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NEW WAVE OF SHOAH CLAIMS

Holocaust Groups Demand More Compensation from Germany

By Christoph Schult in Jerusalem

More than 60 years after the Holocaust, survivors and their heirs are filing new claims for compensation against Germany. And the Israeli government wants Berlin to provide additional payments of millions of euros to help pay for social services for survivors.



AFP

Israeli groups representing Holocaust victims are demanding more money from the German and Israeli governments. Here a protestor holds up a Star of David during an Aug. 5 demonstration in Jerusalem.

The old man holds up a black-and-white photograph, yellowed with age. It depicts a young boy sitting on the branch of a tree. He is holding an apple in his hand and smiling at the camera.

The old man is also smiling, revealing, under his wrinkles and his carefully trimmed moustache, the same shy smile as on the face of the boy in the photo. "My childhood was very brief," says the old man. He pauses, takes a deep breath and corrects himself: "Actually, I didn't have a childhood."

Alex Orli, 72, sits in an office in the Israeli city of Rehovot and talks about the winter of 1942/43. He describes how the Germans descended upon the city where he was born, Zhovkva, in present-day Ukraine. He talks about how they killed his father and then his mother, and how a relative smuggled him and his younger sister out of the ghetto and then handed them a piece of paper with an address on it: Kopinskiy Street 33.

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Now, 65 years later, Orli knows that he is alive today to tell his story because of the man who opened the door at that address. The man was a devout Catholic. He led the children into a bunker with a ceiling so low that even the seven-year-old Alex was unable to stand upright. Sixteen Jews were already sitting in the room, packed tightly together, including his aunt and uncle.

It was a dangerous situation. Had anyone outside seen the children enter the house? There was a vote. The majority was in favor of handing over the children to the Gestapo. But one Polish man refused.

Alex remembers each word of the sentence that saved his life and that of his sister. "If the children survived the ghetto and made it to this house," said the devout Pole, "then God wants them to stay alive."

Of an estimated 250,000 people alive worldwide who survived the Holocaust as children, about 120,000 now live in Israel. Like Orli, most of these people, known as "children of the Shoah," suppressed their stories for a long time. In the first few years after the war, no one in Israel wanted to hear about what they had gone through. Instead, everyone focused on building the Jewish state.

The survivors also suppressed their fates, started families and embarked on their careers. Only now, with most of them retired, are the memories rising to the surface once again. In many cases, the memories are accompanied by the desire to hold accountable the people who robbed them of their childhood.

Many of the victims received no compensation. Some were orphans whose guardians or adoptive families had no idea that they were entitled to compensation. Others felt it was beneath them to ask for money from the heirs of the perpetrators of the Holocaust. Orli, together with other survivors, has formed an organization called YESH -- Children and Orphans Holocaust Survivors in Israel, which is preparing a lawsuit against Germany. "We want the German government to recognize our suffering," says Orli.



Amit Shabi / Laif

Alex Orli: "I didn't have a childhood."

A lot of money is at stake. The representatives of the children of the Shoah are demanding more than the usual compensation. They want their clients to receive an orphan's pension -- "the same as the children of fallen Wehrmacht soldiers," Orli explains. His organization wants every surviving member of the children of the Shoah to be paid €7,200 for each year spent as an orphan. For the 250,000 survivors still alive today, that would come to €1.8 billion per orphaned year. The Holocaust survivors' group also wants the German government to pay for health disorders and the loss of career opportunities.

The children of the Shoah are not the only survivors' rights group filing new claims against Germany. Indeed, the German government is facing a wave of lawsuits and new demands. Some of those filing the current suits were forgotten when the original compensation treaties were drawn up, some were deliberately left out, and others missed the necessary deadlines. Holocaust reparations have become an "endless story," says Constantin Goschler, a German historian and author of the definitive work "Schuld und Schulden. Die Politik der Wiedergutmachung für

NS-Verfolgte seit 1945" ("Guilt and Debts. The Politics of Reparations for Nazi Victims since 1945").

The material aspects of the process of dealing with Germany's Nazi past, begun right after the war by then Chancellor Konrad Adenauer and then Israeli Prime Minister David Ben-Gurion, were originally supposed to have been completed by the late 1960s. After tough negotiations between the Jewish Claims Conference (JCC) and Germany, the German parliament, the Bundestag, ratified the "Final Federal Compensation Law" in 1965, which set a 1969 deadline for the filing of complaints. There was considerable agreement between the parties at the time, so much so that then JCC Chairman Nahum Goldmann called the German law a "harmonious settlement."

He was wrong, as has become clear today. In addition to lawsuits being filed by various victims' groups, the Jewish Claims Conference is back at the negotiating table with the German Finance Ministry. The Israeli government is also calling on Berlin to make additional payments, even though Jerusalem signed a written promise, after the end of the compensation negotiations, that the Jewish state would "file no further claims against the Federal Republic of Germany."

Paying for Death and Suffering		Holocaust survivors today criticize the head negotiators at the time for having accepted an inferior deal. "The Israeli government wanted money to build the state," says José Brunner, director of the Minerva Institute for German History at the University of Tel Aviv. "They weren't as interested in the survivors back then."
Compensation paid by the Federal Republic of Germany to victims of the Nazi regime	€ bn	
Final Federal Compensation Law	44.54	The costs of providing social services to Holocaust survivors in Israel rose sharply, especially as a result of the unexpected immigration of tens of thousands of survivors from the former Soviet Union. The Israeli state ended up paying far more to its Holocaust survivors than it had received from Germany for the purpose. In addition to compensation for individual survivors, Germany paid €1.5 billion to the Israeli government. However, Jerusalem spent close to five times that amount. "It was a negotiating mistake for which Israel paid a high price," says Raul Teitelbaum, author of a soon-to-be-published book about the mathematics of compensation, "The Biological Solution."
Retrospective payments for hardship cases	2.78	
Compensation for stolen property	2.02	
Payments made to the state of Israel	1.53	
Special funds of Germany's federal states for individual cases	1.53	
Payments made to other countries	1.46	But even that money wasn't enough. About 80,000 Holocaust survivors still live in poverty in Israel today. In August the state comptroller, a sort of Israeli
Miscellaneous payments	6.80	

The "Remembrance,
Responsibility and
Future" Foundation
(payments to former
forced laborers)

2.56

TOTAL 63.22

Source: German Finance
Ministry, 2005 figures

ombudsman for all kinds of disputes and controversies, published a report sharply critical of the government for its treatment of Holocaust survivors. According to the report, the state has "the ultimate moral obligation to address the welfare of the Holocaust survivors without delay." The government's lapses are all the more serious, wrote the state comptroller, because the reparations agreement deprived the survivors of the right to demand compensation from Germany.

After months of negotiations, the Israeli government increased its financial assistance to survivors by hundreds of millions of euros. Now Jerusalem is trying to get some of the money back from the Germans.



DPA

Israeli Prime Minister David Ben-Gurion (left) meets the German Chancellor Konrad Adenauer in New York in this 1960 archive photo.

Israeli Minister of Pensioners Affairs Rafi Eitan is the cabinet minister responsible for the issue. He is just under 1.7 meters (5' 6") tall and wears the kind of large, black-rimmed glasses that were in style in the 1970s. Eitan is 80. In the last parliamentary election, he and his newly founded pensioners' party Gil did surprisingly well and captured seven seats in the Knesset.

Eitan was never squeamish when it came to defending the interests of the Jewish state. He worked for the country's foreign intelligence agency, the Mossad, for more than 25 years. He led the team that kidnapped Nazi war criminal Adolf Eichmann in Argentina in 1960 and brought him to Israel. He is still banned from entering the United States today, because he recruited American intelligence agent Jonathan Pollard as a spy. Pollard was sentenced to life in prison.

Eitan has little use for diplomatic niceties, as Berlin has already learned. In a letter he wrote in August to the head of the German Chancellery, Thomas de Maizière, Eitan demanded that Berlin forgive all of Israel's debt to Germany -- a total of about €500 million. Israel, he wrote, wanted to deposit the money into a fund for Holocaust survivors. When Deputy Finance Minister Karl Diller **visited**

Jerusalem recently, Eitan repeated his unusual proposal. When Diller told him that Germany could hardly comply with his wish, the minister replied: "Then just give us the money."

Eitan has a long list of demands. In addition to debt cancellation, he wants the German government to provide about €26 million a year for a group of 8,000 Holocaust survivors who have yet to receive any compensation at all. He also wants the Germans to recognize the so-called "second circle" survivors who managed to escape internment in ghettos or camps by fleeing Nazi-occupied areas. The Israeli government has allocated €90 million to help this group of people.

"As long as all of these people are alive," says Eitan, "the German government is responsible for them." He also supports the demands of the children of the Shoah. "Legally speaking, an Israeli survivor cannot sue the German state," he says. "But I see this from a moral, not a legal perspective. The German government cannot deny its responsibility."

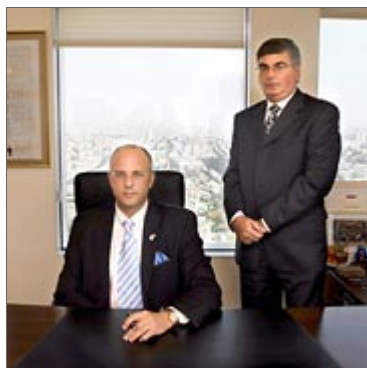
Officials at Berlin's government ministries have varying opinions on just how far this responsibility goes. Diplomats in the Foreign Ministry are fundamentally willing to talk, partly because they are only too aware of the methods the Adenauer administration used to reduce compensation payments. Under its policy, compensation was only paid to those who had been imprisoned for at least six months in a concentration camp or one year in the ghetto. Untold numbers of Nazi victims were excluded because they were not part of the "German linguistic and cultural sphere."

The budget watchdogs at the Finance Ministry are worried that the claims could lead to billions in new expenditures. They point out that in addition to the Israeli state, many survivors were compensated individually, resulting in €13.3 billion in payments going to Israel. The Finance Ministry only recently provided another €100 million in compensation for former ghetto workers, says spokesman Torsten Albig, adding "there are no further

plans at this time."

"This is certainly a large amount in absolute terms," admits Noach Flug, chairman of the Center of Organizations for Holocaust Survivors in Israel. "But compared to the damage caused by Nazi Germany, it's relatively little." Flug equates the payments to the annual cost of one pack of cigarettes for each German citizen. "Is that a lot?" asks Flug, an Auschwitz survivor himself.

But there is another group of plaintiffs who are eyed with suspicion, even by Israeli critics of past compensation programs. These are the children of Holocaust survivors, the so-called second generation. Psychologists assume that some of them -- estimates put the proportion at between 5 and 10 percent -- have literally inherited the trauma of their parents. A **class action suit has been filed against Germany** on behalf of these second-generation survivors -- something that the author Teitelbaum calls a "scandal" that trivializes the suffering of actual survivors.



Amit Shabi / Laif

Gideon Fisher (I) with Baruch Mazor in Fisher's office in Tel Aviv.

Israeli attorney Gideon Fisher filed the class action. His law firm has its offices in the Azrieli Center, one of the most expensive office complexes in Tel Aviv. Fisher himself enjoys a view of the Mediterranean from his office on the 39th floor. "We had no other choice but to go to court," he claims, insisting that he tried to make the German government more aware of the second generation's problems. He met twice with German Ambassador Harald Kindermann in Tel Aviv, says Fisher -- but Kindermann broke off the negotiations.

But there are doubts about Fisher's version of events. It was more or less by accident that the attorney happened to be invited to a dinner on March 11 at Kindermann's residence in Herzliya, an upscale Tel Aviv suburb that is home to many diplomats. As he was leaving, Fisher took the ambassador aside and mentioned the children of Holocaust survivors. Kindermann, who has made it a matter of principle to meet with anyone who wants to discuss an issue related to the Holocaust, agreed to meet with Fisher.

Four days later, Kindermann met with the attorney at the German embassy. Fisher brought along another man, Baruch Mazor, who he introduced as the director of the Fisher Fund. Fisher established the fund a few years ago in memory of his parents, Molly and Josef Fisher, both Holocaust survivors. Ambassador Kindermann promised to help Fisher in his search for donors to the fund. The men agreed that historians and trauma experts would analyze the issue first.

When Kindermann read the morning press reports four weeks later, on Friday, Apr. 13, he could hardly believe his eyes. "Lawsuit: Recognize 2nd Generation as Shoah Victims" read the headline on the front page of the tabloid *Yedioth Ahronoth*. The article cited language from the suit as well as quoting the lawyer who drew it up: Gideon Fisher.

Officials at the embassy are now convinced that Fisher had already prepared the suit long ago, and that the sole purpose of meeting Kindermann was to be able to say that they had tried settling the matter out of court, but the Germans were uncooperative. The Fisher Fund plays a central role in the complaint, where it is named as the administrator of the funds Fisher plans to collect from the German government. The fund's Web site provides a form for those wishing to join the class action. Mazor, the fund's director, claims that the victims had applied tremendous pressure to go ahead with the suit as soon as possible.

NEWSLETTER

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Fisher is proud of the fact that his fund's website is scoring more and more Google hits these days. The class action on behalf of the second generation has made him known around the world. He recently got a call from China, where the children of survivors of the 1937 Nanking Massacre are planning to sue the Japanese government. "If the German government refuses to work with us," says Fisher, "this only creates more pressure. It can't just stick its head in the sand

everyday.



like an ostrich."

Of course, that isn't Berlin's intention at all. The Foreign Ministry has been working on a solution for some time, and it has not ruled out the possibility that

Germany will in fact pay for the psychological treatment of the second generation. One of the recipients of the funds could be Amcha, an Israeli organization that has addressed the emotional consequences of the Holocaust for the last two decades.

According to the Foreign Ministry, various scenarios are possible. But further negotiations with Fisher, say the German diplomats, is not one of them.

Translated from the German by Christopher Sultan

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