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November 6, 2003Holocaust Victim Assets Litigation
P.O.Box 8300
San Francisco, CA 94128-8300
USA**Re: Proposition for the Allocation of Funds for Victims of the Holocaust**Dear madam,
dear sir,**General Remarks**

We turn to you with a proposal, or suggestion, for the allocation of excess and possibly unclaimed residual funds to the benefit of our clients - **1915** survivors and victims of National Socialist persecution - out of the Settlement Fund, in the context of the plan of allocation and distribution of settlement proceeds ("**Distribution Plan**")

Background

1. a. The **West German Federal Indemnification Law** (hereinafter: "**Indemnification Law**") provided in its time a target date (**1969**), which practically denied Jewish victims and survivors of National Socialist persecution living **on the other side of the "Iron Curtain"** any possibility of receiving indemnification.
- b. In the course of the waves of immigration of aforesaid Jews, during the Seventies of the last century, from Central and Eastern Europe to Israel, the **Conference on Jewish Material Claims Against Germany Inc.** (hereinafter: "**Claims Conference**"), via its German office, requested on behalf of those Jews, to extend the aforesaid date set forth in the Indemnification Law.
- c. Following negotiations between the parties, the (West) German government agreed, at a certain stage, to establish a new indemnification fund, designated as **Hardship Fund** (hereinafter: "**Indemnification Fund**"). However, its establishment was made subject to it being administered by the German office of the Claims Conference.
- d. The purpose was to grant a one-time indemnification payment to Jewish victims, who, as a result of the violence applied against them by the National Socialists, had suffered significant damage to their health, and who find themselves in distress. They are, however, for purely formal reasons, not eligible for indemnification, because they had not been able to comply with any time limits for the submission of applications, or to fulfill other obligations pursuant to the Indemnification Law.

Said indemnification grant was defined, at that time, as a quick one-time support for immigrants rebuilding their lives after immigrating to Israel.

2. a. Issue number **192** of the German Federal Gazette (Bundesanzeiger), dated **October 14, 1980**, saw the publication of the the decision of the (West) German government of **October 3, 1980**, regarding the one-time indemnification grant amounting to **5,000** Deutschmarks, for Jewish victims of National Socialist persecution, who had resided behind the "Iron Curtain" until **1965** (hereinafter: "**decision of the German government**"; "the grant"), which was derived from the decision of the West German parliament (Bundestag) of **December 14, 1979**.
- b. The German government's decision determines that the support funds would be transferred to the **German Central Jewish Council**, and that their distribution would be conducted by the German office of the Claims Conference, in accordance with the guidelines of the decision.
3. a. Hundreds of thousands of claims for the grant were filed. Of those, as of **September 2003**, some **284,000** applicants received grants, amounting to a total of **DM 1,420,000,000**.

- b. Over **100,000** applications, on the other hand, were rejected, including **20,000 based on the applicants' age at the time of the filing of the claims**. Of those, **11,818** claims are from Israel alone, including those of our clients.

Our Clients

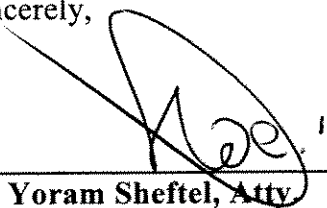
4. a. Our clients are Jews, citizens and residents of Israel, aged between **68-75** (men), and over **60** (women). They had escaped during WWII – together with their families – from the threat of the German army, and had left their homes in the former Soviet Union, leaving behind their entire assets, suffering from hunger, cold and illnesses.
- b. As such, our clients belong to the Refugee Class – one of the **5** Settelement Classes.
- c. Our clients immigrated to Israel from the (former) Soviet Union at the beginning of the **1990's**, and found themselves in a new country, forced to open a new chapter at a relatively late stage in life, and under difficult circumstances.
- d. At different times following their immigration to Israel, our clients filed personal claims with the Claims Conference, to receive grants, but they were rejected – although on principle, our clients ranged among those who were entitled to the grant – as aforesaid, based on reasons of formalities, connected to their age at the time when they filed their claims.
- e. Therefore, in March of **2002, 1906** of our clients filed a civil claim against the Claims Conference with the Tel Aviv District Court, demanding to receive an indemnification equivalent to the grant, for not having received it.
- f. Today, most of our clients are above pension age (**65** for men, **60** for women), the great majority is supported by the National Insurance, and the health status of many of them is, naturally, declining.

The Purpose of this Letter

5. a. The personal narratives of our clients in the time during WWII are a saga of persecution, illnesses, hunger, cold, and fear. In short: terrible, indescribable suffering.
- b. The Claims Conference recognized their persecution at the hands of the National Socialists, but at the same time it rejected their personal claims for the grant, for the sole reason that the claims were filed before they had reached pension age, and thus were obligated to prove high grades of work disability.

- c. Had our clients filed their claims for the grant **after** having reached the relevant pension age, they would have never been obligated to prove the extent of their work disability, and their claims would have been accepted almost automatically.
6. In the present state of affairs, our clients – elderly people, most of whom live under difficult economic conditions, and **none of whom ever received Holocaust compensation** – are thus forced to drag their feet to the court, and to wait for a decision of their case, which might be delivered only after several years, with a clear probability that many of them will not be able to benefit from it.
7. We therefore turn to you with the proposal or suggestion for the allocation of funds from the Settlement Fund in amounts **equivalent to the grant** to each of our clients.
8. We believe that such said allocation of funds is compatible with the spirit – even if perhaps not with the details – of the Humanitarian Assistance Program for needy victims of the Nazis, which underlies the Distribution Plan, and that it would present an adequate, just, quick, and efficient alleviation of their distress.
9. Needless to say, upon allocation of the funds applied for in this letter, our clients will retract their aforesaid civil claim.
10. We hope that you will recognize the justness of the proposition-suggestion presented herewith, and that our clients match the criteria entitling them to receive funds from the Fund, in the framework of the aforesaid program.
11. We will gladly supply any details and documents, as you may require.
12. Looking forward to your positive and quick reply.

Sincerely,



Yoram Sheftel, Atty



Dorrn Beckerman, Atty.

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