

# **Zug der Erinnerung & The Jewish Community of Thessaloniki**

April 2015

**Dr. Rudiger Grube**  
Chairman and  
CEO

**Deutsche Bahn AG**  
Potsdamer Platz 2  
D- 10785 Berlin  
Germany

**Dr. Richard Lutz**  
Member of the Management  
Board

**Finance and Controlling Department**  
Deutsche Bahn AG

**Gerd Becht**  
Member of the Management  
Board

**Legal Affairs**  
Deutsche Bahn AG

## **RE: Deutsche Bahn's responsibility to repay 89 Million Euros to Thessaloniki Jewish Victims**

Dear Sirs,

On behalf of the NGO "Zug der Erinnerung e. V." ("Train of Commemoration") and the Jewish Community of Thessaloniki we are approaching "Deutsche Bahn AG", the historical successor of the of "Deutsche Reichsbahn", in our demand to reimburse to heirs of Greek Holocaust victims of Thessaloniki for train fares that they were forced to pay for their deportation from Thessaloniki to Auschwitz and Treblinka between March and August 1943.

According to an expertise established on behalf of the NGO "Train of Commemoration", the "Deutsche Reichsbahn" charged the Greek Jewish population for their mass deportation to Auschwitz, what today is equivalent to more than 75 million Euros. This amount has never been reimbursed to the murder victims. The "Deutsche Bahn AG" and its owner, the Federal Republic of Germany, are liable for these millions in debts.

According to our calculations, more than 48,000 deportees from the city of Thessaloniki, alone, had been forced to pay the equivalent of 64 million Euros in train fares. Their abduction had been carried out between March and August 1943. In a major logistical operation, the accomplices to these murders, the "Deutsche Reichsbahn", had assembled 19 transports of around 30 sealed freight cars. In the freight cars more than 12.000 children and youth went to their death with "Deutsche Reichsbahn". Upon arrival at Auschwitz, the abductees were sent directly to the gas chambers and murdered, with but few escaping this predicament, because they were needed as slave labor.

**I. The calculation of Deutsche Bahn's debts to the Greek Holocaust victims:**

1. **As the Nazi "Reichsbahn" did in whole Europe (Raul Hilberg: The Role of the German Railroads in the Destruction of the Jews, 1976) the statehold German railways stipulated 2 Reichspfennige (pence) for every kilometer of deportation, in Grece too.**
2. **In our expertise (2009, p. 44-45) we calculated a distance of about 1.985 km from Saloniki/Larissa to Auschwitz/Treblinka for a total number of about 58.585 total Greek deportees.**
3. **The "Reichsbahn" collected from every deportee an average sum of 39 Reichsmark or individually or by group for the way to Auschwitz and Treblinka. Totally it collected a minimum of 2.325.824,00 Reichsmark.**
4. **We multiplied the sum of 2.325.824,00 Reichsmark by the factor 6.5 = 15.117.859,00 Euro (average between the factor 3.5 by Deutsche Bundesbak and the factor 10 by other economic sources).**

**Given a cumulated interest loan of 2.5%, beginning with 1943, to 2015 (72 years), the average result to Auschwitz and to Treblinka is 89.455.820,00 Euro.**

**II. Deutsche Bahn AG legal obligation:**

**a) Deutsche Bahn AG was founded as a stock corporation in 1994 consecutively to the after-war "Deutsche Bahn", the statehold successor of the Nazi Deutsche Reichsbahn.**

**This reorganisation was necessary to bring together the railway property of West- and East-Germany in a sole company as well as to transfer the debts of Nazi "Reichsbahn" and "Deutsche Bahn" outside the company.**

**Deutsche Bahn AG (including US-"Schenker International") argues to be a "new" player on the international ground with no financial obligations for its Nazi forrunner. But Deutsche Bahn AG admits a historical responsibility for "humanitarian" consequences of WW II, especially for the Nazi "Reichsbahn" complicity in massdeportation.**

**In 2011 Deutsche Bahn AG charged US-lobby-makers to observe and to influence, if possible, the Holocaust Rail Coalitions' activities (see Congresswomen Caroline B. Maloney and Ileana Ros-Lehtinen) in order to avoid any pressure as imposed on the French railways SNCF (Der Spiegel, April 02, 2012: US Holocaust Legislation: German National Railway Fears Flood of Lawsuits).**

**Claims by members of the Holocaust Rail Coalition or competent Jewish organisations against Deutsche Bahn AG in the US are unknown until now although Deutsche Bahn AG and german statehold US-"Schenker International" are leading companies in the US with revenues much more higher than made by SNCF.**

Deutsche Bahn AG launched a foundation in 2013 (Deutsche Bahn Stiftung) which is financed by Deutsche Bahn AG with 0,5% of its yearly pre-tax profit.

b) The German state is the 100% owner of Deutsche Bahn AG (including US-“Schenker International”). The German state incorporated the debts primarily held by the after-war Deutsche Bahn and transmitted it in 1994 when the today stock company Deutsche Bahn AG was founded.

### **III. The SNCF (France) compensation model:**

During World War II, SNCF provided the trains, cars, and manpower necessary to deport approximately 76,000 Jews and thousands of other “undesirables” from France toward Nazi death camps. SNCF was paid per head, per kilometer to transport Jews as well as U.S. and Canadian airmen shot down over France. Since the war, SNCF has refused to take responsibility for its actions or to provide the surviving victims and the families of those who perished with any justice or reparations.

Since the Holocaust, independent studies and tribunals have found that SNCF collaborated with the Nazis. [The Bachelier Report](#) commissioned by SNCF itself, found that in the first meeting with the Nazis concerning the deportations, it was agreed SNCF would retain control and responsibility for the deportations, including the technical conditions of the deportations. Indeed, SNCF complained when Red Cross workers tried to provide food and water to the victims because it slowed down the deportation schedules. [Court determined](#) that SNCF was completely responsible, and its actions entailed its full and total liability.

For more than a decade, a coalition of supporters has worked tirelessly to compel SNCF to take moral responsibility for the role it played in transporting countless Jews—men, women, children and infants alike—toward their deaths.

After years of advocacy on December 5, 2014 binding agreement between the U.S. and French governments has been announced under which the French government will provide up to \$100 million compensation fund to numerous survivors and their heirs, in recognition of the horrific Holocaust-era actions perpetrated by the French national rail company, Societe Nationale des Chemins de Fer Francais (SNCF).

The French authorities have agreed that in order to expedite payments, the U.S. Government will administer and distribute this amount to Israelis, Americans, and other foreigners and their families who have been unable to benefit from the programs, and these will be done without any requirement for any medical showing of disability.

What is critically important in this agreement and is one of the innovations, is that the estates – “heirs standing in the shoes of survivors or surviving spouses or their children” – who are now deceased and would have been eligible had they been French citizens in France, will be compensated

It is worth to mention that voluntarily and independent of this agreement, the president of SNCF America, Mr. Alain Leray, whose parents themselves fled the grasp of the Nazis, has informed that SNCF, the state-owned railway, will contribute additional \$4 million over the next five years, \$1 million in 2015, and 200,000 per year thereafter – half in the United States, the other half in Israel and Europe – for the support of Holocaust museums, memorials, education, and projects of remembrance. This additional \$4 million contribution is in addition to the \$10 million they've contributed to similar projects in past years.

The agreement, coming almost 70 years after the end of the Holocaust, finally brings a measure of justice to at least some of those victims and represents the culmination of roughly 14 years of work by Holocaust survivors, their families, state and federal legislators, and those who have advocated on behalf of the survivors.

#### **IV. Comments on the activity of the Federal Republic of Germany:**

a) As Germany strains international "immunity", the Italian supreme court of justice has declared, on October 22nd 2014, that such an "immunity" (for *acta iure imperii*) does not prevent individual claims against Germany if crimes against humanity executed by German occupiers during WW II are concerned.

It is without any doubt that the debts from acts against the JCT and Greek Jewish population in Ioannina, Korfu, Rhodos, Crete a.s.o. result from those crimes against humanity.

Germany denies financial obligations referring to a contract with the Greek government from March 18th 1960, in which Germany agreed to pay a sum of (today) 57.5 million Euro dedicated to Greek victims of Nazi prosecution for reasons of "race", "belief" and "conviction".

Germany sees this contract as a closure, whilst the contract underlines explicitly that future demands of Greek individuals are not affected (item No. III).

Part of the contract is a letter of the Greek embassy saying that the Greek government feels free to launch further demands when German obligations according to the London Agreement on German External debts (1953), para. 5 (2), will be investigated.

As such an investigation has never been ruled out, it can be opened by Greek creditors any time.

b) German courts have refused since 1991 (German unification) nearly any claim brought to justice by victims of Nazi barbarism for reasons of restitution if such claims were directed against the German state, arguing that Nazi barbarism was part of *acta iure imperii*.

As the US administration (Stuart E. Eizenstat) forced Germany in 2000 to compensate some of the mistreated Jewish communities and individuals as well as survivors of forced labour and

Nazi slavery, mainly in East Europe, Berlin launched a "humanitarian" foundation called "Remembrance, Responsibility, Future" (EVZ).

c) EVZ delt a public claim of Polish survivors, former victims of massdeportations of Nazi "Reichsbahn", against Deutsche Bahn AG (2010) based on the NGO-Expertise. The survivors asked for a minimum of 20 million Euros.

By diplomatic consultations between the German government and the Polish government it was agreed to let offer Deutsche Bahn AG 5 (five) million Euros (in exchange to a traffic licence for Deutsche Bahn AG in Poland).

The money was'nt directly given to the survivors but closed in the vault of the German foundation EVZ which decided about "projects" and "petitions" of the victims.

This led to accusations against EVZ as well as against Deutsche Bahn AG and caused a rupture between the Polish survivors and survivors from other East-European countries.

**V. Summary:**

We are demanding from your company to compensate in full the Jewish Community of Thessaloniki, who is the legal representative of the Holocaust victims of Thessaloniki Jews.

Copy of the train tickets are available.

Berlin, Thessaloniki, Rome  
April 2015

Sincerely Yours,

**(Signed)**

\_\_\_\_\_  
**Mr. Hans-Ruediger Minow**  
**Board Spokesperson**  
**Train of commemoration,**  
**Reg. Civil Society Org.**  
**The Federal Republic of Germany**

**(Signed)**

\_\_\_\_\_  
**Mr. David Saltiel**  
**President**  
**The Jewish Community of**  
**Thessakoniki**  
**The Hellenic Republic**

C. C. Adv. Zvika Barak - Legal Advisor to the Group  
Email: [advbarak@zbarak-law.co.il](mailto:advbarak@zbarak-law.co.il)