

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant Gerda Elsa Adler

in re Accounts of Friedrich Adler

Claim Number: 217140/AG

Award Amount: 181,680.00 Swiss Francs

This Certified Award is based upon the claim of Gerda Elsa Adler (the “Claimant”) to the account of Lotte Adler, Elsa Adler, Frieda Adler,¹ and Friedrich Adler. This Award is to the accounts of Friedrich Adler (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Friedrich Adler, who was born on 21 November 1895 in Kosel, Silesia, Poland, and was married to Elsa Adler in December 1919. In a telephone conversation with the CRT on 13 December 2002, the Claimant stated that Friedrich and Elsa Adler lived less than 100 kilometers from Prague, Czechoslovakia, and that Friedrich Adler worked as a wholesale food-salesman. The Claimant also stated that Friedrich Adler, who was Jewish, had business connections to Prague and Switzerland. According to the Claimant, her father fled to Shanghai, China in 1939, while she and her mother were forced to hide from the Nazis in various shelters in Czechoslovakia until 1945. According to the Claimant, her father reunited with his family in 1947 in the United States, where he lived until 1977. The Claimant was ten years old during the Second World War and was placed in an orphanage for protection. The Claimant stated that she remembers her mother mentioning a Swiss bank account, and that her mother attempted to obtain an entry visa to Switzerland, but was denied, and therefore, the Claimant and her mother were never able to access the account. The Claimant submitted a detailed family tree in support of her claim. The Claimant indicated that she was born on 8 February 1932 in Silesia.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Friedrich Adler.

¹ The CRT will treat the claim to these accounts in a separate decision.

Information Available in the Bank Records

The bank record consists of an extract from a bank ledger. According to this record, the Account Owner was Friedrich Adler, from Prague, Czechoslovakia. The bank record indicates that the Account Owner held a custody account and a demand deposit account. The bank record does not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not find these accounts in the Bank’s system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the bank record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father’s name matches the published name of the Account Owner. The Claimant stated that her father had business connections to Prague and lived less than 100 kilometers from Prague, which is consistent with published information about the Account Owner contained in the bank record.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Friedrich Adler, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT also notes that there are no other claimants to these accounts.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and was forced to flee to Shanghai, China, to escape the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting a family tree and detailed biographical information demonstrating that the Account Owner was her father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the application of Presumptions (h), (i) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit and one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs and the average value of the demand deposit account was 2,140.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 181,680.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
April 24, 2003