

Mr. Chairman and Members of the Commission:

I wish to bring to the Commission's attention the issue of omitting from the Department of State's Annual Reports on the Observance of Human Rights the violations of the human right to own property and freedom from being arbitrarily deprived of one's property . The purpose is to elicit the interest of the Congress in this issue so that the Department of State may be directed to comply with Congressional mandate.

One of the major impediments to the resolution of the property restitution problem in the reorganized communist countries of Eastern and Central Europe is the fact that the Bureau of Democracy, Human Rights and Labor of the Department of State does not consider violations of property rights of sufficient importance to be included in its reports. The Bureau, moreover, contends that Congress in enacting 22 USC 2304 did not expressly mandate reports on violations of this human right.

Violations of the human right to own property free from arbitrary government interference are occurring on a massive scale in the countries of Central and Eastern Europe (Slovenia, Slovakia, Czech Republic, Hungary, Croatia, Poland, Lithuania, Latvia, Estonia, Bulgaria) where the communists have expropriated millions of people quite a few of whom are now American citizens. The outstanding claims for the return of the property confiscated by the communists are estimated between \$150 billion and \$500 billion.

If these violations were reported as required by law, United States security assistance to the above Central and Eastern European countries would have to be suspended. This would represent an embarrassment to the Department of State in its efforts to line up the so-called "new democracies" as allies in the restructured Europe.

On the other hand, in enacting Section 2304 [22 USC 2304 - Human Rights and Security Assistance], Congress declared that observance of human rights is a principal goal of American foreign policy. This policy conflicts with the practices in the reorganized communist countries. We are petitioning the Congress to uphold its policy without exceptions and reservations.

Although the Department of State makes statements of its human rights policy these are not sufficiently specific as to what the practices and procedures in preparations of the annual human reports are. Under 5 USC 552, the Freedom of Information Act, such practices and policies should be set forth in writing and be publicly available. So far no documentation has been released.

From the 2002 Country Report on Human Rights Practices for Slovenia it is seen that the Department of State recognizes the following human rights as worthy of reporting:

1. Freedom from: (a) Arbitrary or unlawful deprivation of life; (b) disappearance; torture or other cruel, inhuman, or degrading treatment; (d) arbitrary arrest, detention, or exile; (e) denial of fair public trial; (f) arbitrary interference with privacy, family, home, or correspondence.

2. Respect for civil liberties: (a) Freedom of speech and press; (b) freedom of peaceful assembly and association; (c) freedom of religion; (d) freedom of movement within the country, foreign travel, emigration and repatriation.
3. Respect for political rights: The right of citizens to change their government.
4. Governmental attitude regarding international and nongovernmental investigation of alleged violations of human rights.
5. Discrimination based on race, sex, religion, disability, language and social status: (a) status of women; (b) status of children; (c) disabled persons; (d) status of ethnic minorities.
6. Worker rights: (a) the right of association; (b) the right to organize and bargain collectively; (c) prohibition of forced or compulsory labor; (d) status of child labor; (e) acceptable conditions of work, (f) trafficking in persons.

From this it is seen that the report covers a considerable range of human rights, including some economic rights not referred to in the statute.

The right to own property without arbitrary interference from the government is at least as important as the right to acceptable conditions of work. I have taken this point up with Attorney Blanck in the Department of State as inquiries of this kind invariably are routed to a group of attorneys in the Department of State whose task is to justify withholding consular assistance to persons who have claims against foreign government if they were not United States citizens when their property was confiscated. Attorney Blanck stated that the position of the Department of State is that property rights and, consequently, the right to shelter are not human rights.

In support of its exclusionary practice the Department of State maintains that it is only required to report on violations of those human rights specifically mentioned in 22 USC 2304 (d), viz.:

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person;

Because the published reports contain subjects listed under Items 1 through 6 above, at least some of which are not expressly mentioned in 22 USC 2304 (b), it appears that The Department of State is making its own decisions which human rights are worthy of inclusion in its reports on the basis of political expediency.

It appears that 22 USC 2304 (b) is the statutory authority to which he referred. That statute, however, calls for a

"full and complete report ... with respect to practices regarding the observance and respect for internationally recognized human rights in each country proposed as a recipient of security assistance."

Moreover, the Universal Declaration of Human Rights, Article 17, states:

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property,

Therefore, the report on human rights practices should include a description on how this particular human right is observed as well.

Unfortunately this will not happen unless Congress specifically direct the Department of State to include reports on property violations in its annual reports. Obviously, the Department of State deems that such reporting would run contrary to the policies of countries of Central and Eastern Europe listed above, which are now considered desirable allies and members of the North Atlantic Treaty Organization. Finding that these countries are violating human rights on a massive scale could interfere with their benefitting from the aid receiving from the United States.

I respectfully request that the Department of State be directed by Congress to monitor, evaluate and report on the violation of the human right to own and enjoy property along with the reports on other human rights violations.

American Owners of Property in Slovenia is a group of United States citizens with property interests in the Republic of Slovenia who are trying to obtain restitution of or compensation for their property under the restitution legislation enacted in Slovenia in 1991. Its executive officers are Dr. Vladislav Bevc (Danville, California), Dr. Edi Gobetz, Slovenian Research Center of America (Willoughby Hills, Ohio), Mr. Borut Prah (Oakland, California) and Mrs. Vida Ribnikar (San Francisco, California).

American Owners of Property in Slovenia is affiliated with the Association of Owners of Expropriated Property with headquarters in Ljubljana, Slovenia (Združenje Lastnikov Razlaščenega Premoženja, at Adamič Lundrovo Nabrezje 2, P.O.Box 584, 1101 Ljubljana, Slovenia). The Association represents the interests of approximately 10 percent of the Slovenian population or about 200,000 people. Its President and Chief Executive Officers are: Professor Inka Stritar, President, Zdenka Goriup and Peter Logar, Vice Presidents. The Association's objective is to secure the restitution of or compensation for expropriated properties. It also seeks recognition of property rights as a basic human right under Article 17 of the Universal Declaration of Human Rights (adopted by the General Assembly of the United Nations on December 10, 1948) and the Resolution of the Council of Europe No. 1096, "On Measures to Dismantle the Heritage of Former Communist Totalitarian Systems," approved June 27, 1996.

Cooperating Organizations:

Savez Udruženja Za Zastitu I Unapredenje Vlasnistva I Vlasnickih Prava U Republici Hrvatskoj [Croatia]; Lega Nazionale D'Istria Fiume Dalmazia [Italy]; Združenje Lastnikov Razlascenega Premozenja [Slovenia]; American Owners of Property in Slovenia [USA], Focus Group [USA and Canada]; Committee for Private Property Inc.[USA]; The Czech Coordinating office [Canada], International Democracy Action Council [USA], Te Dehna Te Shkurtera Te Aktivitetit Te Shoqates Kombetare Te Te Shpronuesuarve Pronesi Me Drejtesi [Albania]; Lietuvos Zemes Savininku Sajunga [Lithuania], Association for Restitution of Private Property in Macedonia [USA], Hrvatska udruga vlasnika otudene imovine za vrijeme fasistickog i komunistickog rezima [Croatia]; Bund enteigneter/arisiertes Juden durch die Bundesrepublik Deutschland [Germany].