



In rem restitution

In addition to the Claims Committee, the independent Arbitration Panel for In Rem Restitution was also established at the General Settlement Fund. This three-person committee could recommend the restitution of real estate and super structures and moveable assets of Jewish communal organizations seized during the Nazi era, as long as they were publicly-owned on the cut off day 17 January 2001.

Publicly-owned property comprised property owned by the Federation and by the provinces and municipalities that opted in to the proceedings of the Arbitration Panel: the City of Vienna, the provinces of Upper Austria, Salzburg, Carinthia, Lower Austria, Styria, Vorarlberg and Burgenland and the municipalities of Bad Ischl, Eisenstadt, Frauenkirchen, Grieskirchen, Kittsee, Kobersdorf, Korneuburg, Mattersburg, Oberwart, Purkersdorf, Rechnitz, Stockerau, Vöcklabruck and Wiener Neudorf. The municipalities of Bad Vöslau and Schwechat requested the Arbitration Panel for *In Rem* Restitution to examine two applications filed with the Arbitration Panel.

Requirements for restitution were that the asset had been seized during the Nazi era in Austria between 1938 and 1945, the claim had not previously been decided by an Austrian court or administrative body or settled by agreement and the property was under public ownership on the cut-off date.

In certain exceptional cases, the Arbitration Panel could recommend restitution despite the existence of a prior decision or settlement if it reached the conclusion that the prior measure constituted an “extreme injustice”. The same applied if the claim had been rejected in prior proceedings due to lack of evidence and evidence that had not been accessible then had since become available. In practice, nearly all of the applications ruled on by the Arbitration Panel concerned properties that had already been the subject of historical restitution proceedings.

The last deadlines for filing applications for *in rem* restitution expired on 31 December 2011.