



FINAL REPORT

OF THE CLAIMS COMMITTEE OF THE
GENERAL SETTLEMENT FUND FOR
VICTIMS OF NATIONAL SOCIALISM

BRIEF OVERVIEW

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CLAIMS COMMITTEE OF THE GENERAL SETTLEMENT FUND FOR VICTIMS OF NATIONAL SOCIALISM

BRIEF OVERVIEW

One of the most significant projects ever to be implemented under Austria's Second Republic for the compensation of Nazi seizures of assets has come to an end. In September 2015 the Claims Committee of the General Settlement Fund for Victims of National Socialism presented its comprehensive final report to the Fund's Board of Trustees, which consists of the Presidium of the National Council, representatives from all parties elected to the Austrian Parliament and from the Federal Government, as well as representatives from victims' organizations and from the religious communities. On 4 April 2017 the report was acknowledged by the Main Committee of the National Council in the presence of the Claims Committee. Preparations are currently underway to publish a book on the subject of the final report, which is aimed at the general public.

ESTABLISHMENT AND GOALS OF THE GENERAL SETTLEMENT FUND

The General Settlement Fund for Victims of National Socialism, a fund endowed with 210 million U.S. dollars, was established in 2001 to provide a comprehensive resolution to open questions of compensation for loss and damage suffered by victims of National Socialism as a result of or in connection with events that occurred on the territory of the present-day Republic of Austria during the Nazi era. The Fund's task was to compensate for losses for which no – or only unsatisfactory – restitution or compensation had been granted.

The Fund was established in the wake of negotiations held by the governments of the USA and Austria with the participation of victims' representatives. On 17 January 2001 these negotiations led to a general agreement, which was followed by an inter-governmental treaty (the Washington Agreement). Its implementation in the Federal Law on the Establishment of a General Settlement Fund for Victims of National Socialism and on Restitution Measures (General Settlement Fund Law, in short GSF Law, Federal Law Gazette I 2001/12) followed soon thereafter.

The Law provided for the establishment of an independent, internationally-composed Claims Committee that would be responsible for establishing the procedure and deciding on applications for compensation received. The Claims Committee consists of Sir Franklin Berman as Chairman (Visiting Professor for International Law at the Universities of Oxford, Cape Town and King's College, London; judge in international conflict-resolution and court proceedings, Chairman of the Claims Committee since 2001), appointee by the U.S. Government G. Jonathan Greenwald (U.S. Diplomat and Vice-President of the International Crisis Group, Washington D.C., Member of the Claims Committee since 2006) and Austrian nominee Dr. Kurt Hofmann (Retired Vice-President of the Supreme Court, Member of the Claims Committee since 2001).

ELIGIBILITY TO FILE APPLICATIONS AND CATEGORIES OF LOSSES

Under the provisions of the General Settlement Fund Law, persons or associations who/that had been immediate victims of persecution were eligible to file applications, as were their legal successors. Persecution may have occurred on political grounds, on grounds of origin, religion, nationality or sexual orientation, on grounds of physical or mental handicap or of the accusation of so-called asociality. People who had left the country to escape such persecution were also recognized as victims.

Losses could be asserted in ten different categories:

- Liquidated businesses including licenses and other business assets
- Real property
- Bank accounts
- Stocks
- Debentures
- Mortgages
- Movable assets
- Insurance policies
- Occupational and educational losses
- Other losses and damage

FEATURES SPECIFIC TO THIS COMPENSATION MEASURE

The challenge faced by the Claims Committee and the staff of the General Settlement Fund was that compensation would take the form of individual payments for losses incurred in ten very different categories of assets, with the additional requirement that any compensation that had already been received as a result of previous measures also had to be taken into account.

As applications could be filed by persons who had suffered losses in their own right or by their heirs, it was impossible to predict how many applications could be expected, although the volume of applications would determine both the structure and the duration of the procedure. It was, however, clear that the development of a custom-made mass claims procedure would be crucial to its success.

Following on from this, it was also impossible to predict the sums that would be awarded to the individual applicants. Since the General Settlement Fund was capped at 210 million U.S. dollars under the Washington Agreement, as matters stood initially the allocation and payment of each claimant's *pro rata* share could take place only years later, once all the applications had been decided. It only became possible to calculate the amount that would be paid to each applicant once the sum total of all recognized claims had been determined.

The Claims Committee had known from the outset that the amount available for distribution would cover no more than a percentage of the asserted claims' actual value. This created a field of tension between the Fund's limited means – together with the final and definitive character of the compensation scheme – and the recognition of moral responsibility expressed in the law, a tension which was to accompany the Claims Committee during the entire course of its work.

The procedure would have to take account of the fact that the majority of the applicants would be survivors of Nazi persecution and, as such, would already have reached an advanced age. For this reason, both the applicants and the staff wanted the claims to be processed swiftly, although the large number of applications meant in itself that lengthy proceedings were unavoidable. This circumstance was exacerbated by the fact that the harmful events had been suffered so long ago that the applicants often no longer possessed any detailed information about their own and their families' losses. Finally, the applicants lived scattered throughout the world, many having emigrated to escape persecution. This made communication difficult since the applicants lived in different time-zones and used many languages.

PROCEDURE

Taking these particular characteristics into account, the Claims Committee set about creating the legal and organizational framework for a procedure directed at the practical realization of the provisions of the Washington Agreement and the General Settlement Fund Law.

TWO TYPES OF PROCEDURE

Pursuant to the General Settlement Fund Law claims for compensation could be put forward in one of two types of procedure. Whether the Claims Committee decided a claim in the claims-based procedure or the equity-based procedure basically depended on the strength of the evidence available: In the claims-based procedure the principle of a relaxed standard of proof applied, whereas in the equity-based procedure, claims could be decided which did not meet even the relaxed standards of proof required in the claims-based procedure but where the Claims Committee “had reason to believe that a case of property loss eligible for consideration” existed. “Occupational and educational losses” and “other losses and damage” could only be asserted in the equity-based procedure, while associations could only assert claims in the claims-based procedure.

ASSESSMENT/EVALUATION OF LOSSES

As mentioned, the Claims Committee had to determine each loss separately and at the same time it had to meet the requirements of a mass claims procedure. In order to offset this contradiction, the Claims Committee resolved to value established losses individually wherever possible, resorting to lump sum valuations only in cases where it could not do so despite intensive research (generally owing to missing evidence). The category "Occupational and educational losses", in particular, called for lump sum compensation on the basis of the duration and gravity of the negative impact, as it would have been impossible to calculate the individual value of these losses. Before a value could be placed on a loss, it had to be established whether any compensation had already been received for it under a previous restitution measure, as stipulated by the Washington Agreement and the General Settlement Fund Law. This process proved to be very time-consuming.

RECOURSE AND REOPENING

Nevertheless, the speedy handling of applications was one of the Claims Committee's highest priorities in the organization of its procedures. In order to assure the substantive correctness of its decisions the Claims Committee included in its Rules of Procedure the opportunity to correct earlier decisions by reopening cases on an *ex officio* basis. Parallel to this, but subject to particular requirements, the Law also allowed applicants a right of recourse, in the form of an application for a fresh determination of their case.

INHERITANCE LAW

Inheritance rights were another key question that the Claims Committee had to address during the course of its proceedings. For heirs of a historical person, the question of inheritance arose right at the beginning of the procedure as a precondition for an applicant's eligibility to claim, while the amount of the compensation was determined on the basis of the inheritance share. Inheritance also had to be examined in the event of an applicant's death during ongoing proceedings in order to be able to resume these proceedings with the heirs, which proved to be extremely time-consuming. The greatest challenge in this regard lay in the fact that the Claims Committee had to come to grips with the inheritance legislation and legal systems of some 50 countries, owing to the applicants' international dispersal. In addition, the Austrian legislator had prescribed the *mutatis mutandis* application of the Austrian General Civil Code to matters of inheritance.

COMMUNICATION WITH THE APPLICANTS

In awareness of the initial situation described above, the Claims Committee also went to considerable lengths to satisfy the applicants' desire for information as best it could. To this end, the office of the Fund's Secretary General set up a communication department. In view of the dramatic life stories and advanced age of many of the applicants it was important to place a heavy emphasis on empathy and sensitivity in undertaking this emotionally demanding task. When dealing with the applicants, staff were careful to ensure that these encounters were not only informative but that the applicants felt valued and appreciated, creating a foundation of trust for people who often had to describe emotional personal experiences during the application process.

STANDARDIZED PROCESSING OF APPLICATIONS

When processing and deciding on applications, the Claims Committee's guiding principle was the equal treatment of equal cases. In order to achieve this, the Claims Committee drew up guidelines designed to secure equal treatment of all 20,702 received applications containing 151,949 individual claims (the number of individual claims indicate that most applications contained claims for losses relating to several historical persons.). Equal procedural treatment of all applications was a prerequisite for their equal substantive treatment. The Claims Committee consequently decided to implement a standardized procedure ("*standardisiertes Verfahren*") for processing applications. Upon receipt of an application, a physical file was opened. From this time on, each application was subject to the same procedural steps leading up to the decision by the Claims Committee and the subsequent payment of the awarded amount. The standardized procedure clearly defined the precise course of action to be taken for each step.

Together with its centerpiece, the tailor-made database software application "*SV neu*", the standardized procedure guaranteed the greatest possible efficiency when preparing the applications for decision by the Claims Committee and their equal treatment. Moreover it ensured that the margin for error remained narrow; by crosslinking the applications through the historical persons it prevented historical losses being compensated more than once.

One of the key procedural steps was the historical research undertaken by the staff of the Fund itself, which provided an essential foundation for the legal processing of the cases. In order to be able to ensure the equal treatment of all applicants during the historical research, the Fund implemented a standardized research procedure ("*Standardrecherche*"), in order that the same extensive research holdings and archival sources were consulted for every case (differing only to account for the grounds of a person's persecution).

To cling to a strict interpretation of the principle of application would have meant that many applicants would have been unable to receive any compensation at all. Therefore, in addition to the information and/or evidence provided by the applicants in their applications, information obtained by the historians of the General Settlement Fund during the standardized research procedure or already contained in files of the National Fund was also taken into account. Applications could also be extended to include losses that had been verified despite not having been specifically requested by the applicant in the application to the General Settlement Fund.

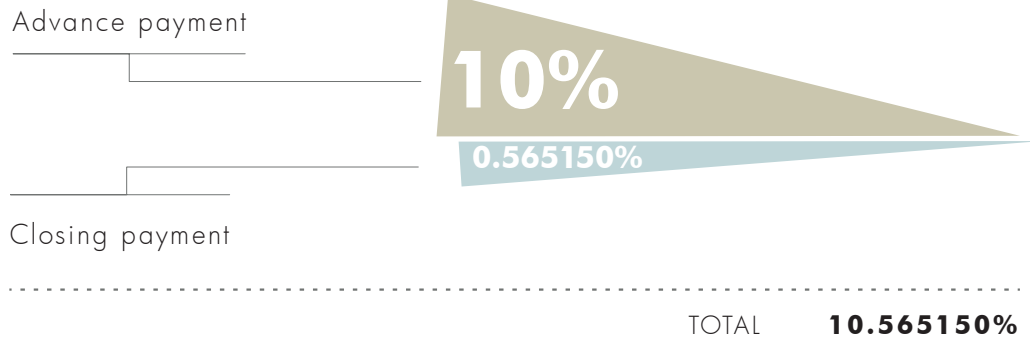
For the standardized procedure it was very important for there to be a close collaboration between the Claims Committee and the administration of the General Settlement Fund, described as follows in the motion for the legislative amendment, Federal Law Gazette I 2013/9: *"The processes of the Fund are characterized by continual interaction between the Claims Committee and the Administration. All legally binding decisions on payments from the Fund are issued by the Claims Committee pursuant to Sec. 4 of the GSF Law. The Administration prepares these and all other correspondence and executes the decisions pursuant to Sec. 24 of the Claims Committee's Rules of Procedure."*

ADVANCE AND CLOSING PAYMENTS

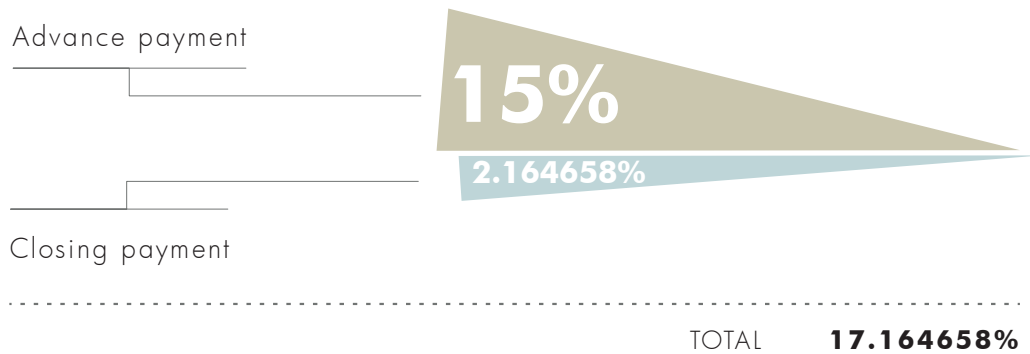
The way the procedure was originally conceived meant that even if the individual proceedings could be completed quickly, no payments could be made until the Claims Committee had decided all applications. This would have meant that large numbers of applicants – many of them immediate victims of Nazi persecution – would not have lived to receive their payments from the Fund. To remedy this, the General Settlement Fund Law was amended (Federal Law Gazette I 2005/142) once “legal peace” (the endowment of the Fund depended on the dismissal of all lawsuits filed in the USA) had been secured in 2005. This allowed for proportional advance payments to be made to applicants whose claims had already been determined. In late 2005, the Fund was able to make the first of these advance payments to applicants. This, too, demonstrated the flexibility and efficiency of the standardized procedure: within a short time the procedure that had hitherto been geared towards making payments once all applications had been processed and decided was able to be substantially restructured, and advance payments made.

A further prerequisite for the advance payments was the determination of what percentage share (“quota”) of the value of the claims accepted by the Claims Committee could be awarded. Separate quotas had to be calculated for both types of procedure (claims-based and equity-based) and for insurance policies. Statisticians undertook “Quota estimates and statistical risk analysis for the payments from the General Settlement Fund”, which were used as a basis for the Board of Trustees to determine what percentage of the recognized claims could be disbursed as advance payments.

CLAIMS-BASED PROCEDURE



EQUITY-BASED PROCEDURE



INSURANCE POLICIES

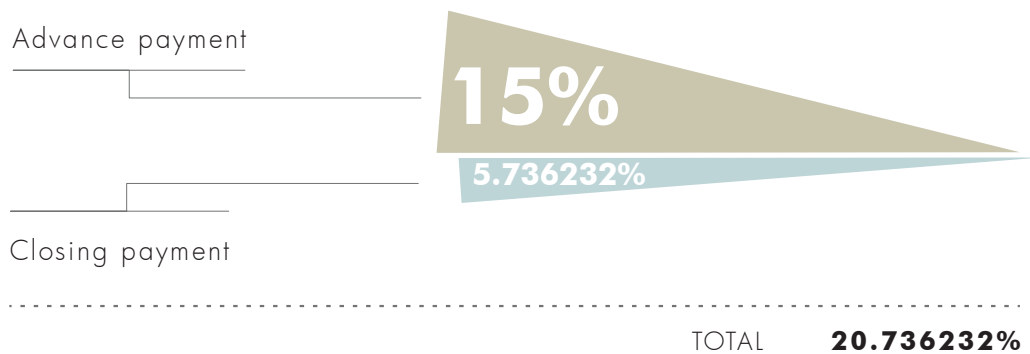
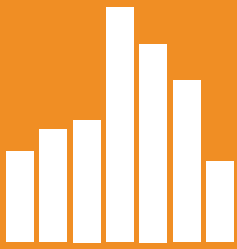


Table 1 | Payment quotas

In 2009, the General Settlement Fund Law was amended once more (Federal Law Gazette I 2009/54) so as to prevent the final payments, in particular for elderly applicants, being further delayed by the few complex cases that were still underway. This amendment enabled the disbursement of the final payments, before all applications had been decided. The amendment stipulated that the General Settlement Fund compile a report on the losses and damage on which a first decision had been reached by 1 July 2009 – the date of the amendment’s entry into force. For the applications that had not been decided by that date and for all decisions amended after 1 July 2009 on grounds of appeal or reopening the Republic of Austria made additional funds of 3.4 million Euros available. On the basis of the decisions reached by the Claims Committee by 1 July 2009 and the total amount available to the General Settlement Fund for disbursement, the final payment quotas for both types of procedure were calculated by the Board of Trustees pursuant to Sec. 5 (3) of the General Settlement Fund Law and fixed on 7 July 2009.

OUTCOME

The challenging procedure of the General Settlement Fund was not only characterized by efficient historical and legal work but especially by the special responsibility towards the victims of National Socialism. Its final outcome was the statutory payments: In total the Claims Committee recognized claims amounting to approximately 1.6 billion U.S. dollars. By 15 March 2017, 213,268,227.04 U.S. dollars had been disbursed (161,518,959.95 U.S. dollars as advance payments and 51,749,267.09 U.S. dollars as closing payments).



STATISTICS

In the following brief overview you can find a summary of the statistical section of the final report of the Claims Committee of 1 September 2015. The statistical overviews it contains can be viewed in high resolution at www.entschaedigungsfonds.org/antragskomitee-statistiken. The cut off day for data collection was 11 August 2015. (Minor deviations from the figures published in other publications of the General Settlement Fund are a result of different counting methods; deviations in the figures relating to the search for heirs arise from an earlier cut off day.)

PERSONS

The Claims Committee evaluated the relationships in terms of property rights between a total of 55,769 persons in their occasionally multiple procedural roles as:

- historical persons, who directly suffered losses and damage (37,623),
- applicants (20,702),
- co-heirs of applicants (3,230; co-heirs are heirs of deceased historical persons who did not file an application in their own right but could be incorporated into the proceedings by the applicant),
- heirs of applicants deceased during their proceedings (6,508).

The distribution and intersection of the roles of the persons involved in the proceedings is illustrated by a Venn diagram in **fig. 1**. **Fig. 2** illustrates the distribution of birth cohorts of these groups. (Most historical persons who filed an application in their own right were born around 1923. Most historical persons whose heirs filed applications were born around 1892.)

Fig. 3 shows the applicants' countries of residence.

It is often the case that applications referring to one historical person or asset are filed by several legal successors acting independently of each other. Therefore, most applications have to be bundled with related applications (in 13,209 "bundles") rather than being dealt with in isolation. The number of persons dealt with in each bundle came to between one and 327 (4.37 on average).

Up to 87 legal successors (average 2.61) had to be taken into account for each historical person deceased. Some legal successors succeeded to as many as 37 historical persons (1.62 on average).

3,230 co-heirs were included in the procedure by 1,769 applicants. There were up to 32 co-heirs per application (on average 1.85).

By the cut off date for these statistics 4,783 applicants had died before receiving the closing payment. The Claims Committee confirmed 6,508 heirs to 4,053 of these deceased applicants. There were up to 20 heirs for each of these applications (1.67 on average).

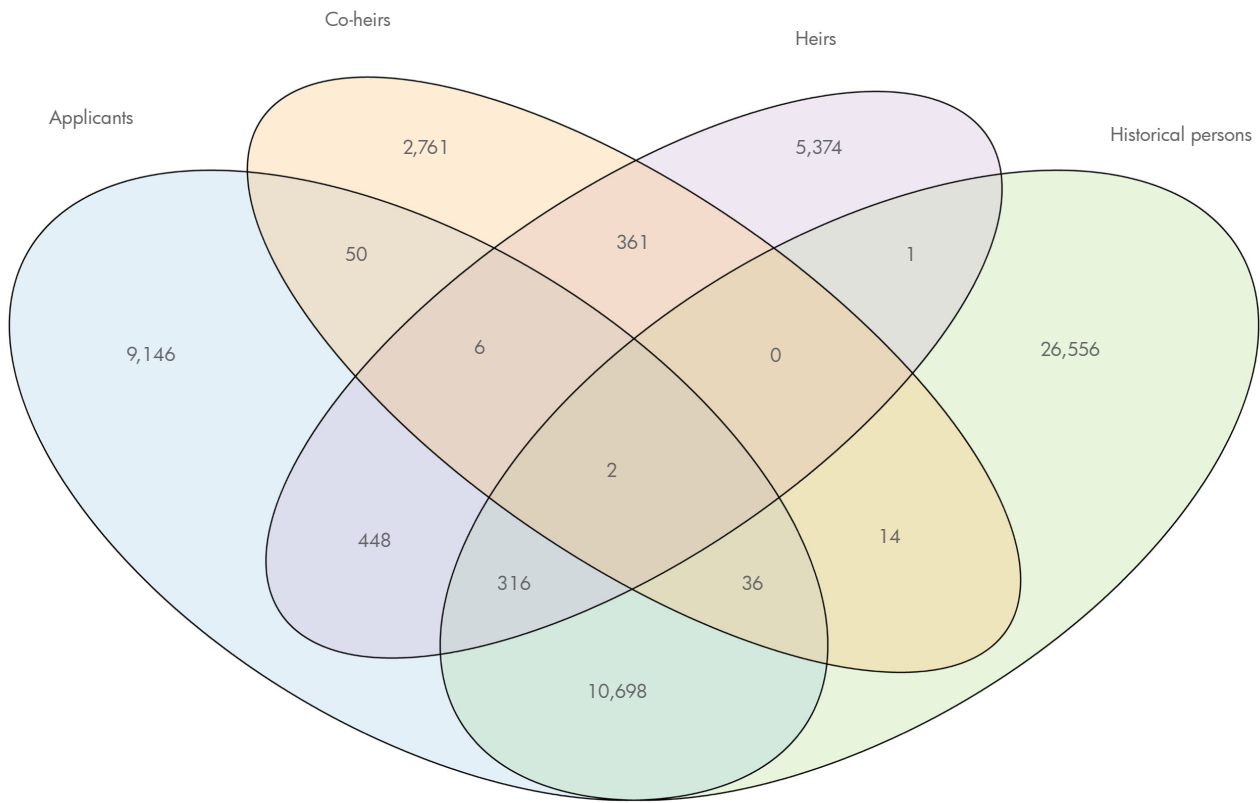


Figure 1 | Distribution and overlap of the categories of persons

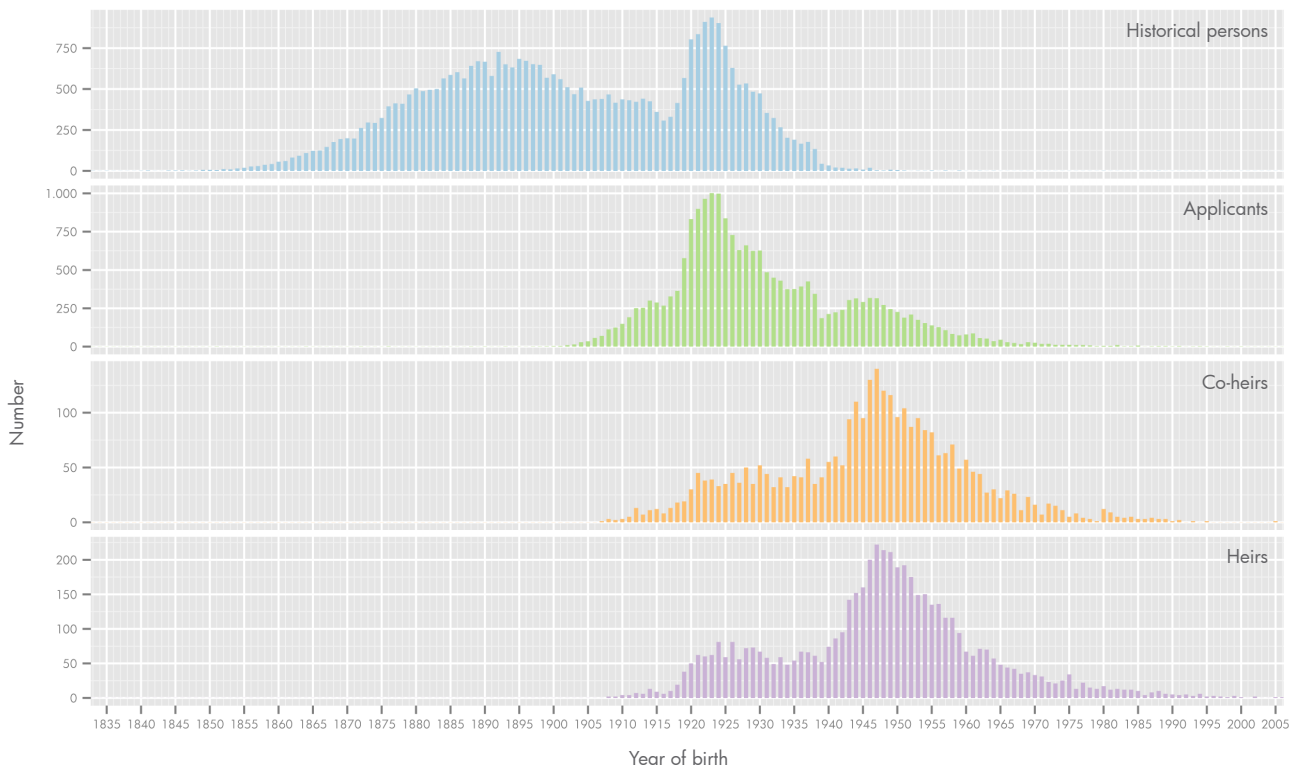


Figure 2 | Distribution of years of birth for these groups

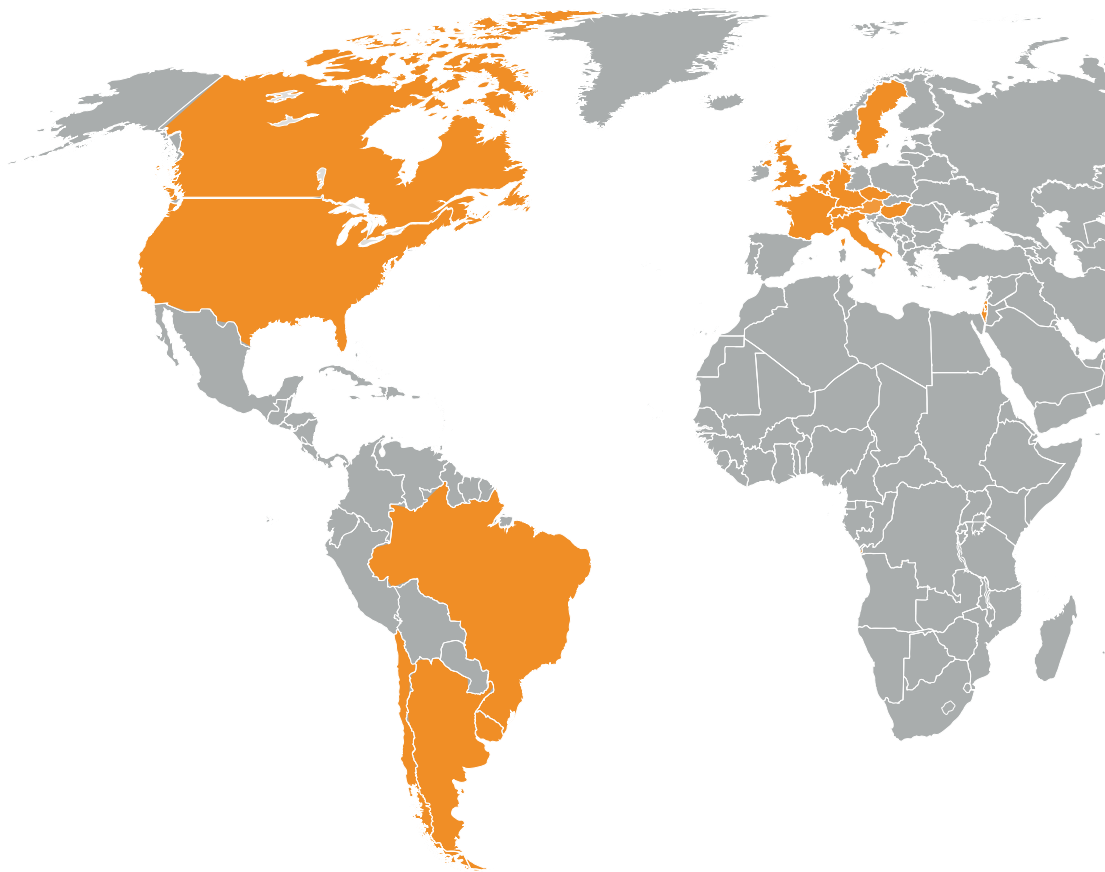


Figure 3 | Applicants' countries of residence



BELGIUM

114 🧑 | 0.55 %

GERMANY

350 🧑 | 1.70 %

FRANCE

407 🧑 | 1.97 %

GREAT BRITAIN

2,180 🧑 | 10.57 %

SWEDEN

137 🧑 | 0.66 %

SWITZERLAND

229 🧑 | 1.11 %

CZECH REPUBLIC

123 🧑 | 0.60 %

HUNGARY

117 🧑 | 0.57 %

ISRAEL

3,160 🧑 | 15.32 %

ITALY

81 🧑 | 0.39 %

NETHERLANDS

74 🧑 | 0.36 %

AUSTRIA

3,805 🧑 | 18.44 %

AUSTRALIA

1,177 🧑 | 5.70 %

NEW ZEALAND

52 🧑 | 0.25 %

OTHERS

466 🧑 | 2.26 %

LOSSES AND CLAIMS

The applications contained 151,949 claims for 94,335 individual losses incurred by historical persons.

- 132,186 claims (87 %) were filed by the applicants on their own behalf and 19,763 (13 %) were filed on behalf of their co-heirs.
- 29,139 claims (19.18 %) resulted from applications being extended to claims to losses or assets not originally requested.
- There were up to 31 losses to be evaluated per historical person (on average 2.51).
- Each application contained up to 261 claims for assessment (on average 7.34).

Category of assets	Procedure	Applications	Claims	Recognized	Awarded
Stocks	Claims-based procedure	4,293	7,411	234,251,757.90 USD	24,749,049.60 USD
Stocks	Equity-based procedure	1,394	1,878	243,647.45 USD	41,821.25 USD
Bank accounts	Claims-based procedure	5,326	9,604	140,855,299.32 USD	14,881,573.66 USD
Bank accounts	Equity-based procedure	3,051	4,116	462,664.54 USD	79,414.79 USD
Occupational and educational losses	Equity-based procedure	17,979	40,753	506,753,371.97 USD	86,982,483.20 USD
Movable assets	Claims-based procedure	4,734	9,753	63,756,958.06 USD	6,736,018.25 USD
Movable assets	Equity-based procedure	11,229	18,742	24,177,046.39 USD	4,149,907.33 USD
Mortgages	Claims-based procedure	365	524	16,437,634.12 USD	1,736,660.70 USD
Mortgages	Equity-based procedure	359	458	0.00 USD	0.00 USD
Real property	Claims-based procedure	328	508	11,375,882.43 USD	1,201,879.04 USD
Real property	Equity-based procedure	7,865	13,780	227,743.46 USD	39,091.39 USD
Liquidated business	Claims-based procedure	8,757	12,904	338,926,387.97 USD	35,808,081.28 USD
Liquidated business	Equity-based procedure	3,494	4,810	4,494,101.72 USD	771,397.19 USD
Debentures	Claims-based procedure	2,375	3,590	105,785,810.77 USD	11,176,429.59 USD
Debentures	Equity-based procedure	724	936	21,740.08 USD	3,731.61 USD
Other losses and damage	Equity-based procedure	3,406	5,437	18,780,359.13 USD	3,223,584.42 USD
Insurance policies	Claims-based procedure	4,232	9,267	122,245,172.08 USD	25,349,042.49 USD
Insurance policies	Equity-based procedure	4,578	7,260	98,295.21 USD	16,872.04 USD
Sum total with the exception of insurance policies	Claims-based procedure	11,865	44,294	911,389,730.57 USD	96,289,692.12 USD
Insurance policies	Claims-based procedure	4,232	9,267	122,245,172.08 USD	25,349,042.49 USD
All	Equity-based procedure	19,986	98,170	555,258,969.95 USD	95,308,303.21 USD
All	All	20,702	151,949	1,588,893,872.59 USD	216,947,037.82 USD

Table 2 | Liquidated businesses including licenses and other business assets

THE CLAIMS COMMITTEE'S APPLICATION ASSESSMENTS

18,155 applicants (87.70 %) were awarded compensation by the Claims Committee. There were 2,547 applications (12.30 %) in which every single claim was rejected.

INHERITANCE LAW

Inheritance relationships had to be examined for 26,763 of the 37,623 historical persons (71.13 %).

For 5,815 of these 26,763 historical persons (21.73 %) no legal successor could be established. For the remaining 20,948 historical persons (78.27 %) the legal successors could be established for an average of 89.48 % of the inheritance shares.

APPROVED AND DENIED CLAIMS

The Claims Committee granted a little over two-thirds of the claims filed (103,425, or 68.07 %); the remaining claims were rejected (47,201, or 31.06 %) or not dealt with by the Claims Committee, mainly as they did not fall under the Committee's scope of competence (1,323, or 0.87 %).

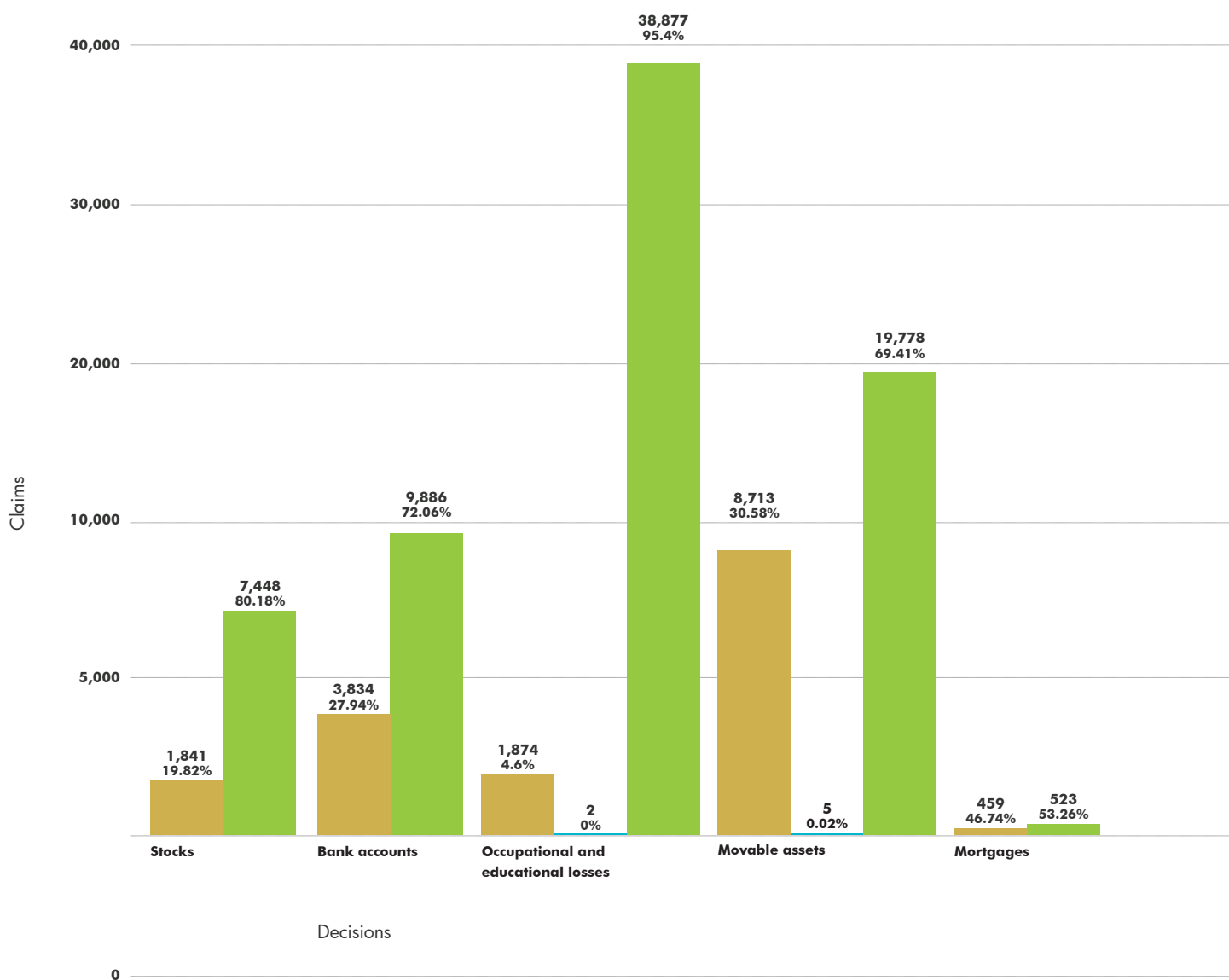
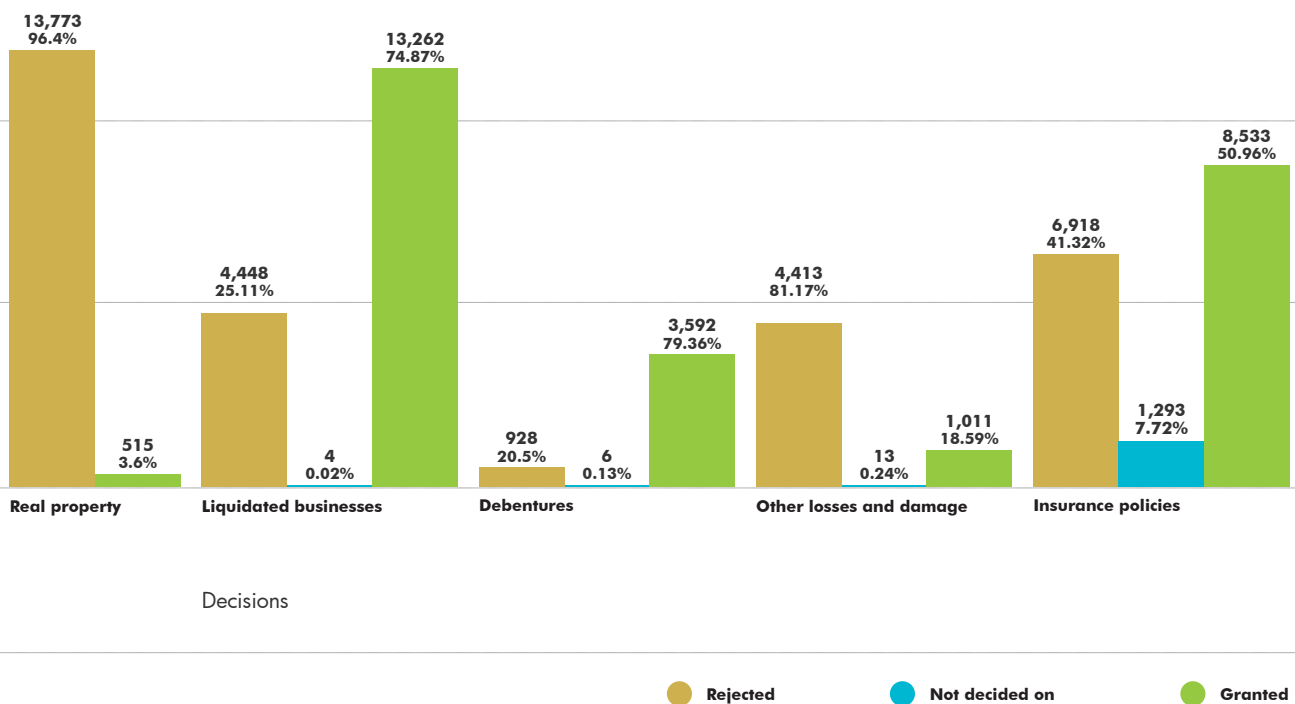


Figure 4 | Decisions according to category of assets

The proportion of approved and rejected claims varies widely for each category of assets. The highest proportion of positive decisions can be found in the category “Occupational and educational losses”, while a large majority of the claims for real estate were rejected.



EVALUATION OF LOSSES AND CLAIMS, PAYMENTS AWARDED

In order to determine the amounts of the recognized claims the losses had to be valued. For deceased historical persons the amount was multiplied by the inheritance share of the legal successor; compensation payments that had been awarded in prior proceedings were deducted.

Table 3 shows the broad spectrum covered by the valuation of losses, ranging from 3.29 U.S. dollars to 8,945,430.03 U.S. dollars.

Type of procedure	Category of assets	Minimum	Maximum	Arithmetic mean	Median
Claims-based procedure	Stocks	4.91 USD	6,747,525.64 USD	67,897.30 USD	9,827.02 USD
Claims-based procedure	Bank accounts	3.29 USD	2,386,985.66 USD	30,198.68 USD	6,728.22 USD
Claims-based procedure	Movable assets	4.91 USD	3,926,892.41 USD	16,184.51 USD	3,562.30 USD
Claims-based procedure	Mortgages	573.24 USD	832,009.73 USD	63,090.75 USD	34,275.44 USD
Claims-based procedure	Real property	81.91 USD	730,476.94 USD	57,298.21 USD	19,654.04 USD
Claims-based procedure	Liquidated businesses	98.27 USD	4,481,542.15 USD	52,485.30 USD	24,567.56 USD
Claims-based procedure	Debentures	34.39 USD	7,781,833.73 USD	64,820.88 USD	19,880.07 USD
Claims-based procedure	Insurance policies	5.36 USD	1,994,038.31 USD	28,846.09 USD	6,570.16 USD
Equity-based procedure	Stocks	319.38 USD	84,171.93 USD	7,767.44 USD	1,228.38 USD
Equity-based procedure	Bank accounts	23.78 USD	110,445.65 USD	2,739.94 USD	1,228.38 USD
Equity-based procedure	Occupational and educational losses	12,283.78 USD	49,135.11 USD	21,073.10 USD	12,283.78 USD
Equity-based procedure	Movable assets	76.87 USD	8,945,430.03 USD	5,772.25 USD	4,495.21 USD
Equity-based procedure	Real property	4,495.21 USD	68,789.15 USD	17,518.73 USD	12,283.78 USD
Equity-based procedure	Liquidated businesses	1,228.38 USD	1,327,858.83 USD	25,103.58 USD	12,283.78 USD
Equity-based procedure	Debentures	1,228.38 USD	7,409.00 USD	2,871.06 USD	1,842.57 USD
Equity-based procedure	Other losses and damage	98.27 USD	1,968,136.31 USD	41,620.16 USD	12,326.99 USD
Equity-based procedure	Insurance policies	899.04 USD	12,692.38 USD	3,751.67 USD	3,000.00 USD
Equity-based procedure	All	23.78 USD	8,945,430.03 USD	18,878.67 USD	12,283.78 USD
Claims-based procedure	All	3.29 USD	7,781,833.73 USD	41,428.16 USD	12,283.78 USD
Both	All	3.29 USD	8,945,430.03 USD	29,497.07 USD	12,283.78 USD

Table 3 | Spectrum of loss valuations

The sums awarded were ascertained by multiplying the sum of the recognized claims with the payment quotas. **Table 4** shows the total sum of the recognized claims and the amounts awarded according to each category of losses.

Category of assets	Claims recognized (USD)	Percentage %	Amount awarded (USD)	Percentage %
Stocks	234,495,405.34	14.76	24,790,870.85	11.43
Bank accounts	141,317,963.86	8.89	14,960,988.44	6.90
Occupational and educational losses	506,753,371.97	31.89	86,982,483.20	40.09
Movable assets	87,934,004.44	5.53	10,885,925.58	5.02
Mortgages	16,437,634.12	1.03	1,736,660.70	0.80
Real property	11,603,625.89	0.73	1,240,970.43	0.57
Liquidated businesses	343,420,489.69	21.61	36,579,478.47	16.86
Debentures	105,807,550.85	6.66	11,180,161.20	5.15
Other losses and damage	18,780,359.13	1.18	3,223,584.42	1.49
Insurance policies	122,343,467.29	7.70	25,365,914.53	11.69
TOTAL	1,588,893,872.59	100	216,947,037.82	100

Table 4 | Claims recognized and payments awarded according to category of assets

Table 5 shows the recognized claims and payments awarded per application and in total.

The proportion of applications extended to include further claims is 23.30 % of the total recognized claims and 22.78 % of the payments awarded; co-heirs account for 8.23 % of the recognized claims and 7.87 % of the payments awarded.

Claims recognized	Minimum	Maximum	Arithmetic mean	Median
Claims-based procedure (without insurance policies)	4.91 USD	6,677,362.14 USD	76,968.98 USD	24,567.56 USD
Claims-based procedure, insurance policies	8.65 USD	1,994,038.31 USD	30,684.03 USD	6,813.03 USD
Equity-based procedure	20.13 USD	2,891,189.05 USD	31,395.40 USD	24,567.56 USD
All	4.91 USD	8,412,169.75 USD	87,518.25 USD	39,463.77 USD

Payments awarded	Minimum	Maximum	Arithmetic mean	Median
Claims-based procedure (without insurance policies)	0.52 USD	705,473.33 USD	8,131.89 USD	2,595.60 USD
Claims-based procedure, insurance policies	1.79 USD	413,488.41 USD	6,362.71 USD	1,412.77 USD
Equity-based procedure	3.46 USD	496,262.71 USD	5,388.91 USD	4,216.94 USD
All	0.52 USD	1,079,766.03 USD	11,949.71 USD	6,325.41 USD

Table 5 | Claims recognized and payments awarded per application and in total

Main grounds for rejection

Although the overwhelming number of claims proved to be justified, it is nonetheless interesting to perform an analysis of the grounds for rejection. More details are available online. On the whole, it can be stated that for a large majority of rejected claims it could not be credibly substantiated that the historical person was the owner of the asset for which compensation was requested (18,256 claims) or that the applicant was an eligible legal successor to the historical person (6,115). Claims for “real property” and “liquidated businesses” were often rejected as they had already been dealt with in previous proceedings (6,452). Many claims for “movable assets” had also be covered by earlier, more general measures, in particular by the compensation pursuant to Sec. 2b of the National Fund Law for “tenancy rights to apartments and commercial business premises, household effects and personal valuables” (6,931).

RECOURSE AND REOPENING OF PROCEEDINGS

In 551 proceedings (2.66 %) the Claims Committee ruled on an application to reopen the case for a new decision ("recourse"); in 1,523 cases (7.36 %) the Claims Committee reopened proceedings *ex officio*.

HISTORICAL RESEARCH AND EVIDENCE RECORDED

The General Settlement Fund set up a research database containing over 215,850 files from different archival holdings as an in-house finding aid. On the basis of these records, 41,799 documents were gathered from the archives in order to carry out the proceedings. In addition, staff collected 19,624 historical land register excerpts and made 10,902 inquiries about insurance policies.

In total the researched documents, those submitted by the applicants, and statements on research carried out by the General Settlement Fund amount to around 300,000 individual documents.

PAYMENTS

In total, 39,851 payments were had been disbursed by 11 August 2015; they were distributed among the recipients and over the phases of the payment procedures as follows.

PHASE	RECIPIENTS	TRANSACTIONS	AMOUNT (USD)	PERCENTAGE (%)
ADVANCE PAYMENT	ALL	18,169	161,518,959.95	74.45
	APPLICANTS	13,951		
	HEIRS	1,874		
	CO-HEIRS	2,344		
CLOSING PAYMENT	ALL	21,682	50,457,385.03	23.26
	APPLICANTS	13,149		
	HEIRS	5,423		
	CO-HEIRS	3,110		
TOTAL		39,851	211,976,344.98	97.71
Not yet disbursed			4,970,692.84	2.29

Table 6 | Payments

THE REMAINING TASKS OF THE GENERAL SETTLEMENT FUND

The submission of the final report of the Claims Committee does not mean that the work of the General Settlement Fund has come to a close. Only when the tasks that are still underway have been completed (the search for the heirs of deceased applicants: it is still possible to lay claim to payments until the end of April 2019, from which time they become subject to the Statute of Limitations; its continued role as the business apparatus of the Arbitration Panel for In Rem Restitution; securing and documenting the databases and its archive holdings), will Sec. 1 (4) of the General Settlement Fund Law become applicable, which stipulates that the General Settlement Fund shall be deemed dissolved once its tasks have been fully completed.

The objective will thereupon have been achieved and the challenging task of the Claims Committee and the General Settlement Fund completed after many illuminating and eventful years. In his foreword to the final report, Sir Franklin Berman describes these years and the special responsibility associated with the tasks of the Claims Committee:

"To have contributed, over a period of some 15 years, to the construction, and then the successful operation, of a system for addressing intolerable past injustice is a moral activity, felt equally strongly to be so by all of those involved. To have been asked to do so [...] is a sobering experience, which prompts many questions about human societies and human nature, and the dangers to which both are subject."

GENERAL
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