

To the

6th of January, 2011

MINISTRY OF JUSTICE

Str. Apolodor nr. 17, sector 5
Bucharest

ROMANIA

To His Excellency,
the Romanian Minister of Justice,
DR. CĂTĂLIN MARIAN PREDOIU

**Appeal for Compliance with Human Rights
and for the Restitution of Confiscated Property in Romania**

We, the undersigned, are predominantly German citizens of various nationalities whose country of origin is Romania.

As those affected by the compulsory expropriation of real estate which was arbitrarily carried out by the Romanian Communist State in the period from 6 March 1945 to 22 December 1989, we appeal to you in the context of the public debate concerning the establishment of the Authority for New Legislation on Restitution, which intercedes for the optimal solution of a functioning restitution mechanism and for the compensation for arbitrarily confiscated property by the Romanian State.

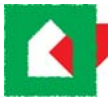
With reference to the public debate, we express our conviction that Romania can only have a democratic future by renouncing its Communist past, which is its intellectual, moral, political and social duty. Only through the establishment of a constitutional state which unreservedly respects its obligations as a member of the European Union can European values – which ineluctably include the protection of individual property – be respected and upheld.

For this reason, we appeal to the Authority for New Legislation on Restitution and entreat it not to create any state of affairs in the restitution mechanism which are final and irrevocable and which would impede the return of property to the original owners.

Post-Communist Romania has created such a state of affairs that contravenes human rights by its laws 112/1995 and 1/2009. These laws are de facto confiscation laws for many claimants, who are former Romanian citizens, and represent a trap which prevents the prosecution of their rights and precludes restitution.

When the law 10/2001 came into force, it inspired confidence in the good intentions of the Romanian judiciary, after 1989. This confidence was disappointed, however, in the case of foreign claimants, as the submission deadlines required by the law could not be met by them. The law 247/2005, which allows only Romanian citizens the right to restitution of agricultural land and woodland, is deeply discriminatory towards those who no longer hold Romanian citizenship.





 **Romania must prove that it is not a country in which only the rights of certain individuals are respected!**

For this reason, we demand:

- Legal certainty for all victims of confiscation by means of appropriate legislation.
- Abolition of the deadlines for restitution claims.
- Prompt handling of restitution claims.
- Removal of discrimination against those without Romanian citizenship.
- Abolition of unjustified rejection of legal heirs.
- We demand that restitution in natura should have precedence, since the sale of others' property is inadmissible and unprecedented from a European legal standpoint. The State had no legal title to the confiscated real estate.
- Defence of the human rights and basic freedoms contained in the European Convention of Human Rights and implied in the Lisbon Treaty.

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