Srdjan Kokotovic - State Secretary, Ministry of Finance

The World Jewish Restitution Organization assisted ESLI in arranging the following meetings:

- Dimitrije Stankovic - Economic Officer, Delegation of the European Union to the Republic of Serbia
- Freek Janmaat - Head of the European Integration and Economic Section, Delegation of the European Union to the Republic of Serbia

The Executive Director of the European Shoah Legacy Institute, Ms. Halyna Senyk, travelled to Belgrade on 25 March 2015 to discuss the issue of holocaust restitution with the Ministries of Foreign Affairs, Finance, and Justice of the Republic of Serbia; along with the Restitution Agency of Serbia and the Delegation of the European Union to the Republic of Serbia.

Ministry of Foreign Affairs of the Republic of Serbia

During her meeting with Ambassador Mira Nikolic, Ms. Senyk was informed that the Ministry of Foreign Affairs of the Republic of Serbia has a focal point for all holocaust-related and anti-Semitism issues – Ambassador Roksanda Nincic, who is State Secretary of the Ministry of Foreign Affairs and Head of the Working Group on Holocaust and Anti-Semitism. The group includes representatives from the following institutions and organisations:

- Ministry of Culture;
- Ministry of Education;
- Ministry of Social Affairs and Labour;
- Institute of Contemporary History;
- Jewish Community of Serbia; and
- Anne Frank House.

The Working Group on Holocaust and Anti-Semitism meets alternative months and works closely with the International Holocaust Remembrance Alliance.

Some restitution related issues were resolved in Serbia via bilateral cooperation with foreign governments. Based on bilateral agreements on legal assistance and cooperation, the Ministry of Foreign Affairs was able to direct to the Restitution Agency ninety claims submitted by citizens of Israel to the Serbian government. Currently, the Republic of Serbia has bilateral agreements covering restitution issues with the following governments:

- Israel;
- Germany; and

- Austria.

Ambassador Mira Nikolic expressed her hope that the activities of the working group on Holocaust restitution will be renewed and the progress on the law drafting done in the nearest future.

Ms. Senyk expressed the readiness of the European Shoah Legacy Institute to provide technical assistance to the government of Serbia in developing a legislative framework for holocaust restitution, in cooperation with leading international experts.

National Agency for Restitution of the Republic of Serbia

The National Agency for Restitution in Serbia is very much in favor of a specialised law on holocaust restitution. Mr. Strahinja Sekulic informed us that after the international conference on restitution - which was hosted by the Agency at the beginning of March 2014, there was one meeting of the Working Group on Holocaust Restitution, which consisted of representatives from the following institutions:

- Ministry of Finance (1);
- Ministry of Justice (3);
- National Agency for Restitution;
- Faculty of Law, Novi Sad University; and
- Jewish Community of Serbia.

The group was headed by the Ministry of Justice and had one meeting on March 5, 2014. During that meeting, the National Agency for Restitution presented a draft law on holocaust restitution and supporting documents. The proposed law purported to address the issue of heirless property.

The National Agency for Restitution believes that the failure to continue work on the restitution law is anchored to the following factors:

- The lack of political will; and
- The reluctance to allocate funding above what was previously allocated for restitution by the 2011 Law on Restitution (2 billion Euros in state bonds).

According to Mr. Sekulic, the National Agency for Restitution initiated a media campaign to raise public awareness of the importance of the restitution law. Mr. Sekulic also spoke of the Agency's efforts to improve its relationship with local Jewish communities in Serbia – particularly those in Belgrade, Subotica, and Novi Sad. The Agency started collecting evidence on property expropriated during the Second World War whilst simultaneously performing the important function of educating the general public about the events which took place during that period in Serbia. It is the personal position of Mr. Sekulic that there is a moral duty on the part of the Republic of Serbia, in addition to international law obligations, to address the injustices committed under Nazism against Jewish and other targeted populations in Serbia.

Mr. Sekulic announced that the National Agency for Restitution is preparing an international conference on holocaust restitution on May 11-12 in Belgrade, Serbia.

Mr. Sekulic stated that currently Serbian law deals exclusively with individual property and there is a need to extend the scope to communal property as well. At the same time, he notes that there is no Jewish community which is recognized as legal successor to the Jewish community that was targeted during the Second World War.

The National Agency for Restitution deals mostly with immovable property claims, and has recently returned land in Vojvodina. Mr. Sekulic stated that the Agency can also deal with looted movable property if it is part of a state collection. On this topic, Mr. Sekulic expressed his deep concerns about the Agency becoming involved with movable property issues. He expressed strong support for focusing on passing the pending restitution law prior to discussing an expansion of issues to be dealt with.

Mr. Sekulic believes that there are three potential obstacles that may be used by opponents of the pending restitution law to delay its approval by the National Assembly:

- i) Economic factors – there are no official statements on the potential financial implications of adopting the law, although there were individual concerns raised about financial ramifications should the law pass;
- Non-existence of a completed preliminary list of Jewish property alleged to have been plundered or unlawfully expropriated by the Nazis; and
- There are not currently any Jewish organisations legally recognized as rightful successors to affected Jewish communities in Serbia.

According to Mr. Sekulic, the restitution law must be passed quickly otherwise the likelihood of adoption is seriously undermined. The only chance for this bill to be passed is for the Government to submit it to the National Assembly for discussion and approval. Mr. Sekulic noted that the incumbent Prime Minister of Serbia – Mr. [Aleksandar Vučić](#) - is in favor of the restitution law and understands the importance of addressing holocaust issues in Serbia.

Mr. Sekulic emphasized the importance of information dissemination to the development of a legislative framework for the restitution law in Serbia. To this end, the Agency has translated all relevant legislative acts from other countries into the Serbian language and is ready to disseminate this information to all interested stakeholders. He also expressed his hope that if there were any international experts working with the Serbian government on the law that they would work in close cooperation with the National Agency for Restitution.

Among the possible activities that ELSI can undertake to support the National Agency for Restitution, Mr. Sekulic suggested the following:

- To be a formal and vocal supporter of the Holocaust Restitution Law;
- To monitor adherence to the Terezin Declaration; and
- To cooperate closely with the EU Delegation as it has been of critical support to the National Agency for Restitution in its advocacy for the law.

One additional suggestion from Mr. Sekulic was to develop a united statement from Special Envoys for Holocaust and Anti-Semitism on the importance of the Republic of Serbia passing the proposed Holocaust Restitution Law. Mr. Sekulic also urged support for the idea of conducting a series of workshops and a conference on plunder during the Holocaust to enhance the awareness of the wider public about the scale of the looting that accompanied Nazism during the Second World War.

Ministry of Justice of the Republic of Serbia

The Special Advisor to the Minister of Justice - Ms. Gordana Stanevic - expressed her strong desire for the Working Group on the proposed Holocaust Restitution Law will resume its work in April 2015. Purportedly, she will head the Working Group.

The compensation fund for the proposed new law will be the same as for the 2011 Restitution Law - 2 billion Euros to be paid in bonds over 15 years. The new law on restitution will only cover individual, heirless property.

Ms. Stanevic remarked that it is a significant omission that the 2011 Restitution Law explicitly excludes communal property as the current Jewish communities cannot be considered as legitimate heirs of the Jewish communities which existed prior to, and during, the Second World War. Ms. Stanevic believes that it is possible to amend the 2011 Restitution Law so that communal property is included within the scope of that law.

The National Agency for Restitution has been very helpful in collecting evidence on the losses of the Jewish communities as a result of the Second World War. Ms. Stanevic expressed confidence that the Working Group would yield positive results resulting in the passage of the new law on restitution, particularly as there have not been any political obstacles to restitution (only financial ones).

Ms. Stanevic expressed her hope for fruitful cooperation between ESLI and the Serbian Ministry of Justice for the provision of technical assistance to the government of the Republic of Serbia in conceptualising and designing a legislative framework and financial analysis for Holocaust restitution in Serbia.

Ministry of Finance of the Republic of Serbia

State Secretary Srdjan Kokotovic and Special Advisor to the Minister of Finance, Mr. Jovan Ivanovic met with Executive Director Halyna Senyk and informed her about previous work done by the Working Group on Holocaust Restitution and Anti-Semitism. They mentioned that the main purpose of the meeting on 5th March 2014 was to discuss the concept of future legislation and to initiate the collection of data on property losses that occurred in Serbia during the Second World War.

The Ministry of Finance of the Republic of Serbia is not aware of any reasons that would have prevented the Working Group from continuing its work beyond March 2014. The Ministry of Finance was also not aware of the decision of the Ministry of Justice to resume the Working Group in April 2015.

The Ministry confirmed that the draft law on Holocaust restitution will only cover heirless property and that funds made available for compensation will be limited to the initial 2 billion Euros allocated by the Republic of Serbia for that purpose in 2011. The Ministry of Finance also stressed the importance of developing a financial and legislative analysis of the impacts of the draft law according to the Venetian Commission recommendations, and hopes that it will receive assistance from the international community and ESLI to complete this task promptly.