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Two Billion Euro Lawsuit against the Deutsch Bahn AG

Nazi Victims' Demands "Totally Justified"

Germans support the lawsuit, in preparation in the USA, demanding the refunding of receipts made by the German "Reichsbahn" during Nazi mass deportations. The "claims of these survivors, millions of whom, had been transported to the Nazi camps by the 'Deutsche Reichsbahn' and had to buy their tickets" are "absolutely justified", writes the EU supported citizens association, "Train of Commemoration," in its position statement on the lawsuit, made public this weekend in the USA.

Several thousand East European survivors of Nazi deportations are demanding that today's Deutsche Bahn AG railway company retribute to the victims the entire amount of service receipts that it inherited from the "Deutsche Reichsbahn." The "Reichsbahn" had charged mileage fees. Children paid a reduced fare for their trips to their deaths. Because of US legal norms, the survivors intend to initiate this class action suit for restitution before US courts in June. According to an expertise published by the citizens association "Train of Commemoration," the "Reichsbahn" took in receipts of at least 445 million Euros at current value for its complicity in murder. When all outstanding interest is taken into account, the plaintiffs' attorneys estimate the Deutsche Bahn's debt to be around two billion Euros.

The German government is of the opinion that the claims of Nazi victims have been settled. Neither the incriminated enterprises nor their successors have outstanding legal obligations, after having been exonerated through paying into a national "Stiftung EVZ," endowment fund in Berlin. According to the Foundation Act, Nazi victims must prove their impairment within two years to receive compensation from this fund. Whoever does not meet these conditions of the foundation forfeits his/her claims. Hundreds of thousands were left empty-handed. Since then, according to the German government, German industry, including the Deutsche Bahn AG, is protected from further claims and enjoys "legal peace."

On the other hand, the citizens association's position statement affirms that, "legal peace" must "first of all, be provided to the victims." The Deutsche Bahn AG has a "moral and material" obligation "to acknowledge their suffering." "The crimes committed through Nazi deportations can never be atoned for through legally non-binding endowment funds with two-year expiration deadlines. Murder and genocide have no statutes of limitation." The announced lawsuit in the USA will have to examine, whether the German Foundation Act meets international legal standards. "It is high time to examine the dubious practices of Berlin's endowment fund," writes the "Train of Commemoration."

This private association, which was honored with an award from the European Union in 2010 for its civic engagement, had made numerous appeals to the Deutsche Bahn AG for it to enter talks with the concerned victims' organizations and German civic society on the "Reichsbahn's" guilt and debts. All of these appeals, says the position statement, were ignored. "We regret the fact that those in charge at the Deutsche Bahn had preferred to evade this dialog and seek confrontation. That strategy has resulted in international legal disputes that will prove costly to the company."

Train of Commemoration
Board of directors
May 2011

Zug der Erinnerung
Der Vorstand
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