

## **Only 25 % for Late Applicants?**

### **Comments on an ad run by the Claims Conference in the April 2013 issue of the *Jüdische Zeitung*: "'Aryanised' assets in the former GDR"**

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This ad appeared simultaneously in several languages in many different countries.

Many readers felt a sense of relief when they read the news that the CC had set up a "Late Applicants Fund" and is accepting new claims requests. But that's the end of the good news.

Less encouraging is the fact that, in the context of the erstwhile Goodwill Fund, the CC stopped accepting new applications (except for special cases based on medical reasons) in the spring of 2004. The former Goodwill Fund paid out 80% of the revenues received by the CC to the legitimate heirs. This amount will now be much less, because the €50 million allotted for the Late Applicants Fund (LAF) is not nearly enough to cover the claims already filed. The CC is initially planning to pay out only 25% of the revenues up to a maximum of €50,000 per property asset – regardless of the number of heirs. The final amount to be paid to heirs will not be determined by the CC until after the application deadline, in other words, not before spring 2015.

The insufficient amount of money allocated for the LAF has also already led to protests from heirs who have been left empty-handed. It has also prompted inquiries from prominent persons, including members of the British Parliament. The heirs are of the opinion that the role of the CC is limited to that of a trustee. 1 (See the article "Still waiting for restitution," *Jüdische Zeitung*, October 2012, p. 12)

It is very annoying that the CC insists on placing limitations on the rights of the heirs they plan to include in the LAF. Most people can understand that distant relatives are not to be considered, as they would be under German inheritance laws. But the exclusion of grand nieces and nephews

has resulted in much dissension among the different communities of heirs. This restriction of inheritance rights results in the exclusion of direct descendants of former owners, even though they are sole survivors. But according to the intentions of the CC, grand nieces and nephews of the former owner's children who were murdered in Nazi concentration camps, are not regarded as eligible claimants. (See “What the guidelines and deadlines of the Goodwill Program are all about”, Jüdische Zeitung August 2008, p. 2 and “The Claims Conference and German inheritance law”, Jüdische Zeitung September 2011, p. 20)

The CC is also continuing its policy of providing pseudo-information in the publication of lists. Many Nazi victims have complained about a lack of transparency. This is now the third list published on the Internet. The first list published in 2003, but soon taken off the net, contained 59,198 names and addresses, but no asset values. The next list published in 2008 included 11,000 assets with values, but no names. Now, in 2013, we have a 158-page list with thousands of names and addresses, but once again without values.

This list also includes assets that have been registered by the CC, but not yet assessed in accordance with the Property Act. Therefore, these claims could also be rejected. According to statistics published by the CC [see [http://www.claimscon.org/index.asp?url=successor\\_org/asset](http://www.claimscon.org/index.asp?url=successor_org/asset)] as of December 2012, there were 56,080 real estate properties claimed and 51,162 cases decided to date, 8,307 of which were positive. This means that 84% of all real estate claims were rejected for various reasons. Many properties were registered two or three times. There was also some confusion regarding the names of property owners. In some cases, the alleged owners were only tenants.

There were even more rejections of business claims: 67,011 businesses were claimed. 50,944 cases were decided, but only 6,854 of these decisions were positive. 86 % of the business claims were rejected.