

In rem restitution

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

Publicly-owned property comprises property owned by the Federation and by those provinces and municipalities which have opted in to the proceedings of the Arbitration Panel. So far, they are: 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 asked the Arbitration Panel for In Rem Restitution to examine applications filed at the Arbitration Panel.

Requirements for restitution are that the asset was seized during the National Socialist era in Austria between 1938 and 1945, the claim has 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 day.

In certain exceptional cases, the Arbitration Panel can recommend a restitution despite the existence of a prior decision or settlement by agreement if it reaches the conclusion that this prior measure constituted an "extreme injustice". The same applies if the claim had been rejected in prior proceedings for lack of evidence and the evidence was not accessible then but has since become available. In practice, nearly all of the applications on which the Arbitration Panel decides concern properties which have already been the subject of restitution proceedings.

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