

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by [REDACTED]

## **in re Account of Gretel Adler**

Claim Number: 214788/SA

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] ([REDACTED]) [REDACTED] (the “Claimant”) to the accounts of Gretel [REDACTED], née Adler, [REDACTED], Lotte Adler, Jenny Adler, and [REDACTED].<sup>1</sup> This award is to the account of Gretel Adler (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Hildegard (also known as Hilda or Gretel) [REDACTED], née Adler, who was born on 15 September 1917 in Bad Reinerz, Germany (currently Duszniki-Zdroj, Poland), and was married to the Claimant’s father, [REDACTED]. The Claimant also identified his mother’s two paternal aunts, Jenny (also known as Sarah) Adler, and Charlotte (also known as Lotte) Adler, who were unmarried, and who lived in Austria, and possibly Germany.

The Claimant stated that his mother’s family, who was Jewish, was composed of wealthy landowners and general merchants of farm foods and household goods. The Claimant indicated that his mother’s father, [REDACTED], owned a household goods store in Kattowitz, Germany (currently Katowice, Poland). The Claimant stated that he was not able to provide much information on his mother’s experiences during the Holocaust because his mother rarely spoke of her experiences in concentration camps. However, his mother did often mention her family’s Swiss account, which consisted of funds placed there on her behalf by her father, [REDACTED], and by her two unmarried aunts, Jenny Adler and Charlotte Adler. According to the Claimant,

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<sup>1</sup> The CRT will treat the claims to these accounts in separate decisions.

his mother immigrated to Canada via the Netherlands in 1951. The Claimant stated that he was born on 20 February 1947 in Wetzlar, Germany.

The Claimant submitted his birth certificate, issued in 1947 in Wetzlar; his Displaced Persons Identification Card, also issued in 1947 in Wetzlar; his mother's birth and death certificates; and his mother's passport for non-citizens, issued in 1950 in the Netherlands. The Claimant also submitted a family tree he received in 1997 from a relative living in Poland.

### **Information Available in the Bank Record**

The bank record consists of a printout from the Bank's database. According to this record, the Account Owner was Gretel Adler, who resided in Frankfurt am Main, Germany, and the Power of Attorney Holders were Jenny Adler and Lotte Adler. The Bank's record indicates that the Account Owner held an account of unknown type.

The record does not indicate exactly when the account was opened or closed, but there is an indication that the account may have been opened and closed in the same year, 1935. The amount in the account on the date of its closure is unknown. The Bank's record does not show to whom it was paid, nor does it indicate the value of the account. There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holders, or their heirs closed the accounts and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner and the Power of Attorney Holders

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holders. His mother's name matches the published name of the Account Owner, and his mother's aunts' names match the published names of the Power of Attorney Holders. The Claimant's place of birth, Wetzlar, is within thirty miles of Frankfurt am Main, which was the published residence of the Account Owner contained in the Bank's record, and a major financial center.

In support of his claim, the Claimant submitted a family tree dated 1997, which predates the publication of the names of the accounts determined by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant knew of the existence of a relationship between the Account Owner and the Power of Attorney Holders prior to the publication of the ICEP List. The CRT notes that the other claims to this account were disconfirmed because those claimants provided names and cities of residence that differed from the information about the Account Owner contained in the bank records, and were unable to identify the Power of Attorney holders.

### 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's family was Jewish, that the Account Owner was interned in a concentration camp, and that many of the Account Owner's relatives perished in concentration camps.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to both the Account Owner, and to the Power of Attorney Holders, by submitting documents demonstrating that they were his mother, and his mother's aunts. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; given that the Account Owner remained in Germany until 1951, was interned in a concentration camp, and would not have been able to repatriate her account to Germany without its confiscation; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,<sup>2</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holders or their 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 his mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by

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<sup>2</sup> Appendix C appears on the CRT II website -- [www.crt.ii.org](http://www.crt.ii.org).

multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
June 3, 2003