

DEMOGRAPHICS OF "VICTIM OR TARGET" GROUPS

The Special Master has examined each of the five groups of "Victims or Targets of Nazi Persecution," defined in the Settlement Agreement to include Jews, Romani (sometimes incorrectly referred to as "Gypsies"), Jehovah's Witnesses, homosexuals and persons with physical or mental disabilities. The Special Master has considered the current and pre-World War II estimated populations for each of these groups, the estimated number of people in each group who perished under the Nazi Regime and, most importantly for purposes of the Special Master's analysis, the estimated number of survivors of Nazi persecution in each group.

Where such information was available, the Special Master also has considered the locations of the bulk of the survivor populations. The amount and reliability of available statistics varies greatly among the groups. In general, more research has been conducted, and thus more reliable statistics are available, with respect to Jews compared to the other "Victim or Target" groups. The following is a synopsis of the statistical information examined by the Special Master for each of the five "Victim or Target" groups participating in the settlement.

I. Jews

A. Current and Pre-War Jewish Population

A number of different estimates have been presented with respect to the current worldwide Jewish population, ranging from approximately 12.9 million to approximately 13.5 million people. According to information contained in the Notice Plan submitted in this action (the "Notice Plan"), approximately 13.5 million Jews are alive today.¹ According to Professor Sergio Della Pergola,² an estimated 13,191,500 Jewish people were living throughout the world as of January 1, 2000.³ Ukeles Associates, Inc. ("Ukeles"), a firm commissioned by the Conference on Jewish Material Claims Against Germany, Inc. (the "Claims Conference") to perform research on Jewish Nazi victims, estimates that the current worldwide Jewish population consists of 12,943,000 people.⁴ Table 1 provides a breakdown by country and region of the Della Pergola statistics as presented in the 2000 American Jewish Year Book, and Table 2 shows the general geographic breakdown of the worldwide Jewish population according to Ukeles.

¹ See Notice Plan, Ex. 1 (estimating that there are 13.49 million Jews throughout the world based on population figures provided by Avi Beker, Jewish Communities of the World 1998-1999 (Minneapolis: Lerner Publications, 1998); the American Jewish Joint Distribution Committee; and the Council of Jewish Federations population study).

² Professor Della Pergola is the head of the Division of Jewish Demography and Statistics of the Avraham Harman Institute of Contemporary Jewry at the Hebrew University of Jerusalem in Israel.

³ Sergio Della Pergola, *World Jewish Population, 2000*, in 2000 American Jewish Year Book (David Singer, et al., eds., New York: The American Jewish Committee forthcoming 2000) (hereinafter, "Della Pergola").

⁴ Ukeles Associates, Inc., *Paper #2: An Estimate of the Current Distribution of Victims of Nazi Persecution*, prepared for the Claims Conference Planning Committee (June 28, 2000), at 2-8. The Ukeles estimates were provided to the Special Master in draft form and have not yet been accepted or approved by the Claims Conference's Planning Committee or its Board of Directors.

TABLE 1: Worldwide Jewish Population⁵

Country/Region	Jewish Population
United States	5,700,000
Canada	362,000
Total North America	6,062,000
Israel	4,882,000
Total Israel	4,882,000
Austria	9,000
Belgium	31,700
Denmark	6,400
Finland	1,100
France	521,000
Germany	92,000
Greece	4,500
Ireland	1,000
Italy	29,600
Luxembourg	600
Netherlands	26,500
Portugal	300
Spain	12,000
Sweden	15,000
Switzerland	18,000
United Kingdom	276,000
Other	1,900
Total European Union and Western Europe	1,046,600
Belarus	26,600
Estonia	2,000
Latvia	8,600
Lithuania	4,400
Moldova	6,500
Russia	290,000
Ukraine	100,000

⁵ Della Pergola, at 487, 489-95.

Country/Region	Jewish Population
Total FSU⁶ in Europe	438,100
Bosnia-Herzegovina	300
Bulgaria	2,600
Croatia	1,300
Czech Republic	2,800
Hungary	52,000
Macedonia (FYR)	100
Poland	3,500
Romania	11,500
Slovakia	3,300
Slovenia	100
Turkey	19,000
Yugoslavia	1,800
Total Eastern Europe and Balkans	98,300
Azerbaijan	6,000
Georgia	6,000
Kazakhstan	7,000
Uzbekistan	7,000
Other FSU in Asia	4,000
Total FSU in Asia	30,000
China	1,000
India	5,500
Iran	12,000
Japan	1,000
Other in Asia	1,400
Total in Asia	20,900
Argentina	200,000
Bolivia	700
Brazil	98,000
Chile	21,000
Colombia	3,800
Ecuador	900
Paraguay	900
Peru	2,800

⁶ “FSU” denotes the former Soviet Union.

Country/Region	Jewish Population
Suriname	200
Uruguay	22,800
Venezuela	18,000
Total South America	369,100
Mexico	40,500
Costa Rica	2,500
Guatemala	1,000
Panama	5,000
Puerto Rico	1,500
Other	2,300
Total Central America	52,800
Australia	97,000
New Zealand	4,800
Other	100
Total Oceania	101,900
Morocco	5,800
Tunisia	1,500
South Africa	80,000
Other Africa	2,500
Total Africa	89,800
TOTAL WORLD JEWISH POPULATION	13,191,500

TABLE 2: Geographic Distribution⁷

Country/Region	Estimated Total Jewish Population
Israel	4,743,000
United States	5,515,000
FSU	573,000
Eastern and Central Europe	102,000
Western Europe	1,005,000
Latin America	435,000

⁷ Ukeles, at 2-8. The data presented in Table 2 was derived from the following sources: Statistical Abstract of Israel Table 2.1 at 2-7 (Jerusalem: Government of Israel, Central Bureau of Statistics 1999), Highlights of the CJF 1990 National Jewish Population Survey, Council of Jewish Federations (New York: Council of Jewish Federations 1991); 1998 American Jewish Yearbook (David Singer, et al., eds., New York: The American Jewish Committee 1998) (Sergio Della Pergola 1996 estimates); Study conducted by Barry Kosmin for the Jewish Institute for Social Policy in London on the South African Jewish Community (1999).

Country/Region	Estimated Total Jewish Population
Canada	360,000
Oceania	100,000
South Africa	70,000
Other	40,000
Total	12,943,000

As can be seen from the foregoing, the majority of Jews in the world today reside in Israel and the United States. According to Professor Della Pergola, 80.2% of all Jews reside in these two countries.⁸ According to Ukeles, 75.2% of the worldwide Jewish population currently live in the United States and Israel.⁹

Prior to World War II, however, the majority of Jews lived in Europe. According to Professor Salo W. Baron, 9,480,000 Jews lived in Europe as of 1939, of a total worldwide Jewish population of 16,724,000.¹⁰

B. Mortality of Jewish Nazi Victims

With respect to Jewish mortality under the Nazi Regime, the Special Master has used the figures presented by Israel Gutman and Robert Rozett in the Encyclopedia of the Holocaust.¹¹ Gutman and Rozett estimate that the total number of Jews murdered by the Nazis ranges from a minimum of 5,596,029 to a maximum of 5,860,129, of an estimated pre-War population of 9,796,840 Jewish people residing in a number of countries throughout Europe and

⁸ Della Pergola, at 489.

⁹ Ukeles, at 2-8.

¹⁰ Salo W. Baron, *Population*, in 13 Encyclopedia Judaica 866, 870-92 (Jerusalem: Encyclopedia Judaica 1972); *See also* Table 3, *infra*.

¹¹ Israel Gutman and Robert Rozett, *Estimated Jewish Losses in the Holocaust*, in 4 Encyclopedia of the Holocaust 1797 (Israel Gutman, ed., New York: Macmillan Pub. Co. 1990).

the former Soviet Union.¹² Table 3 provides a breakdown by country of the Jewish mortality statistics compiled by Gutman and Rozett.

TABLE 3: Estimated Jewish Losses in the Holocaust¹³

Country	Initial Jewish Population	(year)	Minimum Losses	Maximum Losses
Austria	185,000	(1938)	50,000	50,000
Belgium	65,700		28,900	28,900
Bohemia/Moravia	118,310	(1939)	78,150	78,150
Bulgaria	50,000		0	0
Denmark	7,800	(1940)	60	60
Estonia	4,500	(1941)	1,500	2,000
Finland	2,000	(1939)	7	7
France	350,000		77,320	77,320
Germany	566,000	(1933)	134,500	141,500
Greece	77,380	(1940)	60,000	67,000
Hungary	825,000	(1941)	550,000	569,000
Italy	44,500		7,680	7,680
Latvia	91,500	(1941)	70,000	71,500
Lithuania	168,000	(1941)	140,000	143,000
Luxembourg	3,500	(1940)	1,950	1,950
Netherlands	140,000	(1940)	100,000	100,000
Norway	1,700		762	762
Poland	3,300,000	(1939)	2,900,000	3,000,000
Romania	609,000	(1941)	271,000	287,000
Slovakia	88,950	(1942)	68,000	71,000
Soviet Union	3,020,000	(1939)	1,000,000	1,100,000
Yugoslavia	78,000		56,200	63,300
Total	9,796,840		5,596,029	5,860,129

¹² *Id.* at 1799. The Encyclopedia of the Holocaust also reports the well-known statement of Adolph Eichmann — SS Lieutenant-Colonel who was Chief of the Jewish Office of the Gestapo during World War II and implemented the “Final Solution” which aimed at the total extermination of European Jewry — that 6 million Jews perished under Nazi rule. *Id.* at 1797.

¹³ *Id.* at 1799-1802 (these numbers are estimates, but, according to Gutman and Rozett, the error factor is no more than a few percentage points).

C. Jewish Survivors of Nazi Persecution

The Special Master has considered a variety of information concerning the population of surviving Jewish Nazi victims, including estimates of the current Jewish survivor population, their geographic distribution, their average ages and expected mortality rates, and the number of Jewish survivors who have received payments from the Swiss Fund for Needy Victims of the Holocaust/Shoa (the “Swiss Humanitarian Fund”).¹⁴

1. Number of Jewish Survivors

As stated by Ukeles, “[t]here are no reliable, agreed-upon, statistics on the number of Jewish Nazi victims living in the world today.”¹⁵ The statistics reviewed by the Special Master are estimates, based on the best available information. The estimates range from a low of 832,000 Jewish survivors to a high of 960,000.

According to a report prepared by the Spanic Committee¹⁶ and cited by the Notice

¹⁴ The Swiss Humanitarian Fund was established in March 1997 as a humanitarian gesture wholly separate from the settlement of this action in order to provide assistance to “needy” victims of Nazi persecution. Although the number of survivors who received payments from the Swiss Humanitarian Fund is instructive to a demographic analysis, the number of survivors qualifying for Swiss Humanitarian Fund payments may differ materially from the number of survivors qualifying for benefits under the Settlement Agreement in this case because, among other reasons, (1) the Swiss Humanitarian Fund used a narrower definition of “survivor” than that proposed herein; and (2) certain groups targeted by the Nazis, such as Jehovah’s Witnesses and other victims of political persecution, could only qualify for the Swiss Humanitarian Fund if they had been interned in “internationally recognized concentration camps” and had been born in 1921 or earlier. See Annex K (“The Swiss Humanitarian Fund”) for a more detailed discussion of the Swiss Humanitarian Fund.

¹⁵ Ukeles, at 2-2.

¹⁶ The Spanic Committee was organized by the Israeli Prime Minister’s Office and consisted of E. Spanic, Chair; H. Factor; and W. Struminsky. The Committee undertook a comprehensive effort to estimate the number of surviving Jewish Nazi victims by geographic area between May and July 1997. These estimates were revised slightly in May 1998 by H. Factor and W. Struminsky. See Ukeles, Appendix 1.1, at 2-13.

Plan, there were between 834,000 and 960,000 Jewish Nazi victims living as of July 1997.¹⁷

According to estimates provided by Ukeles, between 832,000 and 935,000 Jewish Nazi victims are alive today, representing approximately 6% of the total worldwide Jewish population.¹⁸

Certain survivor support organizations, such as AMCHA, the Israeli Centers for Nazi victims and the Second Generation, estimate that there are 300,000 Jewish Nazi victims currently living in Israel alone.¹⁹ Using this 300,000 estimate, the Notice Plan approximates that 860,000 Jewish Nazi victims live throughout the world today.²⁰

According to the Initial Questionnaires returned by potential class members and analyzed by the Notice Plan administrators (the “Initial Questionnaires”) – of which 561,676 of a

¹⁷ Spanic Committee Report, *Number of Living Holocaust Survivors*, July 27, 1997, cited in Notice Plan, at 5-6.

¹⁸ Ukeles, at 2-4, 2-6. Ukeles defines a Nazi victim as “[a] Jew who lived in a country at the time when it was under a Nazi regime; under Nazi occupation, or under the regime of Nazi collaborators or who fled to a country or region not under Nazi rule or occupation due to Nazi rule or Nazi occupation.” *Id.* at 2-3. Thus, Ukeles includes in its definition of “Nazi victim” so-called “flight cases,” including “people who fled shortly before their country was invaded, those who fled *during* the Nazi invasion of their country before it was entirely occupied, or those who fled shortly after their country was occupied.” *Id.* at 2-3, n.7. The Spanic Committee’s estimates (as well as the Notice Plan’s estimates derived therefrom), also were developed using a broad definition of Nazi victim which includes flight cases. Ukeles, Appendix 1.1, at 2-13.

¹⁹ *See* Notice Plan, at 6.

²⁰ *Id.* at 6. The foregoing estimates do not include heirs or descendants of Jewish Nazi victims. Although the total number of heirs of Nazi victims is unknown, a “mid-range” estimate provided by the Notice Plan places the number of heirs – defined as children of deceased Nazi victims – at approximately 2 million. *Id.* AMCHA estimates that there are 700,000 children of deceased Jewish Nazi victims living in Israel alone. *Id.* at Ex. 1. As discussed more fully in Annex D (“Heirs”), New York law, which governs the Settlement Agreement in this case, does not limit “heirs” to children; the definition of “heirs” extends to “great-grandchildren of grandparents” (or second cousins). Therefore, the Special Master believes that the number of heirs of Nazi victims as determined by New York law could be considerably more than the 2 million estimated in the Notice Plan.

total of 562,232 (more than 99%) have been entered into a computer database²¹ – 430,897 survivors (approximately 93.1% of the respondents identifying themselves as members of one or more of the five “Victim or Target” groups²²) state that they are Jewish.²³ These Jewish respondents are spread throughout the world with 152,213 residing in North America, 103,949 in Israel, 17,741 in Western Europe, 42,212 in Eastern Europe, 102,862 in the former Soviet Union, and 11,920 in Latin America and other geographic areas.²⁴

2. Geographic Distribution of Jewish Survivors

The majority of Jewish survivors of Nazi persecution reside in Israel, the former Soviet Union and the United States, according to numerous sources. The following tables set forth the geographic distribution of Jewish survivors according to the Spanic Committee, the Notice Plan, and Ukeles.

²¹ See In re: Holocaust Victim Assets Litigation (No. CV 96-4849), Summary Reports of Initial Questionnaire Data Entered as of 8/30/00, vol. 1 (hereinafter, “Initial Questionnaire Data”), at 1. A copy of the Initial Questionnaire Data is attached as Exhibit 1 hereto. Although the Initial Questionnaires provide a variety of useful information regarding, among other things, the demographics of the five “Victim or Target” groups, the Initial Questionnaires are undoubtedly subject to human error. Moreover, many of the Initial Questionnaires contain narrative explanations for certain of the answers given by respondents; these narrative explanations have not yet been fully analyzed.

²² Of the 561,676 Initial Questionnaires analyzed, there were 462,910 responses indicating that a person belonged to one or more of the five “Victim or Target” groups, 30,953 respondents indicated that they did not belong to any of the “Victim or Target” groups, and 70,892 provided no indication. *Id.* at 2. It appears that approximately 3,000 respondents indicated that they belonged to more than one of the five “Victim or Target” groups.

²³ *Id.*

²⁴ *Id.*

TABLE 4: Geographic Distribution of Jewish Survivors per the Spanic Committee²⁵

Country/Region	Number of Survivors
Israel	360,000 - 380,000
FSU	184,000 - 220,000
United States/Canada	140,000 - 160,000
Western Europe	80,000 - 100,000
Eastern Europe	50,000 - 80,000
Other	20,000
Total	834,000 - 960,000

TABLE 5: Geographic Distribution of Survivors per the Notice Plan²⁶

Country/Region	Number of Survivors	Percentage of Survivors
Israel	300,000	35%
FSU	200,000	23%
United States & Canada	160,000	19.3%
Western Europe	100,000	11.6%
Eastern Europe	80,000	9.3%
Other	20,000	2.3%
Total	860,000	100.5%

TABLE 6: Geographic Distribution of Nazi Victims per Ukeles²⁷

Country/Region	Number of Survivors	Percentage of Survivors
Israel	326,000 to 355,000	35% to 43%
FSU	194,000 to 222,000	21% to 27%
United States	127,000 to 146,000	14% to 18%
Western Europe	96,500	15% to 20%*
Eastern & Central Europe	46,000 to 73,000	15% to 20%*
Other	43,000	about 5%
Total	832,000 to 935,000	

* for all of Europe

²⁵ Spanic Committee Report, cited in Notice Plan, at 6.

²⁶ Notice Plan, Ex. 1. In compiling its estimates, the Notice Plan used the higher range of numbers presented by the Spanic Committee for each country, with two exceptions: the estimated number of survivors living in Israel was reduced to 300,000, and the estimated number of survivors living in the former Soviet Union was reported as 200,000, the approximate mid-point of the range presented for that country by the Spanic Committee. The percentage column in Table 5 exceeds 100% due to rounding.

²⁷ Ukeles, at 2-4 – 2-5, 2-8. The numbers presented by Ukeles also are rounded.

Both the Notice Plan and Ukeles provide additional statistics on the percentage of all Jews living in Eastern Europe and the former Soviet Union who are survivors of Nazi persecution. According to the Notice Plan, survivors comprise 47% of all Jews currently living in Eastern Europe, and 21.7% of all Jews currently living in the former Soviet Union.²⁸

According to Ukeles, approximately one-third of all Jews living in the former Soviet Union, and approximately half of all Jews living in Eastern Europe, are Nazi victims.²⁹ With respect to the older Jewish population (aged 55 and over), the percentages of Nazi victims in these regions are even greater: Ukeles estimates that more than half of the older Jews in the former Soviet Union, and nearly 80% of the older Jews in Eastern Europe, are Nazi victims.³⁰

3. Estimated Age and Expected Mortality Rate of Jewish Survivors

Most of the Jewish survivors are elderly. The Notice Plan estimates that the average age of a survivor is 73 in Israel, and 80 in the rest of the world. The relatively younger age of Israeli survivors is attributed to the fact that most Jewish child survivors were sent to Israel after World War II.³¹

Ukeles estimates that 75% of all Jewish survivors are over the age of 65. 40% of these survivors are estimated to be between the ages of 65 and 74, 26% are estimated to be between the ages of 75 and 84, and 9% are estimated to be over 85.³²

²⁸ Notice Plan, Ex. 1.

²⁹ Ukeles, at 2-7.

³⁰ *Id.*

³¹ Notice Plan, at 5.

³² Ukeles, at 2-6. Ukeles' estimates are based on data from a national survey of non-institutionalized Israelis aged 60+ living in urban areas, conducted by the Israeli Central Bureau of Statistics in 1997. *Id.* at 2-6, n.11.

According to Ukeles, the population of Nazi victims is declining more slowly than previously believed. Ukeles posits that a fairly substantial number of Jewish Nazi victims may live for at least another 20 years and that, 30-35 years from now, tens of thousands of Jewish Nazi victims are likely to be alive.³³ Table 7 sets forth information compiled by Ukeles on the expected decline in the population of Jewish Nazi victims currently older than age 65 over the next 15 years.

TABLE 7: Expected Decline in Over 65 Survivor Population Over Next 15 Years³⁴

Years	Expected Decline in Survivor Population
2000-2004	5% to 6% per year
2005-2009	6% to 8% per year
2010-2014	8% to 10% per year

4. Number of Jews Receiving Payments from the Swiss Humanitarian Fund

According to an “Overview of Finances, Payments and Pending Applications,” dated July 10, 2000, provided by the Swiss Humanitarian Fund to the Special Master (“Swiss Humanitarian Fund Overview”),³⁵ 250,098 Jewish survivors of Nazi persecution who were deemed to be in “need”³⁶ have received assistance from the Swiss Humanitarian Fund from its inception in 1997 through July 10, 2000. An additional 6,063 needy Jewish survivors have been

³³ Ukeles, *Paper #3: Projection of the Population of Victims of Nazi Persecution, 2000-2040*, prepared for the Claims Conference Planning Committee (June 28, 2000), at 3-2.

³⁴ *Id.*

³⁵ The Swiss Humanitarian Fund Overview is attached as Exhibit 2 hereto.

³⁶ As discussed in Annex K (“The Swiss Humanitarian Fund”), the definition of “need” applied by the Swiss Humanitarian Fund varied depending upon the country in which the particular claimant resided. All survivors of Nazi persecution residing in Central and Eastern Europe and the former Soviet Union were presumed needy by the Swiss Humanitarian Fund. *See also* Annex F (“Social Safety Nets”).

approved and are awaiting payment, and 350 more applications from Jewish survivors are pending approval.³⁷

II. Roma

A. Current and Pre-War Roma Population

The Notice Plan asserts that it is difficult to estimate the Roma population accurately due to the Roma community's cultural distrust of outsiders, centuries of persecution and concomitant history of not cooperating with census officials and bureaucrats trying to identify and quantify their populations.³⁸ Available estimates of the current worldwide Roma population vary greatly. According to an estimate provided by Dr. David Crowe³⁹ and cited in the Notice Plan, the worldwide Roma population in 1999 consisted of approximately 7,632,000 people.⁴⁰ According to the Notice Plan, most Roma reside in Europe and the United States, with smaller populations in Latin America, the Middle East, Australia and Canada.⁴¹

The Notice Plan also provides estimates of the Roma population living in Europe prior to World War II. Its conservative assessment of the pre-War European Roma population is approximately 1,075,000 people.⁴² According to the Notice Plan, most of the pre-War European

³⁷ Swiss Humanitarian Fund Overview, at 2-3.

³⁸ Notice Plan, at 8, n.4. *See also* Gabrielle Tyrnauer, *The Forgotten Holocaust of the Gypsies*, 55 Social Education 111, 113, n.1 (1991) (stating that pre-War population statistics for the Roma community are unreliable because this group generally has avoided self-identification).

³⁹ Dr. Crowe is a professor of History at Elon College and a member of the Education Committee of the Holocaust Memorial Museum in Washington, D.C.

⁴⁰ Notice Plan, Ex. 3; *see also id.* at 8, n.4 (stating that there may be as many as 12-15 million Roma living throughout the world today, based on a diverse array of sources).

⁴¹ *Id.* at Ex. 3.

⁴² *Id.* at 8.

Roma resided in Romania, Bulgaria, Hungary, Russia, Slovakia, Yugoslavia, France, the Czech Republic, Italy, Poland, Belarus and Germany.⁴³

B. Mortality of Roma Nazi Victims

The Notice Plan provides an overview of the disparate statistics on the number of Roma killed by the Nazis in the Porrajmos.⁴⁴ It reports that the number of murdered Roma ranges from a conservative estimate of 250,000 to a possible high of 500,000 people.⁴⁵ The Notice Plan also extrapolates from a conservative pre-War estimate of 1,075,000 European Roma to conclude that between 246,000 and 263,000 Roma died under the Nazi Regime.⁴⁶ According to the Notice Plan, the greatest Roma mortality occurred in Romania, Hungary, Yugoslavia, Russia, France, the Czech Republic, Poland, Germany, Austria and Belarus.⁴⁷

In addition to the estimates presented in the Notice Plan, many scholars and historians have estimated the number of Roma who perished under Nazi rule. Although most estimates fall somewhere between 200,000 and 500,000, the number ranges from as low as 90,000 to as high as 4,000,000, depending upon the source.

Examples of such estimates include the following:

- Donald Kenrick and Grattan Puxon, The Destiny of Europe's Gypsies (London: Sussex University Press 1972) (estimates total number of Romani victims at 219,700 out of a pre-War population of 936,000).

⁴³ *Id.* at Ex. 3.

⁴⁴ Porrajmos is a Romani term for Holocaust which, translated literally, means “the Devouring.” See Shirley A. Miller, *The Road to Porrajmos, the Gypsy Holocaust*, The Patrin Web Journal, (visited Aug. 17, 2000) available at <http://www.geocities.com/~patrin/road-to-porrajmos.html>.

⁴⁵ Notice Plan, at 7. The Notice Plan observes that “some sources, using extraordinarily high prewar population estimates, claim as many as one million Roma may have perished” at the hands of the Nazis. *Id.* at 7-8.

⁴⁶ *Id.* at 8.

⁴⁷ *Id.* at Ex. 3.

- Donald Kenrick and Grattan Puxon, Gypsies Under the Swastika 183-84 (Hertfordshire: University of Hertfordshire Press 1995) (lowers earlier estimate of 219,700 Romani victims to 196,000).
- Gabrielle Tyrnauer, Gypsies and the Holocaust: A Bibliography and Introductory Essay VII (2d ed. 1991) (estimates 400,000 to 500,000 Romani deaths among a population of 885,000).
- Philip Friedman, *The Extermination of the Gypsies*, in Genocide and Human Rights: A Global Anthology 152, 156 (Jack Nusan Porter ed., Washington, D.C.: University Press of America 1982) (between 400,000 and 500,000 killed).
- Ian Hancock, *Romani Victims of the Holocaust and Swiss Complicity*, in When Sorry Isn't Enough: The Controversy Over Apologies and Reparations for Human Injustice 70 (Roy L. Brooks ed., New York: University Press, 1999) (“by 1945, between half a million and 1.5 million Roma, perhaps half of all Roma in Nazi-controlled Europe, had perished in the Porrajmos”).
- Der nationalsozialistische Völkermord an den Sinti und Roma (Romani Rose ed. Heidelberg: Dokumentations- und Kulturzentrum deutscher Sinti und Roma 1995) (estimates Roma mortality at 250,000-500,000).
- Rudiger Vossen, Zigeuner, Roma, Sinti, Gitanos: Gypsies zwischen Verfolgung und Romantisierung 85-86 (Frankfurt/Main: Ullstein 1953) (calculates 275,000 Roma fatalities from an estimated population of 947,500 Roma in Europe in 1939).
- Michael Zimmerman, Rassenutopie und Genozid: Die nationalsozialistische “Lösung der Zigeunerfrage” (Hamburg: Christians 1996) (calculates 90,000-100,000 murdered Roma, but does not include all Nazi or Axis-occupied European countries).
- Henry R. Huttenbach, *The Romani Porrajmos: The Nazi Genocide of Gypsies in Germany and Eastern Europe*, in The Gypsies of Eastern Europe 45 (David Crowe & John Kolsti eds., Armonk: M.E. Sharpe 1991) (reports that scholars using much higher pre-War European Roma population estimates have claimed that 1 million to 4 million Roma died under Nazi rule).

In his recently published book entitled The Nazi Persecution of the Gypsies,⁴⁸ Guenter Lewy states that it is impossible to obtain a precise count of the number of European Roma who lost their lives as a result of Nazi rule due to the lack of reliable statistics on the size of the European Roma population in the pre-Nazi period.⁴⁹ Lewy then cites to the Kenrick and Puxon estimates listed above (approximately 219,000 and 196,000, respectively) as well as the Zimmerman estimate (90,000).⁵⁰ Although Lewy mentions the Rose estimate of one half million and states that “this number has become generally accepted in popular discourse and beyond,” Lewy asserts that “[n]o sources or breakdown by country have been provided for this estimate, which renders it of questionable value.”⁵¹

Perhaps the most accurate estimate of Roma mortality during the Porrajmos is that offered by Sybil Milton, author of several publications on the Roma, former Chief Archivist of the Leo Beck Institute, and former Senior Historian of the United States Holocaust Memorial Museum. Milton has prepared a draft memorandum that was graciously provided to the Special Master in which she engages in a thorough, country-by-country analysis of Roma mortality during the Porrajmos based on statistics compiled in a diverse array of publications from around the world. Adding the minimum mortality figures for Roma by country, Milton reaches a total of

⁴⁸ Guenter Lewy, The Nazi Persecution of the Gypsies (New York: Oxford Univ. Press 2000).

⁴⁹ *Id.* at 221.

⁵⁰ *Id.* at 221-22.

⁵¹ *Id.* at 222. According to Lewy, “[t]he assertion that a half million Gypsies died under Nazi rule is put forth regularly without any kind of substantiating evidence, yet those who question the reliability of this figure are accused of minimizing the suffering of the Gypsy people.” *Id.* at 227. It thus appears that Lewy leans more toward accepting a mortality estimate in the range of 200,000. In the end, he offers no estimate of his own, but concludes that “[w]hatever estimate is accepted, the losses of life experienced by the Gypsy community at the hands of the Nazis are clearly horrendous.” *Id.* at 222.

210,700 Roma killed in the Porrajmos.⁵² Milton emphasizes, however, that this is an “absolute minimum estimate” that does not include, among other statistics, unreported Roma killings by the *Einsatzkommando*, Roma removed from camps and killed in euthanasia centers under the infamous “14f13,”⁵³ and Roma killed in Romania, Yugoslavia (Serbia, Croatia, Bosnia), the Soviet Union and Greece during Nazi or Axis occupation.⁵⁴ Milton concludes that, “based on current knowledge and historical evidence at least a minimum of 220,000 Roma and Sinti [a subgroup of Roma] were killed in the Holocaust and that the figure is probably higher, possibly closer to 500,000.”⁵⁵

C. Roma Survivors of Nazi Persecution

The Notice Plan reports that the number of Roma who survived concentration and forced labor camps and those who survived by going into hiding cannot be estimated

⁵² Sybil Milton, *Statistical Considerations: Roma/Sinti Mortality During the Holocaust*, Draft Memorandum (December 24, 1999) (hereinafter “Milton Memorandum”), at 9. Milton cautions that **all** Nazi victim mortality statistics are subject to the following limitations, among others: (1) not all victims were registered (including many who were killed immediately upon arrival in the camps); (2) many records were lost or destroyed; (3) many existing records contain only fragmentary information; (4) data about arrests and transport to concentration camps of non-Jewish victims often is equated wrongly with fatalities; (5) different scholars use different base dates (and therefore different national borders) when computing population and mortality statistics, thus reaching different conclusions regarding the number of victims by country of origin; and (6) figures for victims of a given country often include not only citizens, but also legally and illegally resident aliens and stateless refugees. *Id.* at 8-9.

⁵³ Operation “14f13” was a continuation of Operation “T4,” the Nazi program to exterminate Germany’s mentally and physically disabled. In 1941, Heinrich Himmler gave orders to extend this so-called “euthanasia” program to concentration camp inmates who were sick or otherwise unable to work. “Selection for this extermination campaign was rarely discriminating; seemingly healthy criminals, political prisoners, and Jewish inmates were also killed by gassing or lethal injection at the Sonnenstein, Bernberg, and Hartheim euthanasia facilities.” The Year of 1945 Liberation 305 (Washington, D.C.: United States Holocaust Memorial Museum, 1995) (Glossary). The “14f13” designation came from the reference number for the program in documents of the Concentration Camp Inspectorate. Robert Jay Lifton, The Nazi Doctors: Medical Killing and the Psychology of Genocide 135 (New York: Basic Books 1986).

⁵⁴ Milton Memorandum, at 9-10.

⁵⁵ *Id.* at 11.

accurately.⁵⁶ The Initial Questionnaires, however, provide some information on the Roma survivor population. Of the 561,676 Initial Questionnaires that have been analyzed, 23,394 respondents (or approximately 5.1% of the respondents identifying themselves as members of a “Victim or Target” group) state that they are Romani.⁵⁷ 18,040 of these 23,394 respondents live in Eastern Europe and the former Soviet Union, 4,719 live in Western Europe, and 635 live in North America, Israel, Latin America and other geographic areas.⁵⁸

The Special Master also has reviewed information provided by the Swiss Humanitarian Fund regarding payments made to needy Roma survivors. According to the Swiss Humanitarian Fund Overview, as of July 10, 2000, a total of 14,917 needy Roma survivors either received payment from the Swiss Humanitarian Fund, are awaiting payment or have applications pending approval.⁵⁹

III. Jehovah’s Witnesses

A. Jehovah’s Witness Current and Pre-War Population

According to the Watch Tower Bible and Tract Society of Pennsylvania (“Watch Tower”), the worldwide Jehovah’s Witness population in 1999 consisted of approximately 5,912,492 people.⁶⁰ Statistics on the total pre-War European Jehovah’s Witness population

⁵⁶ Notice Plan, at 8. According to the Notice Plan, “countries with the largest Romani populations that are likely to be home to members of the Settlement Classes are concentrated in Eastern and Central Europe, specifically Romania, Hungary, Slovakia, Bulgaria, the Czech Republic, and Yugoslavia.” *Id.*

⁵⁷ Initial Questionnaire Data, at 2.

⁵⁸ *Id.*

⁵⁹ Swiss Humanitarian Fund Overview, at 2-3.

⁶⁰ 1999 Report of the Jehovah’s Witnesses Worldwide, (visited June 27, 2000) *available at* <http://www.watchtower.org/statistics/wholereport.htm>, at 5.

appear incomplete. Research conducted by the History Archives of Jehovah's Witnesses in Germany, reported in a submission to the Special Master by Watch Tower on behalf of Jehovah's Witnesses, indicates that approximately 25,000 persons were active Jehovah's Witnesses living in Germany in April 1933.⁶¹ According to the Notice Plan, preliminary data from the 1930s indicates that the pre-War German Jehovah's Witness population consisted of approximately 20,000 people.⁶²

B. Mortality of Jehovah's Witness Nazi Victims

Numerous statistics are available regarding the number of Jehovah's Witnesses who were persecuted and who perished under Nazi rule. The Notice Plan estimates that approximately 6,000 Jehovah's Witnesses were sent to Nazi concentration camps.⁶³ According to the Watch Tower Information, approximately 2,549 Jehovah's Witnesses died as a result of Nazi persecution.⁶⁴ According to Rüdiger Lautmann, whose statistics on homosexual Nazi victims were cited in Richard Plant's book, The Pink Triangle, and included information regarding Jehovah's Witness survivor rates, 35% of all Jehovah's Witnesses in concentration camps died, 57% were liberated and 8% were discharged.⁶⁵ According to Abraham J. Peck, Vice

⁶¹ *Spiritual Resistance and Its Costs for a Christian Minority: A Documentary Report of Jehovah's Witnesses Under Nazism 1933-1945* (Oct. 1999) (hereinafter, "Watch Tower Information"), Part II: An Overview of the Nazi Persecution of Jehovah's Witnesses, at 25. "Active Witnesses" are those who participated in local missionary work.

⁶² Notice Plan, at 10; *see also* Watch Tower Information, Part VI: Impact of Nazi Persecution in Individual Countries, at 3-42 (providing a breakdown by country of the estimated population of Jehovah's Witnesses in the years surrounding World War II).

⁶³ Notice Plan, at 10.

⁶⁴ Watch Tower Information, Part VI: Impact of Nazi Persecution in Individual Countries, at 3-42 (providing a breakdown by country of the estimated number of Jehovah's Witnesses persecuted and murdered under Nazi rule).

⁶⁵ Rüdiger Lautmann, Seminar: Gesellschaft und Homosexualität 351 (Frankfurt: Suhrkamp 1977) (hereinafter, "Lautmann"), cited in Richard Plant, The Pink Triangle: The Nazi War Against Homosexuals 235, n.57 (New York: Henry Holt and Co. 1986) (hereinafter, "The Pink Triangle").

President of the Association of Holocaust Organizations, nearly 10,000 Jehovah's Witnesses were imprisoned during the War and at least 2,000 were sent to concentration camps. Of the 2000 sent to concentration camps, Peck estimates that at least 1,250 were murdered.⁶⁶

C. Jehovah's Witness Survivors of Nazi Persecution

According to the Notice Plan, as of 1945 it was estimated that 3,900 Jehovah's Witnesses survived Nazi persecution.⁶⁷ The Watch Tower Information indicates that, at the end of the War, there were Jehovah's Witness survivors in a number of countries, among them, Hungary (25 survivors), Italy (approximately 100 survivors), and Russia (15-20 survivors).⁶⁸

The Special Master has little information on the estimated number of Jehovah's Witness Nazi victims alive today. The Initial Questionnaires indicate that 3,803 of the 561,676 respondents whose data have been analyzed, or approximately .82% of the respondents identifying themselves as members of a "Victim or Target" group, state that they are Jehovah's Witnesses.⁶⁹ 1,172 of these 3,803 respondents reside in the former Soviet Union, 1,093 in Eastern Europe, 183 in North America, 1,284 in Western Europe, and 57 in Israel and Latin America.⁷⁰

⁶⁶ Simone Arnold Liebster, Facing the Lion ix (New Orleans: Grammaton Press 2000) (Historical Note by Abraham J. Peck).

⁶⁷ Notice Plan, at 10.

⁶⁸ Watch Tower Information, Part VI: Impact of Nazi Persecution in Individual Countries, at 20, 22, 35.

⁶⁹ Initial Questionnaire Data, at 2. It is unclear whether all of the respondents identifying themselves as Jehovah's Witnesses were persecuted by the Nazis because they were Jehovah's Witnesses or whether some portion of them became Jehovah's Witnesses after World War II.

⁷⁰ *Id.*

According to the Swiss Humanitarian Fund Overview, 69 surviving Jehovah's Witness Nazi victims determined to be needy received payments from the Swiss Humanitarian Fund as of July 10, 2000.⁷¹

IV. Homosexuals

Statistical information regarding homosexuals who were persecuted and who perished under Nazi rule is scant.

A. Current and Pre-War Homosexual Population

The Special Master realizes that any estimate of the current homosexual population is necessarily incomplete because many gay men and lesbians have been and remain reluctant to identify themselves as such for fear of harassment and discrimination. While there are no reliable statistics on the current worldwide homosexual population, studies published by Alfred Kinsey in 1948 and 1953, respectively,⁷² indicate that 10% of a surveyed sample of 5,300 white males aged 16-55, and 2-6% of a sample of white females aged 20-35, were predominantly or exclusively homosexual.⁷³

Obtaining an accurate estimate of the homosexual population in the years surrounding World War II is fraught with even more difficulty. According to Richard Plant, it is impossible to determine the precise number of homosexuals living in Europe before and during

⁷¹ Swiss Humanitarian Fund Overview, at 2.

⁷² Kinsey, Alfred C. *et al.*, Sexual Behavior in the Human Male (Philadelphia: W.B. Sanders Co. 1948); Kinsey, Alfred C. and the staff of the Institute for Sex Research, Indiana University, Sexual Behavior in the Human Female (Philadelphia: W.B. Sanders Co. 1953).

⁷³ See Kinsey Institute: Selected Data From Alfred Kinsey's Studies (visited July 31, 2000) available at <http://www.indiana.edu/~kinsey/ak-data.html>. Kinsey asserts that it impossible to ascertain the exact number of persons who are "homosexual" or "heterosexual;" it is only possible to determine individual behavior at a specific time. See *id.*

World War II.⁷⁴ A number of different studies estimate that there were approximately 1.2 million male homosexuals in Germany alone at that time, amounting to approximately 2.2% of the total German male population.⁷⁵

B. Mortality of Homosexual Nazi Victims

Several estimates have been made of the number of men arrested and convicted of violating Paragraph 175 of the German Penal Code, which criminalized male homosexuality.⁷⁶ As reported in the ILGA-Europe Proposal, most estimates indicate that approximately 100,000 men were arrested and 50,000 were convicted and sentenced to prison under the law.⁷⁷ Richard Plant estimates that between 50,000 and 63,000 gay men were convicted of violating Paragraph 175 from 1933-1944 and that approximately 4,000 of those convicted were juveniles. Plant also reports that six lesbians were arrested, even though female homosexuality was not against the law.⁷⁸

⁷⁴ The Pink Triangle, at 148.

⁷⁵ See, e.g., James D. Steakley, The Homosexual Emancipation Movement in Germany 83 (New York: Arno 1975), cited in The Pink Triangle, at 148, n.48 (reporting on a study conducted by Magnus Hirschfeld in 1909 of 6,611 Berlin factory workers and students); Hans Peter Bleuel, Sex and Society in Nazi Germany 220 (Heinrich Fraenkel ed., Maxwell Brownjohn trans., Philadelphia: Lippincott 1973), cited in The Pink Triangle, at 148 (reporting that, according to German sociologist Robert Michels, the homosexual population in Germany in 1928 included approximately 1.2 million men); See also Proposal Submitted to the Special Master by the European Region of the International Lesbian and Gay Association on behalf of homosexual Nazi victims (Feb. 29, 2000) (hereinafter, the "ILGA-Europe Proposal"), at 4 (estimating that, in 1928, approximately 1.2 million gay men lived in Germany and stating that a similar number of lesbians could be presumed).

⁷⁶ See The Pink Triangle, at 30; see also Heinz Heger, The Men With the Pink Triangle 7, 9 (David Fernbach trans., Los Angeles: Alyson Books, 1994) (first published in Germany in 1980) (hereinafter, "The Men With the Pink Triangle") (Introduction by Dr. Klaus Müller); ILGA-Europe Proposal, at 2.

⁷⁷ See ILGA-Europe Proposal, at 2; see also Notice Plan, at 9 (stating that 100,000 homosexual men were arrested out of an estimated gay male population of 1.2 million in Germany and that 50,000 officially defined homosexuals were convicted and sentenced to prison).

⁷⁸ The Pink Triangle, at 149.

Despite the fairly reliable statistics on the number of homosexuals who were arrested and sentenced under Paragraph 175 of the German Penal Code, the number of homosexuals sent to concentration camps remains uncertain.⁷⁹ Both the Notice Plan and the ILGA-Europe Proposal report that it is generally believed that, of the approximately 50,000 men who were officially defined as homosexuals and sentenced to prison, 5,000 to 15,000 were sent to concentration camps.⁸⁰ Richard Plant cites an early estimate that, from 1933 on, the camps detained several hundred gay men at all times; this estimate was later increased to about 1,000 gay men at all times.⁸¹ In the Introduction to Heinz Heger's book, The Men With the Pink Triangle, Dr. Klaus Müller, historian and consultant for the United States Holocaust Memorial Museum in Washington, D.C., states that "[a]n early study estimated that ten to fifteen thousand men had worn the pink triangle. This figure is widely quoted and remains the best available estimate, but there has never been a systematic survey of the number of male homosexuals in different camps."⁸²

Both the Notice Plan and the ILGA-Europe Proposal report that the death rate for homosexual prisoners is estimated to be as high as 60% of all those incarcerated.⁸³ Richard Plant assumes that all of the estimated 5,000 to 15,000 homosexuals who were sent to concentration camps perished.⁸⁴ According to Rüdiger Lautmann, however, whose statistics are cited in The

⁷⁹ *See id.*, at 154.

⁸⁰ Notice Plan, at 9; ILGA-Europe Proposal, at 2.

⁸¹ The Pink Triangle, at 154 (citing Lautmann, at 333).

⁸² The Men With the Pink Triangle, at 12 (Introduction by Dr. Klaus Müller).

⁸³ Notice Plan, at 9; ILGA-Europe Proposal, at 2.

⁸⁴ The Pink Triangle, at 154.

Pink Triangle, 60% of all homosexual prisoners died, 26% were liberated, 13% were discharged and less than 1% escaped.⁸⁵

C. Number of Homosexual Survivors of Nazi Persecution

Although reliable data regarding surviving homosexual Nazi victims is scarce,⁸⁶ it is generally agreed that very few homosexual Nazi victims are alive today.⁸⁷ The ILGA-Europe Proposal states that fewer than 10 of the homosexuals sent to concentration camps are known to be alive in Germany today and none are known to be alive in Austria.⁸⁸ It also states that no more than 22 men who were persecuted by the Nazis because of their homosexuality have received compensation from German authorities.⁸⁹ According to Dr. Klaus Müller, no more than 15 surviving homosexual Nazi victims have recounted their experiences during World War II.⁹⁰

The Swiss Humanitarian Fund Overview is consistent with the homosexual survivor population statistics set forth above. According to the Swiss Humanitarian Fund Overview, a total of 9 needy homosexual survivors of Nazi persecution received assistance from the Swiss Humanitarian Fund.⁹¹

⁸⁵ Lautmann, at 351, cited in The Pink Triangle, at 235, n.57.

⁸⁶ The fact that homosexuality remained a crime in Germany until 1969 undoubtedly contributes to the scarcity of such data. See The Pink Triangle, at 181.

⁸⁷ See, e.g., ILGA-Europe Proposal, at 5 (stating that most homosexual Nazi victims died without heirs); Notice Plan, at 9 (stating that the number of homosexual survivors of Nazi persecution is probably low).

⁸⁸ ILGA-Europe Proposal, at 5.

⁸⁹ *Id.* at App. I, p. 5. Homosexuals initially were deemed ineligible for compensation from the German government on the grounds that homosexuality was a criminal offense in Germany during the War and for many years thereafter. The limited number of homosexual survivors who received compensation from the German government apparently did so from “hardship” funds initiated in the late 1980s. See *id.*, at 3; see also Annex E (“Holocaust Compensation”).

⁹⁰ The Men With the Pink Triangle, at 13 (Introduction by Dr. Klaus Müller).

⁹¹ Swiss Humanitarian Fund Overview, at 2.

Of the 561,676 respondents who have returned Initial Questionnaires that have been analyzed by the Notice Plan administrators, 88 (or approximately .019% of the respondents identifying themselves as members of a “Victim or Target” group), state that they are homosexual.⁹² These respondents are spread throughout the world, with 15 residing in Western Europe, 17 in Eastern Europe, 27 in the former Soviet Union, and 29 in North America, Israel, Latin America and other geographic areas.⁹³

V. Persons with Disabilities

A. Current and Pre-War Population of Persons With Disabilities

According to Disability Rights Advocates, Inc. (“DRA”),⁹⁴ at least 15% of the total worldwide population consists of persons with disabilities.⁹⁵ DRA asserts that as many as 7.5 to 15 million people in Germany and Austria (equivalent to 10-20% of the total 1950 population in these countries) may have been disabled at the time of World War II.⁹⁶

⁹² Initial Questionnaire Data, at 2. It is not clear whether these respondents were persecuted by the Nazis because they were homosexual, or whether they have since identified themselves as homosexual. Moreover, as is true for all of the respondents who completed Initial Questionnaires, it appears that a substantial portion of the 88 respondents identifying themselves as homosexual may be heirs of Nazi victims, rather than Nazi victims themselves. *See* Exhibit I hereto.

⁹³ *Id.*

⁹⁴ DRA is a non-profit organization dedicated to protecting and advancing the civil rights of people with disabilities. *See* About DRA, available at <http://www.dralegal.org/profile/> (visited July 21, 2000).

⁹⁵ *See In re Holocaust Victim Assets Litigation: Amended Proposal for Equitable Distribution of Settlement Funds to People With Disabilities* (Oct. 20, 1999) (hereinafter, “Amended DRA Proposal”), at 73.

⁹⁶ *In re Holocaust Victim Assets Litigation: Memorandum Re: Number and Locations of Surviving Class Members With Disabilities* (Feb. 24, 2000) (hereinafter, “DRA Memo”), at 7-8 (citing Declaration of Dr. Mitchell LaPlante Re: Class Members with Disabilities, dated February 23, 2000 (“LaPlante Decl.”), ¶ 8). Dr. LaPlante is an Associate (Adjunct) Professor of the Department of Social and Behavioral Sciences at the University of California, San Francisco. In 1994, he was appointed to the United Nations Expert Committee on Disability Statistics. LaPlante Decl., ¶¶ 3, 6.

B. Mortality of Nazi Victims With Disabilities

It is difficult to estimate accurately the number of persons persecuted by the Nazis because they had disabilities. According to numerous sources, an estimated 400,000 people with disabilities were forcibly sterilized and at least 275,000 people with disabilities were murdered in euthanasia programs in Germany.⁹⁷ The DRA Memo asserts that those estimates are conservative and include only people found in German hospitals and institutions during World War II.⁹⁸ The DRA Memo states that disabled Nazi victims include “not only people in hospitals and institutions who were targeted specifically because of their disabilities, but they also comprise at least fifteen percent, and probably more, of every other victim group (including Jewish and Romani victims).”⁹⁹ According to the DRA Memo, each and every one of the 7.5 to 15 million people with disabilities in Germany and Austria during World War II was a potential target of Nazi persecution.¹⁰⁰

⁹⁷ See, e.g., Notice Plan, at 9; Amended DRA Proposal, at 71 (citing Hugh G. Gallagher, By Trust Betrayed: Patients, Physicians and the License to Kill in the Third Reich 109 (New York: Henry Holt 1995); Hugh Gallagher, Black Bird Fly Away: Disabled in an Able-Bodied World 225 (Arlington: Vandamere Press 1998). But see Horst Biesold, Crying Hands: Eugenics and Deaf People in Nazi Germany (William Sayers trans., Washington, D.C.: Gallaudet University Press 1999), at 10 (Introduction by Henry Friedlander) (stating that, between January, 1940 and August, 1941, approximately 80,000 Germans with disabilities were murdered); Independent Commission of Experts Switzerland — Second World War, Switzerland and Refugees in the Nazi Era (Bern 1999), at 12 (reporting that, by August 1941, approximately 70,000 persons with disabilities were killed in euthanasia programs and, thereafter, an additional 50,000 were killed in extermination camps).

⁹⁸ DRA Memo, at 6 (citing Declaration of Dr. Hugh Gregory Gallagher Re: Class Members with Disabilities, dated February 11, 2000 (“Gallagher Decl.”), ¶ 8). Dr. Gallagher is a historian and author of several books and other publications on the atrocities committed by the Nazis against persons with disabilities. Among other things, he has served as a consultant to the Library of Congress and the United States Holocaust Memorial Museum. Gallagher Decl., ¶¶ 3-4, 7.

⁹⁹ DRA Memo, at 6 (citing Gallagher Decl., ¶ 8B).

¹⁰⁰ DRA Memo, at 8 (citing LaPlante Decl., ¶ 8). The DRA Memo states that “many homosexuals, Jews or Romani seized by the Nazis were also people with disabilities,” rendering it “impossible to know, in the case of many victims, whether a person was persecuted due to being Jewish, homosexual, Romani, or because he or she had a disability.” *Id.*, at 7 (quoting Gallagher Decl., ¶¶ 8e-f).

D. Number of Surviving Nazi Victims With Disabilities

According to the Notice Plan, in 1945 there were an estimated 125,000 survivors of Nazi persecution with disabilities.¹⁰¹ The DRA reaches quite a different conclusion. The DRA posits that, assuming all of the estimated 7.5 to 15 million persons with disabilities living in Germany and Austria during the War were persecuted by the Nazis, a significant number of them should still be alive today.¹⁰² The DRA asserts that, “[b]ased upon the best evidence available, there are between 600,000 and 1.2 million survivors of the persecution of people with disabilities during the Holocaust. This group is widely scattered throughout the world, with some clusters of this population primarily in the U.S., Israel and Europe.”¹⁰³

The DRA estimate of survivors with disabilities apparently includes members of the other four “Victim or Target” groups. The estimate is based on: (1) an assumption that between 10 and 20% of the estimated 7.5 to 15 million people with disabilities living in Germany and Austria during the War (between 1.5 and 3 million people with disabilities) were thirty years old or younger; and (2) an additional assumption that the average survival rate for these 1.5 to 3 million people with disabilities is 40%.¹⁰⁴ The DRA states that, “[t]hese calculations aside, at a minimum survivors with disabilities would comprise approximately 15% of all other victim groups, most notably Jews.”¹⁰⁵ This 15% figure apparently includes people who did not necessarily have disabilities at the time of the War, but who developed disabilities

¹⁰¹ Notice Plan, at 9.

¹⁰² DRA Memo, at 8. According to the DRA Memo, people with disabilities such as deafness, blindness, paralysis, learning disabilities, disfigurements and amputees can be expected to have normal or close to normal life spans. *Id.* (citing Gallagher Decl., ¶ 8i; LaPlante Decl., ¶ 10).

¹⁰³ DRA Memo, at 10.

¹⁰⁴ DRA Memo, at 8-9 (quoting LaPlante Decl., ¶¶ 11-12).

¹⁰⁵ *Id.* at 9 (quoting LaPlante Decl., ¶ 13).

during or after the War as a result of mistreatment by the Nazis, as well as survivors of Nazi persecution who are now disabled as a result of advanced age.¹⁰⁶

Information regarding the number of surviving Nazi victims with disabilities also may be derived from the Initial Questionnaires. Of the 561,676 Initial Questionnaires analyzed to date, 4,185 respondents (approximately .90% of the respondents identifying themselves as members of a “Victim or Target” group) state that they have physical disabilities and 543 (approximately .012% of the respondents identifying themselves as members of a “Victim or Target” group) state that they have mental disabilities.¹⁰⁷ Of the 4,185 respondents who state that they have physical disabilities, 1,013 reside in the former Soviet Union, 723 in North America, 766 in Eastern Europe, 579 in Western Europe, and 1,104 in Israel, Latin America and other geographic areas. Of the 543 respondents who state that they have mental disabilities, 133 reside in the former Soviet Union, 116 in Western Europe, 93 in Eastern Europe, 85 in North America, and 116 in Israel, Latin America and other geographic areas.¹⁰⁸

Finally, the Swiss Humanitarian Fund Overview reveals that, of the more than 300,000 needy survivors who have received assistance from the Swiss Humanitarian Fund, 32 (approximately .011%) identified themselves as persons with disabilities.¹⁰⁹

¹⁰⁶ See Amended DRA Proposal, at 73-74. As discussed elsewhere in the Special Master’s Proposal, the Settlement Agreement defines “Victims or Targets of Nazi Persecution” as including those persons persecuted by the Nazis “because they were or were believed to be,” disabled, not people who became disabled as a result of Nazi persecution.

¹⁰⁷ Initial Questionnaire Data, at 2. It is not clear whether these respondents had disabilities at the time of the War or whether they have since developed disabilities. Moreover, as is true for the other “Victim or Target” groups, it appears that a substantial number of respondents identifying themselves as disabled may be heirs of Nazi victims, rather than Nazi victims themselves. See Exhibit 1 hereto.

¹⁰⁸ Initial Questionnaire Data, at 2.

¹⁰⁹ Swiss Humanitarian Fund Overview, at 2.