

Federal Chancellery  
Federal Chancellor  
Olaf Scholz  
Willy-Brandt-Strasse 1  
10557 Berlin

GERMANY

Washington/Winterthur, 06.01.2025

### **Open letter on restitution of Nazi-looted property in Germany**

Dear Mr. Federal Chancellor,

We, the undersigned, lawyers, historians and descendants of former owners from Germany, the USA, Great Britain, Israel, Canada and Switzerland, would like to urge the Federal Government to maintain and improve the restitution law for Nazi-looted property in Germany. It is dishonest to abolish the *Advisory Commission on Nazi-looted property* in the final stages of the legislative period and adopt a new procedure that is worse for the victims.

By signing the *Washington Agreement*, the Federal Republic of Germany committed itself to correcting Nazi injustice and reaffirmed this by recognizing *best practices* in March 2024. The current coalition agreement expressly provides for the Advisory Commission to be strengthened. What is actually happening now, however, is that it is being dismantled and replaced by an arbitration tribunal under civil law, the framework conditions and decision-making framework of which have never been publicly discussed.

Ms. Roth's planned arbitration law for the restitution of Nazi-looted art blatantly worsens the situation of the victims. Under the new restitution rules, entire groups of victims, such as persecuted art dealers, will no longer be able to get back the works of art they sold under the pressure of persecution during the Nazi era. Even those persecuted persons who had to sell cultural property in connection with their flight from Nazi Germany or from a country occupied by the Nazis will in future only have a very limited claim to restitution. A discussion of the new rules proposed by Ms. Roth never took place.

A hearing on this in the Culture Committee of the German Bundestag failed because the procedural and substantive rules already agreed between Minister of State Roth and the culture ministers of the federal states had not been presented to the experts.

The planned exclusion of persecution scenarios and victim groups is not only disastrous for Germany's reputation. It is also a slap in the face to the victims and their descendants in view of the announced - and agreed in the coalition agreement - strengthening of the Advisory Commission on Nazi Looted Property and the restitution policy, which we want to warn against emphatically.

The claim that the victims would be strengthened by the planned arbitration is also untrue with regard to the procedure. Contrary to what Ms. Roth announced, the planned arbitration proceedings can only be invoked with the consent of the current owners. The assertion that all federal states and municipalities would agree to a future arbitration court being called upon is untrue. Over 10,000 local authorities with cultural institutions have not signed up to the arbitration proceedings and it is not foreseeable that they will do so in the future

We therefore demand

- calls on the German government not to approve the plan to establish arbitration tribunals for Nazi restitution cases before the new cabinet elections.
- to hold an expert hearing in the Legal Affairs Committee to discuss the planned arbitration proceedings.
- to initiate an intensive exchange between politicians and people who have been dealing with the issues of Nazi restitution law for many years as practitioners, those affected or researchers.
- ensure that the Advisory Commission on Nazi-looted property, which has been working responsibly and with commitment for over 20 years, can continue its activities. This includes replacing Commission members who have resigned and ensuring the Commission's long-term funding.

contact persons for the signatories are

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**Enclosed:**

**List of the first signatories**

The first signatories:

Dresden, 03.01.2025 **Dr. Anja Anders**, Attorney at Law

Amsterdam, 03.01.2025 **Hester Bergen** (spokesperson for the heirs after Margarethe and Siegbert Stern)

Winterthur, 03.01.2025 **Dr. Thomas Buomberger**, historian and journalist

Dresden, 03.01.2025 **Dr. Cramer von Clausbruch**, Attorney at Law

Tel Aviv, 03.01.2025. **Eyal Dolev**, Advocate

Miami, January 3, 2025 **Samuel J. Dubbin**, Attorney

Hamburg, 03.01.2025 **Maeva Emden** (great-granddaughter of Max Emden, granddaughter of Hans Erich Emden)

Montreal, 03.01.2025 **Dr. Clarence Epstein**, art historian

Berlin, 03.01.2025 **Jutta Freifrau von Falkenhausen**, Attorney at Law

Berlin, 03.01.2025 **Lothar Fremy**, Attorney at Law

London, 03.01.2025 **Francis FitzGibbon** (spokesman for the heirs after Herbert M. Gutmann)

Berlin, 03.01.2025. **Dr. Imke Gielen**, Attorney at Law

Philadelphia, 03.01.2025 **Lauren Gladstone** (spokeswoman for the heirs after Nathan and Benjamin Katz)

Jerusalem, 03.01.2025 **Niv Goldberg**, Advocate (member of the "Working Group on the Strengthening the Advisory Commission")

Bochum, 03.01.2025 **Prof. Dr. Constantin Goschler**, historian

Munich, 03.01.2025 **Dr. Louis Hagen** (spokesman for the heirs of Carl and Louis Hagen)

San Francisco, 03.01.2025 **Dr. Michael R. Hulton** (co-heir of Alfred Flechtheim)

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Neuss, 03.01.2025. **Ralf Konnertz**, Attorney at Law

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Budapest, 03.01.2025	<b>Agnes Peresztegi</b> , attorney at law (former President of the Commission for Art Recovery)
London, 03.01.2025	<b>Alan Philip</b> (co-heir of Zacharias Hackenbroch)
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Berlin, 03.01.2025	<b>Dodi Reifenberg</b> (representative of the Ginsberg heirs)
Berlin, 03.01.2025	<b>Jörg Rosbach</b> , Attorney at Law
Dresden, 03.01.2025	<b>Dr. Sabine Rudolph</b> , Attorney at Law
Berlin, 03.01.2025 of the	<b>Prof. Dr. Julius Schoeps</b> , historian and spokesperson Community of heirs of Paul von Mendelssohn-Bartholdy
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Montreal, 03.01.2025	<b>Dr. Max and Iris Stern</b> (Max Stern Art Restitution Project)
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Berlin, 03.01.2025	<b>Dr. Monika Tatzkow</b> , historian
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Munich, 03.01.2025	<b>Dr. Vanessa Maria Voigt</b> , art historian