



The proceedings before the Claims Committee

In total, 20,702 applications were filed. On average, these applications contained claims for two to four different originally aggrieved persons. Several claims were asserted for each of these originally aggrieved persons. This means that the Fund had to process and evaluate around 160,000 individual claims in the different categories. The greatest number of claims was asserted in the categories "liquidated businesses" and "occupational and educational losses", which had previously not been dealt with by any sufficient restitution measures.

The compensation payments were calculated on the basis of the individually established losses and paid out pro rata in relation to the overall available amount. In total, 210 million US Dollar was available for these payments. Administrative expenses were covered by the interest on the Fund or by the Federal Republic. The Claims Committee has already decided on all of the 20,702 applications filed.

Efficiency was of paramount importance when processing the applications. The Fund operated in keeping with several basic principles: treating equal things equally and unequal things unequally, applying relaxed standards of proof, maintaining the transparency of all working processes and, not least, providing the applicants with comprehensive information on their claims.

The historical research carried out by the Fund provided a vital foundation for the legal processing of the cases. In order to ensure the equal treatment of the applicants during this process, the same extensive resources and archives were consulted for every case. The General Settlement Fund obtained around 70,000 different documents from throughout Austria in order to document and value the losses. The overwhelming majority, around 46,500, came from archives in Vienna, the others from other cooperating institutions. In 12,000 cases, information was obtained regarding insurance policies.

The applications were processed on the basis of the information gathered during the historical research, using custom-made computer software, which, as an integrated database application, contains innovative legal informatics functions and was developed internally by the Fund. The Washington Agreement and the General Settlement Fund provided for two types of procedure for examining applications, the claims-based procedure and the equity-based procedure; in the equity-based procedure, the required standards of proof were lower than in the claims-based procedure. However, relaxed standards of proof were also applied in the claims-based procedure, in order to make allowances for the fact that the events of the Nazi-era occurred many decades ago and ownership and seizure of property were often difficult to substantiate. In the claims-based procedure, the applicants also had a right of recourse against claims which were rejected. The Claims Committee could reopen proceedings as it saw fit.

During the case processing, each claim was examined individually and, if merited, assigned a value. If no concrete value could be attributed due to a lack of historical valuation benchmarks, the General Settlement Fund applied a system of lump sum payments for the various categories of assets.

Valuation guidelines

The Claims Committee's valuation guidelines stipulated the following:

In principle, the Claims Committee valued the merited claims with their value in 1938, converted into US Dollar with the exchange rate of May 2003 (expiry of the deadline for filing applications, 1 Reichsmark 1938 = 4.913511 US Dollar; source: Statistik Austria).

The claims-based procedure drew on all available documents from which the historical value could be inferred (e.g. property notices, files of the Financial Directorates, balance sheets, valuation reports, sales contracts, proceeds at auction, documents from the Compensation Fund etc.). If no such documents were available, a lump sum was awarded based on averages of comparable historical values.

In the equity-based procedure, there was neither evidence of the value nor of the actual existence of the assets; in cases where the loss was deemed plausible, a lump sum was awarded in a lower amount than in the claims-based procedure.

With the original valuation in Reichsmark, lump sums to two decimal places could not be avoided when converting these amounts into Dollar (see the lump sums below).

The Claims Committee valued the occupational and educational losses in the equity-based procedure at one of three lump sums, the amount of which was based on the lump sums awarded for seized businesses. In order to differentiate between these three-tiered lump sums, the Claims Committee assessed the length and the severity of the disruption to a person's career or education in conjunction with the persecution suffered by the individual.

The Claims Committee valued insurance policies pursuant to Sec. 18 (2) of the General Settlement Fund Law applying mutatis mutandis the corresponding claims-handling procedure of the International Commission on Holocaust Era Insurance Claims (ICHEIC).

Lump sums in the claims-based procedures

| Category | Reichsmark | US-Dollar |
|---------------------|------------|-----------|
| Very small business | 2,500 | 12,283.78 |
| Small business | 5,000 | 24,567.56 |

| Category | Reichsmark | US-Dollar |
|------------------------|-------------------|------------------|
| Liberal profession | 7,000 | 34,394.58 |
| Bank account | 500 | 2,456.76 |
| Small stock deposit | 500 | 2,456.76 |
| Large stock deposit | 2,500 | 12,283.78 |
| Other movable property | - | 1,798.09 |

Lump sums in the equity-based procedures

| Category | Reichsmark | US-Dollar |
|--|-------------------|------------------|
| Very small business | 1,250 | 6,141.89 |
| Small business | 2,500 | 12,283.78 |
| Liberal profession | 3,500 | 17,197.29 |
| Bank account | 250 | 1,228.38 |
| Small stock deposit | 250 | 1,228.38 |
| Household goods and other movable property | - | 4,495.21 |
| Other movable property | - | 899.04 |

Lump sums for occupational and educational losses in the equity- based procedure

| Occupation and Education | Reichsmark | US-Dollar |
|---------------------------------|-------------------|------------------|
| Level 1 | 2,500 | 12,283.78 |
| Level 2 | 5,000 | 24,567.56 |
| Level 3 | 10,000 | 49,135.11 |