

ESLI – Switzerland

During the Holocaust (Shoah) Era between 1933-1945, including the Period of World War II, the Swiss territory was never occupied by the Nazis, Fascists and their Collaborators.

Nevertheless Switzerland was involved in the immeasurable damage done to Jewish individuals and communities as well as to other victims of persecution between 1933-1945.

As Jewish individuals, Swiss citizens were victims of the persecutions. A part of the looted property was sold in Switzerland. Immediately after the war, the Swiss authorities decided measures to identify, locate and restitute the assets of the victims. A special issue was the Heirless property managed by the Swiss banks. The “Federal Decree on Registration of Dormants Accounts” which came into force in 1962 was owned to refute any suspicion that Switzerland had enriched himself from the assets of the victims of contemptible events.

The mobility of goods and capital caused some problems for Switzerland, because Swiss banks, firms, companies or business men could be involved in the transactions with assets seized by the Nazis, Fascists and Their Collaborators.

At the end of the 20th century, the Swiss authorities and firms decided measures to investigate about the assets transferred in Switzerland or acquired by Swiss persons during the Nazi domination on Europa. Two Commissions were founded: the Independent Committee of Eminent Persons (known as “Volcker Committee”) and the Independent Commission of Experts Switzerland-Second World War (known as “Bergier Commission”¹). Theirs final reports were published in 1999 and in 2002. These investigations goaled the fate of Assets which reached Switzerland as a result of the National-Socialist regime.

In 1996 and 1997, a series of class action lawsuits were filed in several United States federal courts against certain Swiss banks and other Swiss entities, alleging that Swiss financial institutions collaborated with and aided the Nazi Regime by knowingly retaining and concealing assets of Holocaust victims, and by accepting and laundering illegally obtained Nazi loot and profits of slave labor. In August, 1998, the Swiss banks and the The plaintiffs reached an agreement in principle to settle the lawsuits for \$1.25 billion (“Global Settlement”). In exchange for the settlement amount paid by the Swiss banks (“Settlement Fund”), the plaintiffs and class members agreed to release and forever discharge Swiss banks, the Swiss government and other Swiss entities from, among other things, any and all claims

¹ About the « Bergier Commission », see <http://www.uek.ch>.

relating to the Holocaust, World War II, and its prelude and aftermath. The distribution of the funds is achieved since March 31, 2012.²

For historical reasons, the immovable (real) property confiscated or otherwise wrongfully seized by the Nazis, Fascists and their collaborators was only by the way mentioned in the reports of the “Bergier Commission”. The Swiss banks and the insurance companies were involved in transactions with immovable property in Europa. For example, a Swiss big bank was interested in a building in Berlin. In the study about the Swiss financial center and Swiss banks during the Nazi period (especially about the Major swiss banks and Germany), you can find informations³. In the study about the Swiss insurance companies in the area governed by the Third Reich⁴ facts are published on the immovable property.

“Traditionally, the insurance companies were among the largest mortgage lenders and also owned assets in the form of real estate. In some cases, Swiss companies were involved in the «Aryanisation» of property on which they had previously granted mortgages and which now had to be disposed of through forced auction: Basler Leben purchased this type of property in Mannheim in 1936 and in Frankfurt in 1939. Rentenanstalt and Vita also acquired real estate as a result of forced auctions, yet were exonerated of the charge of unjust enrichment during restitution proceedings after the end of the war. In other cases, the Swiss insurance companies’ intention to purchase and «Aryanise» property was thwarted by their German competitors. When the Swiss insurance companies rented out properties in Germany, they terminated their Jewish tenants’ leases voluntarily without coming under pressure to do so from the state; when the relevant legislation was passed in April 1939, they were thus able to report that these rented premises no longer had Jewish tenants.”⁵

In the book about «Aryanisation» measures in Austria and their relevance to Switzerland⁶, information is published about Swiss citizens who were victims of persecutions: their immovable properties were confiscated.⁷

² See <http://www.swissbankclaims.com/Overview.aspx>.

³ Marc Perrenoud, Rodrigo López, Florian Adank, Jan Baumann, Alain Cortat, Suzanne Peters, *La place financière et les banques suisses à l’époque du national-socialisme. Les relations des grandes banques avec l’Allemagne (1931–1946)*, Zurich, 2002.

⁴ Stefan Karlen, Lucas Chocomeli, Kristin D’haemer, Stefan Laube, Daniel Schmid, *Schweizerische Versicherungsgesellschaften im Machtbereich des «Dritten Reichs»*, Zurich, 2001.

⁵ Final Report of the Bergier Commission, 283-285.

⁶ Gregor Spuhler, Ursina Jud, Peter Melichar, Daniel Wildmann, *«Arisierungen» in Österreich und ihre Bezüge zur Schweiz*, Zurich

The historical investigations allowed to publish facts about Swiss citizens either as victims or as actors⁸ of the persecutions in Europa. After 1945, a few restitution proceedings concerned Swiss firms.⁹

But the research was not exhaustive. For example, the Bergier Commission investigated a lot of cases, but “did not undertake any systematic efforts to uncover similar cases in East Berlin (where the Jewish Restitution Successor Organization claimed three buildings from the Rentenanstalt),⁹⁰ in the former German Democratic Republic, in the German Eastern territories within the 1937 borders, or in the occupied countries.”¹⁰

The Swiss territory was not a field where properties were confiscated or otherwise wrongfully seized in the course of persecutions perpetrated by the Nazis, Fascists and their collaborators during the Holocaust (Shoah) Era between 1933-1945, including the period of WWII.

For these reasons, legislation and administrative measures regarding specifically immovable (real) property were not adopted or prepared. Nevertheless Switzerland is ready to contribute to the further investigations and to help to restitution.

Dr. Marc Perrenoud

⁷ See the section of the Final Report of the Bergier Commission: «Aryanisations» and the diplomatic protection of Swiss property“, 339-342.

⁸ See the section of the Final Report of the Bergier Commission «Take-overs and attempted take-overs of Jewish companies and real property by Swiss firms: three examples”, 331-337.

⁹ See, for example, in the Final Report of the Bergier Commission: “Restitution proceedings against Swiss insurance companies”

¹⁰ Final Report of the Bergier Commission, 458.