



Kristen Nelson <kristen.nelson@shoahlegacy.org>

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## European Shoah Legacy Institute's Immovable Property Database Initiative/ Questionnaire for Germany

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**Anna.Gerits@bmf.bund.de** <Anna.Gerits@bmf.bund.de>  
To: kristen.nelson@shoahlegacy.org, Dirk.Langner@bmf.bund.de  
Cc: Barbara.Busch@bmf.bund.de, Alexandra.Radigk@bmf.bund.de, rshah@bhfs.com

Tue, Apr 5, 2016 at 3:29 AM

Dear Kristen Nelson,

the attached document is the most recent overview.

Best regards

Anna Gerits

**Von:** Kristen Nelson [mailto:kristen.nelson@shoahlegacy.org]

**Gesendet:** Freitag, 18. März 2016 16:33

**An:** Langner Dr., Dirk (V B)

**Cc:** Gerits, Anna Maria (V B 4); Busch, Barbara (V B 4); Langer, Stefan (V B 1); Radigk, Alexandra (Pool V); Stemmer, Birgit (V B 1); Petra Seidlová; Shah, Rajika L.; Boyd, Lee Crawford; Michael Bazylar

**Betreff:** Re: European Shoah Legacy Institute's Immovable Property Database Initiative/ Questionnaire for Germany

Dear Mr. Langner and Ms. Gerits,

We really appreciate you taking the time to respond to our letter. We apologise that we originally had your incorrect contact information in our files.

From Mr. Langner's email, we understand that the BADV put together a compilation of restitution laws before the 2009 Prague conference. Do you know if the attached "Federal Ministry of Finance: Compensation for National Socialist Injustice 2014" document is the most recent overview of the German laws relating to restitution/compensation?

Thank you so much for your assistance.

Kindest regards,

Kristen Nelson

On Fri, Mar 18, 2016 at 2:15 AM, <Dirk.Langner@bmf.bund.de> wrote:

Liebe Frau Gerits,

Vielen Dank fuer die Beantwortung. Im Vorfeld der Prager Konferenz 2009 hatte das BADV eine Zusammenstellung der deutschen Restitutionsgesetzgebung gemacht. Jetzt sind die Zahlen aktueller. Aber das sind Wiederholungen.

Viele Gruesse

Dirk Langner

Gesendet von meinem BlackBerry 10-Smartphone.

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**Von:** Gerits, Anna Maria (V B 4)

**Gesendet:** Donnerstag, 17. März 2016 18:08

**An:** [kristen.nelson@shoahlegacy.org](mailto:kristen.nelson@shoahlegacy.org)

**Cc:** Busch, Barbara (V B 4); Langer, Stefan (V B 1); Radigk, Alexandra (Pool V); Langner Dr., Dirk (V B); Stemmer, Birgit (V B 1)

**Betreff:** WG: European Shoah Legacy Institute's Immovable Property Database Initiative/ Questionnaire for Germany

Dear Kristen Nelson,

your email to BMF and Zentralrat der Sinti und Roma in Deutschland, Heidelberg was sent in August 2015. Because the email address was not correct, we got the email with delay. The Zentralrat informed us that they don't have any responsibility in this field. Therefore they don't feel responsible to answer your questionnaire. Maybe you could check why they are on your list.

In Germany the Property law regulations are closed:

The Act Regulating Open Property Matters entered into force together with the Unification Treaty on 29 September 1990. Ac-

According to section 1 subsection (6), it is to be applied to claims by citizens and associations that were persecuted between 30 January 1933 and 8 May 1945 on racial, political, religious or ideological grounds and lost their property as a result. The Act thus ties in with legislation concerning the return of property. The claims had to be submitted by the end of 1992 (for real estate) or by the end of June 1993 (for movable property). The Act stipulates that the JCC is the legal successor to any heirless or unclaimed Jewish lost property. The value of property returned to the victims of National Socialism under this Act can only be partially quantified. According to the JCC, more than €724 million had been generated from the sale of restored property by the end of 2001.

If it is not possible to return property or if the persons concerned have exercised their right to choose compensation instead, they receive compensation under the Victims of Nazi Persecution Compensation Act. The payments come from the Compensation Fund, a special federal fund. The amount is determined on the basis of legislation governing restitution and has been doubled in the light of the time that has passed. A total of €1.83 billion in compensation payments had been made by the end of 2011.

To speed up the process of getting compensation to the victims, comprehensive settlements were reached, starting in 2002, between the Compensation Fund and the JCC in cases of a similar nature in which the JCC is the eligible party. The settlements reached were in respect of damage to synagogues and their contents (settlement in 2002), damage to movable property and household effects (2004), damage to the property of self-employed persons (2006), as well as losses suffered with respect to security rights over land and bank account balances (2007), assets of organisations (2009), the clothing industry (2011/12), securities (2012), businesses without immovable property (2013), small shareholdings (2013), compensation in accordance with section 1(1) of the Act on the Compensation of Victims of National Socialist Persecution (2014), and small shareholders – IG Farben (2014).

Until 1976, US citizens could submit claims for loss of assets in the former GDR to a commission set up by the US Administration. The subsequent talks conducted with the GDR on compensation did not produce any results. After reunification, the negotiations were continued with the German Government and concluded with the Agreement of 13 May 1992 between the Federal Republic of Germany and the Government of the United States of America Concerning the Settlement of Certain Property Claims. This Agreement made it possible for US citizens to either accept compensation in the United States under this Agreement or to take part in the abovementioned German property law proceedings in Germany. The German Government transferred a total of approximately US\$102 million for compensation in the United States. It is not known what proportion has been paid out to victims of National Socialism. The group of eligible persons includes about 1,000 Jewish claimants who gained US citizenship after their property had been damaged but before the end of 1951.

Hope the information is what you are looking for. If you need any further information do not hesitate to contact us.

Best regards

Anna Gerits

Bundesministerium der Finanzen

Referat V B 4

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