

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE) Master Docket No. CV-96-4849
HOLOCAUST VICTIM ASSETS) (ERK) (MDG)
LITIGATION)
) (Consolidated with CV-96-5161
) and CV-97-461)

ROMANI PROPOSED DISTRIBUTION PLAN

Submitted to Special Master Judah Gribetz
on behalf of the
International Romani Union, a United Nations-recognized
nongovernmental organization

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The International Romani Union respectfully submits the following proposal for distribution of settlement funds in this matter with respect to the Roma.

I. The International Romani Union.

The International Romani Union (IRU) was formed following the First World Romani Congress, held in London in 1971. It is the only United Nations-recognized nongovernmental organization representing the Romani people.

The IRU was the only Romani organization invited by the United States Department of State to the Washington Conference on Holocaust-Era Assets, which was held November 30 to December 3, 1998, and attended by representatives of some forty nations. Dr. Rajko Djuric of Berlin, then President of the IRU, was one of only two delegation heads, along with the leader of the Israeli delegation, selected to give opening statements. Other members of the IRU delegation included Secretary-General Dr. Emil Scuka of Prague, Vice President (now President) Victor Famulson of Sweden, and Professor Marcel Corthiade of Paris.

II. Introduction.

The history of the "Gypsy" peoples--more properly the Roma--in Europe is a long and unhappy one. Persecuted for centuries, they were, along with the Jews, targeted for extermination by the Third Reich, and some one-half million were murdered. After the war, their suffering was mostly forgotten by the outside world; repression as usual, both petty and systematic, returned. The description given by Yehuda Bauer, a

leading Holocaust scholar, has held true: "[T]he Rom, like the Jew, was the outsider, the eternal other, the symbol of foreignness and of dark and evil forces."¹ Today, the Roma, Europe's largest minority, is also its most oppressed.

The Roma have to a great degree been excluded from reparation and compensation programs for victims of the Nazi regime. With their unstable governments and weakened economies, post-communist central and eastern European countries, including the unemployment-ridden unified Germany, have been plagued by extreme nationalism and ethnic, racial, and religious hatreds. The Romani population, a favorite scapegoat for centuries, remains one. It continues to be largely without funds, friends, or influence, and has re-emerged as a target of choice.

The Roma's postwar claims, in the main, have been either ignored or denied. This is not an accident. The stereotypes that were pervasive in Europe throughout modern history, rather than having been confronted and acknowledged, have simply reappeared after the war almost unchanged. Europe has been seized by no *crise de conscience* when it comes to the Roma.

In Germany, the center of the crimes against humanity, it was said, for years after the war, that the losses inflicted on the Roma were not the result of racial persecution, but occurred because they were "asocial," "criminals," or a "threat to public health." Their supposed "nomadic" status made it easy for nations to deny them benefits as non-citizens or even stateless

¹Yehuda Bauer, A History of the Holocaust 46-47 (1982).

people. When these rationalizations were overlaid on the grid of German legalism, the results were disastrous.

In 1952, Chancellor Konrad Adenauer announced that the West German government was "prepared, jointly with representatives of Jewry and the State of Israel . . . , to bring about a solution of the material indemnity problem, thus easing the way to the spiritual settlement of infinite suffering."² This act of contrition was seen by West Germany as a necessary rite of passage for it to begin to shed its recent past and return to the European and Atlantic political and economic structures. Thus, in 1952, West Germany negotiated agreements both with Israel and with the Claims Conference, a new organization formed by a coalition of national and international Jewish organizations.³ No such penance was either expected or forthcoming with respect to the Roma. Nor did the Roma have the leverage that a state or effective lobbying organizations might have provided.

The Romani community came out of the war in chaos and shock, with great numbers annihilated and communities destroyed, including almost the whole of the pre-war emerging intelligentsia. Facing a repressive social environment not much different from that prevailing before the war, they were, with some exceptions, obliged to accept their losses in silence. They continued to be viewed by mainstream Europe with at best wariness and at worst hostility, as a potential criminal element and as perpetual aliens, even in their own countries.

²Conference on Jewish Material Claims Against Germany, 1996 Annual Report 4 (1996).

³Id. at 4-5.

Economically, they were not much better off. Their painstakingly-developed infrastructure, land, personal property, and less tangible possessions that had enabled them to live with at least a measure of freedom and autonomy were gone.

III. Summary of the Proposal.

It is urgent that more information and documentation be gathered and analyzed about the fate of the Roma under the Third Reich. Even more urgent is the need for aid to reach both the survivors themselves and the Roma communities at large, to preserve at least some chance for continuity. The IRU proposal seeks to address both of these points to the extent possible within the constraints of a limited monetary fund.

The IRU suggests that 10% of the total fund be allocated to the Roma and segregated as a discrete subfund. 90% of that subfund would be allotted as compensation for survivors of Nazi persecution and their heirs. An international Advisory Committee with both Romani and non-Romani members would receive claims and make recommendations for compensation. The remaining 10% would be managed by an International Romani Trust, which would recommend applications of money to projects for remembrance, education, and institutional development.

While estimates of the number of Roma killed under the Nazi régime vary widely--owing in part to the relative poverty of scholarship on the fate of the Roma specifically--reckonings of the toll at 400,000 to well over a million have been made. For present purposes, it is appropriate to err, if at all, on the side of the Roma, given the numerical uncertainties and the fact

that the Roma have for the most part not benefited from postwar compensation. This would translate to about 10% of the total number of victims of Nazi persecution to be compensated under the present settlement, and to an equal percentage of the total fund. The lack of organization and infrastructure of the Roma, due in part to their continuing persecution after the war, makes it necessary that the Romani fund be made a discrete entity, so that Roma are not made directly to "compete" with other victims of Nazi persecution.

Contrary to the stereotype of the "Gypsy"--the very word or its equivalent is a synonym for "wanderer" in many languages--the prewar European Romani population was not exclusively nomadic. Instead, the population was to a great extent a settled, urban one. It had many middle-class members--workers, small businessmen, and so on--who often, for safety, kept their valuables close at hand. To a much greater extent than is generally recognized, Roma, whom the Nazis rounded up for extermination, were also apt targets for looting. It is to be expected that this loot ran through the Swiss banks in proportion to the Roma's members in the persecuted populations.