



To Federal Chancellor

ANGELA MERKEL

Willy-Brandt-Straße 1
10557 Berlin

Munich, 19.04.2012

Dear Federal Chancellor,

on 23 August 2011 the two associations mentioned above, wrote you a letter concerning the violation of human rights in Romania, and reported you especially about the violation of property rights.

Because only between 20-30% of the submitted applications for restitution of real estate and corporeal hereditaments have been resolved up to the present (including numerous cases which have been approved in a corrupt dishonest manner), many applicants have appealed to the European Court of Human Rights ECHR, where currently about 2,000 applications are awaiting a court judgment for restitution in Romania. In response, the ECHR made a pilot judgment¹, dunning the Romanian Government to modify the restitution laws and their implementation until 07/12/2012, so the rightful owners get back the confiscated goods promptly or to get a reasonable compensation instead.

Romanias response on the demand of the ECHR has caused the anger of the canonical owners, dispossessed during the communist period. The following contents of the new bill have led to the justified consternation:

1. All previous legal regulations of the restitution will be canceled, except cash payments.

Specifically, the bill provides:

■ Confiscated property shall not be given back. *Through this, the protegee of the political ruling class, who bought confiscated property at bargain prices, are being privileged, while rightful owners are discriminated.*

■ The new bill also provides the cancellation of equivalent compensations; *Up to the present, the Romanian National Authority for the Restitution Process (ANRP) preferd the compensation through equivalents real estate or plots of land, which are administered and managed by state or local authorities control rooms. Numerous media are reporting about corruption in such control rooms, as RA-APPS (log homes), Romsilva (management of state forests), ADS (State Administration of goods) or mayors, although accused, are never been punished². According a study of the newspaper Ziarul Financiar, ADS manages several hundred thousand hectares of agricultural areas, which could be used for equivalent compensations.*

■ Amounts of cash from safe Government revenue (for example, Iraq's debt equal to 865 million U.S. \$), which were intended to compensate expropriation victims, will now be directed into other channels.

¹ Judgment Maria Atanasiu and others against Romania (applications no. 30767/05 and 33800/06) - 12/10/2010

² e.g. [http://www.zaire.com/stiri/ani/avere...de-ani-1100349](http://www.ziare.com/stiri/ani/avere...de-ani-1100349) or the newspaper Romania Libera from 05/01/2010, newspaper Cotidianul from 07/12/2010, etc.



2. Hundreds of thousands of people are being discriminated by the new compensation control, which provides payments only to the tune of 15% of market value: *Those who could not afford well-known and influential lawyers, or were not willing to pay bribes, are now in disadvantage compared to those that have already been compensated. The drastic reduction affects also retroactively those cases in which a compensation in money has been approved but not yet paid out, as well on the complaints lodged with the ECHR, waiting for the pilot judgment on a decision. There have already been detected cases of corruption within the authority for the restitution process ANRP, connected with the processing of requests of restitution. Even the Vice President of ANRP was arrested for corruption. The Prime Minister has ordered an investigation, to determine whether there were other Korruptionsfaelle corruption cases.*

3. The bill provides no penalties for non-compliance with authorities of the law or deportation before the deadline. *Also penalties provided by the restitution laws 10/2001 and 247/2005 were applied extremely lax and rarely imposed. The result: Today, more than eleven years after the entry into force of Law 10/2001, only about 20% of the submitted applications have been processed.*

We point out that in any Eastern bloc country, except the Soviet Union, the confiscations were carried out in such great magnitude and with such brutality, as in Romania. Owners who resisted were beaten up, jailed or even killed. Many were deported and received the endorsement „assigned residence“ in their identity card. The spread of the Banatian Swabians in the inhospitable Baragan was a specific chapter of communist crimes.

For the above presented reasons, **we implore you** to exercise your entire political influence on the Romanian authorities, so the discrimination by the current Romanian government against a broad part of the population stops at long last, and the country can help to the economic recovery of Europe

The Government of Romania tries at the moment to enforce an emergency procedure in Parliament, in order to make the new confiscation law to come into effect as quickly as possible.

We assure you, if you are successful in defending the human rights of the expropriation victims of Romania, – *especially because of the very old, but still among us, who had to suffer personally* –, the guaranteed thanks of the Romanian people, which is bogging down into corruption and hopes for German support, would be yours, Madam Federal Chancellor.

Sincerely,

p.p.

Asociația pentru Proprietatea Privată APP
chairman lawyer Călin Ispravnic

ResRo – Interessenvertretung Restitution in Rumänien e.V.
chairwoman Karin Decker-That