

Part II

PROPERTY RIGHTS AND CLAIMS**1. Responsibilities.**

a. Military commanders are responsible for assisting, so far as practicable, in the protection of the property, property rights and claims of displaced persons.

b. Allied Liaison Officers should be requested to assist Assembly Center directors in advising displaced persons with respect to various matters such as settlement of claims for wages and compensation due, and to assist in protecting and disposing of property belonging to their nationals.

2. Types of Claims.

The claims which displaced persons may assert will generally be one of the following types:

a. Claims against the German Government or German authorities for property taken or compensation due.

b. Claims against the Allied forces for property taken or compensation due.

c. Claims against other displaced persons.

d. Claims against German citizens.

3. Claims against the German Government or German authorities for Property Taken or Compensation Due.—Displaced persons should be advised that every effort should be made to settle claims against the German Government or German authorities prior to repatriation. If this is not possible, arrangements should be made if practicable so that German authorities make available to the displaced person such documentary evidence as he may need to make a later claim through his own Government.

4. Claims against the Allied Forces for Property Taken or Destroyed or Compensation Due.—Where claims against Allied forces cannot be settled prior to repatriation, the displaced persons should be referred to the nearest Claims and Hirings Officer (Br or U.S. Claims Commission or Officer. If no such officer is available, arrangements should be made if feasible for the appropriate military officials to give receipts and necessary documentary evidence from which the displaced person may later press his claim through his own Government.

5. Claims against other Displaced Persons.—Where a claim is made against another displaced person, the displaced person should be advised that every effort should be made to settle the claim if at all possible. Where settlement cannot be made, Allied Liaison Officers should determine action to be taken in the individual case.

6. Claims against German Citizens.—Claims by displaced persons against Germans should be enforced in the German courts, when reopened. However, it should be made clear to displaced persons that the German courts are not likely to be opened for civil business for some

time. Consequently they should make every effort to settle any claims before repatriation. If this is not possible the displaced person should be advised to take all possible steps to obtain documentary evidence of his claim. Assistance in this might be given by procuring through the Military Government detachment the attendance of a German lawyer or a notary at the Assembly Center to:

a. Give general legal advice on claims and their preservation.

b. Make arrangements for the perpetuation of any relevant testimony so as to enable the claim to be pursued after the displaced person has been repatriated, either through his Government or direct in Germany. In this connection it should be noted that any Amtsgericht, when re-opened for such purpose, has power under the Code of Civil Procedure (484-494) to issue an order at the request of a party to perpetuate testimony even though an action has not yet been brought.

7. It should be made clear to all displaced persons seeking advice concerning property, property rights or claims of any kind that neither the Military Forces nor Military Government assumes the slightest responsibility for the prosecution of any claim or the taking of any action to advance the cause of the claimant other than as indicated above.