

Supporting Nazi Persecutees, Guaranteeing Compensations, Facilitating Procedures September 24, 2017

"Denied and Delayed - Nazi Victims and Their Struggle for Recognition and Compensation". That was the topic of the 19th annual conference of Forum Justizgeschichte e.V. (Forum for Judicial History), September 22 to 24, 2017.

Participating representatives of nazi persecutees' organizations were: Margret Hamm (Federation of Victims of "Euthanasia" and Forced Sterilization, Berlin), Dr. Jost Rebutisch (Federation Information and Advice for Nazi Persecutees, Cologne). The conference closed with agreeing on the following resolution:

To the Members of the 19th German Bundestag! To the Members of Parliament in the Government Coalition!

March 1, 1965, is often described as "one of the finest hours of parliament" in German history after 1945. On this day the Bundestag prevented the limitation for murder committed by nazi perpetrators for the first time. MP Gerhard Jahn (Social Democrats) made the crucial point: *"Should the monstrous dimensions of crimes [...] just be answered by legal measures or is it for us to make a political and moral decision?"* Today it would be fair to say: The partial suspension of the statute of limitations has supported a vital process of learning and reappraising the past in German society.

Such a fundamental moral and political decision would also have been crucial regarding the compensation of persecutees of Nazi persecution. But while German victims of war and foreign combatants in the Nazi military and armed SS were generously compensated, the Federal Republic of Germany has been avoiding her duty for payments based on civil and welfare law to Nazi persecutees for 70 years. Every regulation providing for very few caused the exclusion of many other persecutees, especially for those who live(d) outside of Germany. Payments by the government were never meant and never to be taken as an admission of guilt.

Over the years persecutees and victims founded more than 30 organizations. Over several decades their members have been fighting tirelessly for full legal recognition and compensation. Political decision-makers in Germany forced the persecuted in a "hierarchy and competition of victims" and made them suffer from a new round of humiliations. Today, despite the mass atrocities during World War II, Germany has close ties with countries such as Poland, Italy and Greece. Yet political decision-makers in Germany ignore that parliaments and supreme courts in those countries do not accept the strategy of delay and denial regarding the open questions of compensation.

Even if a legal basis for compensation was provided for, the procedures for the people in question have often been humiliating. The last persecutees, who are presently trying to receive payments under the "Law on Ghetto Pensions" (ZRGB), are currently forced to prove that they worked in a Nazi ghetto "by their own decision" and received "for value" when they were children.

It is time for another "finest hour of parliament". The Bundestag must set up a plan which provides compensation for Nazi persecutees who are still alive and living all over the world. The Dignity of the victims must be respected, further suffering must be avoided. The Bundestag must take measures in order to provide recognition and amends for the members of the second and third generations on the victims' side. They suffer severely from the measures taken against their parents and grandparents. There is a connection between compensation denied yesterday as well as mental crises and economic needs today. Taking care of these needs is part of the responsibility for the Nazi crimes against humanity. The Forum Justizgeschichte e.V. and the undersigned organizations of victims therefore demand:

As immediate measures

- Formal equality of all persecutees excluded from payments based on the Federal Law of Compensation (*Bundesentschädigungsgesetz*) with those who received payments, especially family members of victims of "euthanasia" murders.
- Improvement of the rules of procedure: no more exclusion times; simplified rules on the burden of proof under the "Law on Ghetto Pensions" (ZRBG); automatic recognition of persecution for Sinti and Roma, if they lived under Nazi rule between 1933 and 1945; health insurance for at least six weeks according to the Federal Supply Act (*Bundesversorgungsgesetz*) for surviving relatives of victims who received a pension based on the Federal Law of Compensation (*Bundesentschädigungsgesetz*); reduction of requirements regarding the reduction of working ability to 50 per cent as a prerequisite for receiving financial aid.

As structural improvements in the near future

- The creation of a sufficiently equipped fund which will be administered independently by the victims' organizations, a *Victims' Claims Conference*.
- The fund replaces the procedures under German welfare and compensation laws and coordinates its work with the Federal Chancellery instead of the Federal Ministry of Finance. Payments based on the fund shall not lead to a reduction of other payments.
- A regulation of reparation claims of European countries. It is important that the victims living in those countries receive the financial means meant for them, especially former prisoners of war and forced laborers in Poland and the successor states of Soviet Union.

As immediate measures of the civil society

- Education of lawyers on the historical background and communication skills in cases of recompensation; furthermore professional seminars for decision makers in refugee law issues on the living conditions of Roma in their countries of origin by expert local NGO.
- Support for family members of the second and third generation of persecutees, especially for Sinti and Roma. This includes measures beyond the classic regulation of compensation and welfare law: especially the recognition of multi-discriminated Roma as contingent refugees as well as improved educational programs.

Since 1998 Forum Justizgeschichte has been doing research and educational work on the history of law and the legal system in a democracy under the rule of law. We specifically invite other organizations and associations of Nazi victims to support this resolution.

Forum Justizgeschichte e.V., Berlin • Bund der „Euthanasie“-Geschädigten und Zwangssterilisierten, Berlin • Bundesverband Information & Beratung für NS-Verfolgte e.V., Köln • Verbond Belangenbehartiging Vervolgingsslachtoffers (Verband Interessenvertretung der NS-Opfer, Niederlande)