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PLIGHT OF SURVIVORS OF NAZI CONCENTRATION CAMPS

Fourth Progress Report by the Secretary-General

SUMMARY

This paper, which is presented for the information of the Council, outlines further steps which have been taken since the Council's thirteenth session to implement resolution 386 (XIII) on the subject of indemnification for survivors of so-called scientific experiments in Nazi concentration camps.

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I. INTRODUCTION

1. The Secretary-General previously submitted to the Council at its twelfth, thirteenth and fourteenth sessions, three progress reports on the action taken concerning the plight of surviving victims of so-called medical experiments in Nazi concentration camps, in documents E/1915 of 6 February 1951,^{1/} E/2087 of 21 August 1951^{2/} and E/2259 of 18 June 1952 respectively.
2. The first progress report (E/1915) contained an account of the number, whereabouts and condition of the victims and of their position under German legislation, and a note concerning the availability of international funds or services that might be used to assist them. After considering this report, the Council adopted resolution 353 (XII) of 19 March 1951 in which, inter alia, it appealed to the competent German Authorities to make the fullest possible reparation to the victims.
3. The second progress report (E/2087) outlined the steps taken by the Secretary-General to implement resolution 353 (XII) and gave an account of his consultations with the competent German Authorities, of the law on indemnification in force in the Federal Republic of Germany, of consultations with the International Refugee Organization and the World Health Organization, and with charitable organizations and further particulars regarding the number, whereabouts and conditions of the victims. The Secretary-General also made certain suggestions regarding further steps which might be taken to alleviate the plight of survivors. Having considered this report, the Council adopted resolution 386 (XIII) of 15 September 1951 by which, among other things, it requested the Secretary-General to make available to the Federal Government the information in his possession concerning the number and whereabouts of the victims and to inform that government that in the view of the Council the investigation and certification of claims for compensation was a matter for the Federal Government.

^{1/} See Official Records of the Economic and Social Council, Twelfth Session, Annexes, agenda item 15.

^{2/} Ibid., Thirteenth Session, Annexes, agenda item 30.

4. In his third progress report (E/2259), the Secretary-General informed the Council of the action he had taken to implement resolution 386 (XII). The report included an account of further consultations with the competent German Authorities and of the administration of allocations made from the Paris Reparation Fund for the assistance of the victims.

5. The present report outlines further steps which have been taken in implementation of resolution 386 (XIII) since publication of the last progress report.

II. CONSULTATIONS WITH THE COMPETENT GERMAN AUTHORITIES

6. As requested by resolution 386 (XIII), the Secretary-General continued to collect material on individual cases and since June 1952 has transmitted to the Federal Government information concerning an additional 243 cases.

Altogether, as of 31 January 1953, the Secretary-General has transmitted 468 claims to the Federal Government.

7. Supplementing its previous communication of 23 April 1952,^{3/} the Federal Government, on 10 July 1952, informed the Secretary-General of the measures taken by it to compensate victims up to that date. The substantive part of the communication reads as follows:

"(1) On 6 May 1952, the first meeting of an interministerial committee took place to whom the examination of applications for welfare measures, by virtue of the decision of the Federal Government of 26 July 1951, had been entrusted. The committee on this occasion drew up directives designed to govern decisions on these applications. It should be pointed out that in the view of the committee all persons have a claim, on principle, to welfare benefits, who qualify beyond question as victims of so-called scientific experiments in National Socialist concentration camps and who have not yet received any other compensation.

"(2) As, in the case of a great number of applications submitted from abroad the requisite documentation is still incomplete, the committee decided to dispatch a commission of government delegates to the Netherlands and Belgium in order to expedite work by a preliminary examination on the spot. The commission was active in Amsterdam from 19 to 22 May 1952 and then proceeded to Brussels.

^{3/} See document E/2259, para.7.

"(3) In a series of meetings, the interministerial committee dealt with a total of 62 applications up to 1 July 1952. In 33 cases, welfare payments were accorded to applicants. Eighteen applications had to be rejected as failing to meet the conditions established by the Cabinet decision of 26 July 1951 for the granting of welfare benefits. Eleven cases were postponed as requiring the obtaining of further information.

"(4) In so far as a final decision has been reached, applicants domiciled abroad will be informed of the result through the diplomatic representatives of the Federal Republic. The payment of welfare benefits will also be effected by the diplomatic representatives, provision having been made for this to be carried out in the currency of the country in which the applicant has his permanent residence."

8. On 2 October 1952, the Secretary-General addressed a note to the Federal Government, seeking information on the situation as of 1 September 1952 regarding measures to compensate survivors, including particulars regarding each claim for compensation.

9. In reply to the Secretary-General's inquiry, the Federal Government, in a note dated 22 December 1952, stated:

"(1) The Inter-Ministerial Committee of the Federal Republic of Germany, to which has been entrusted the examination of claims for compensation of survivors of so-called scientific experiments in Nazi concentration camps, has passed up to September 1, 1952 final decisions in 156 cases. The names of the claimants as well as the respective decisions of the Committee are contained in the enclosed list.

"(2) It is noted that the Committee, whose staff included two medical experts, endeavoured to judge each individual case as far as possible, according to its special circumstances. Hence, also in cases involving experiments of identical nature, the Committee tried to adapt the amount to be paid to the claimant to the effects upon the health of the person concerned. Unfortunately the Committee had to reject claims which did not meet the requirements prerequisite to the granting of assistance, as laid down in the resolution of the Federal Government of 26 July 1951.

"(3) The Government of the Federal Republic of Germany has communicated the decisions with detailed reasons to each claimant registered in the enclosed list. Persons outside Germany have been paid the amount awarded to them in the currency of the respective country through the diplomatic representative of the Federal Republic of Germany. A big number of applications are still being worked on."

10. According to the list referred to in the note, the Federal Government, as of 1 September 1952, had made payments in the amount of DM 351,673.20 to 108 applicants, while 48 claims had been rejected.

(a) In the cases where payments were made:

2	applicants received DM 25,000 each
3	" " " 10,000 "
2	" " " 6,000 "
8	" " " 5,000 "
2	" " " 4,500 "
7	" " " 4,000 "
2	" " " 3,500 "
14	" " " 3,000 "
1	" " " 2,673.20"
4	" " " 2,500 "
57	" " " 2,000 "
2	" " " 1,500 "
4	" " " 1,000 "

(b) The Federal Government stated that 48 cases were rejected on the following grounds:

- In 27 cases, applicants "were not victims of so-called scientific experiments".
- In 15 cases, applicants "were not in need of assistance".
- In 2 cases, applicants "did not suffer impairment of health".
- In 4 cases, applicants "had received compensation previously".

(c) The successful claimants, according to the type of experiment to which they were subjected, received benefits as follows:

<u>Type of experiment</u>	<u>Number of cases</u>	<u>Amounts paid in each case</u>
Sterilization	53	DM 2,000 or less
	34	DM 2,000 - 5,000
Malaria	5	DM 2,000
	4	DM 3,000 - 6,000
Injections	1	DM 2,000
	1	DM 10,000
Hormone transplantation	1	DM 2,000
Typhus	1	DM 2,000
	1	DM 1,500
Low temperature	1	DM 10,000
Serum	1	DM 2,000
X-Rays	1	DM 25,000
	1	DM 10,000
Sulfonamide	1	DM 25,000
Phlegmon	2	DM 5,000

11. In a note dated 29 February 1952, the Secretary-General offered to the Federal Government a number of suggestions regarding the procedure for the investigation and certification of claims. The Federal Government in its reply of 23 April 1952 stated "that they welcome the suggestions made to them regarding the assistance of experts in clarifying cases which are open to dispute" and that they may wish to refer to these suggestions again.^{4/} The Secretary-General has received no further communication from the Federal Government on this subject.
12. A number of claimants, in letters addressed to the Secretariat, have paid tribute to the efforts which the United Nations have made on their behalf. On the other hand, a large number of claimants have complained of the inadequacy of the compensation they have received, of the rejection of their claims, of the method of investigation employed by representatives of the Federal Authorities, and of delay on the part of the Federal Government in reaching a decision in their case.
13. Pursuant to paragraph 8 (a) of resolution 386 (XIII), the Secretary-General has transmitted the substance of a number of such communications to the Federal Government.
14. The Secretary-General will report further on this question to the Council when necessary.

^{4/} See document E/2259, paragraphs 6 and 7.