

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2] and [REDACTED 3]

and to Claimant [REDACTED 4]  
also acting on behalf of [REDACTED 5]

## **in re Account of Marianne Adler**

Claim Numbers: 400882/MBC; 401062/MBC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the published account of Marianne Adler at the Zurich branch of the [REDACTED] (the “Bank”).<sup>1</sup>

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 Claimants**

Claimant [REDACTED 1] and Claimant [REDACTED 4], who are cousins, each submitted Claim Forms identifying the Account Owner as Claimant [REDACTED 1]’s mother and Claimant [REDACTED 4]’s maternal aunt, Marianne Lowe, née Adler, who was born on 15 March 1913 in Prague, Austria-Hungary (now the Czech Republic), and was married to [REDACTED] (formerly [REDACTED]) on 5 August 1942 in London, England. Claimant [REDACTED 1] stated that his parents subsequently changed their last name from [REDACTED] to [REDACTED]. According to Claimant [REDACTED 1], his mother, who was Jewish, studied law at *Charles University* in Prague, Czechoslovakia (now the Czech Republic) from 1932 to 1936, and later studied philosophy, psychology and sociology at *Czech University* in Prague from 1936 to 1938. Claimant [REDACTED 1] indicated that in March 1938 his mother continued her studies in Vienna, Austria, but fled to Prague following the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”). Claimant [REDACTED 1] stated that in mid-spring or summer of 1938, his mother moved to Geneva, Switzerland, where she

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<sup>1</sup> The CRT notes that Claimant [REDACTED 4] also claimed the published account of Käthe Adler in his Claim Form. The CRT will treat the claim to this account in a separate determination.

continued her studies. Claimant [REDACTED 1] indicated that his mother was forced to move again in May 1939 to Brussels, Belgium. Claimant [REDACTED 1] indicated that his mother studied at the *Université Libre de Bruxelles* and worked at *Ferme Ecole de Waterloo* until she fled to France following the Nazi invasion of Belgium. Claimant [REDACTED 1] further indicated that in June 1940, his mother emigrated to Great Britain, where she remained until the end of the Second World War. Claimant [REDACTED 4] stated that his mother was Marianne Adler's sister, [REDACTED], that she studied chemistry at the *Deutsche University* in Prague from 1933 to 1937, and that she was employed in the *Institut Pasteur* in Paris from January through July 1938, at which time she returned to Prague. Claimant [REDACTED 4] indicated that his mother fled Prague in February 1939 for Paris. According to Claimant [REDACTED 4], his mother was incarcerated in a concentration camp and, after her release, was lived under a false identity for the duration of the War.

In support of his claim, Claimant [REDACTED 1] submitted copies of documents, including: (1) his mother's birth certificate, indicating that Marianne Adler was born on 15 March 1913 in Prague to [REDACTED] and [REDACTED], née [REDACTED], and that she was Jewish; (2) his mother's Belgian temporary residency permit, indicating that Marianne Adler arrived in Saint-Gilles, Belgium on 31 May 1939; (3) his mother's certificate of loyalty, issued on 15 May 1940 in Paris, France, indicating that Marianne Adler was a refugee in Belgium and France; (4) a letter from the British Home Office, indicating that Marianne Adler arrived in the United Kingdom on 13 July 1940 and was granted a refugee passport on 20 July 1947; (5) his own birth certificate, indicating that [REDACTED 1] was born on 25 February 1955 in London, and that his parents were [REDACTED] and Marianne Lowe, née Adler; and (6) his mother's death certificate, indicating that Marianne Low, née Adler, died on 22 November 2001. Claimant [REDACTED 4] submitted a copy of his mother's birth certificate, indicating that [REDACTED] was born on 22 December 1914 in Prague to [REDACTED] and [REDACTED], née [REDACTED], and a detailed family tree.

Claimant [REDACTED 1] indicated that he was born on 25 February 1955 in London, and Claimant [REDACTED 4] indicated that he was born on 20 April 1944 in Paris, France. Claimant [REDACTED 1] is representing his sister, [REDACTED 2], née [REDACTED], who was born on 19 January 1943 in Brocket Hall, Hertfordshire, England, and his brother, [REDACTED 3], who was born on 29 September 1947 in London. Claimant [REDACTED 4] is representing his brother, [REDACTED 5], who was born on 11 September 1948 in Prague.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Marianne Adler, who resided in an illegible city in Czechoslovakia, and later in an illegible city in England, the United Kingdom. The Bank's record indicates that the Account Owner held one demand deposit account. The Bank's record also indicates that the account was closed on 10 November 1939. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

### Identification of the Account Owner

Claimant [REDACTED 1]'s mother's name and Claimant [REDACTED 4]'s aunt's name matches the published name of the Account Owner. The Claimants identified the Account Owner's initial country of residence, and Claimant [REDACTED 1] identified the Account Owner's second country of residence, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, Claimant [REDACTED 1] submitted documents, including his mother's birth and death certificates, indicating that Marianne Adler was born in Prague, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's record as the name and country of residence of the Account Owner. The CRT notes that the other claims to these accounts were disconfirmed because these claimants provided a different country of residence than the countries of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants indicated that the Account Owner was Jewish, and that in March 1938, she was forced to flee Vienna to Prague following the *Anschluss*. The Claimants further indicated that subsequently the Account Owner became a refugee in Belgium, France and eventually emigrated to Great Britain. In support of his claim, Claimant [REDACTED 1] attached documents, including his mother's certificate of loyalty, indicating that Marianne Adler was a refugee in Belgium and France, and a letter from the British Home Office, indicating that Marianne Adler arrived in the United Kingdom on 13 July 1940.

### The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his mother. These documents include his mother's death certificate and his birth certificate, indicating that [REDACTED 1] is the son of Marianne Lowe, née Adler, as well as her birth certificate, indicating that her parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 4] has also plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account

Owner was Claimant [REDACTED 4]'s aunt. The documents include his mother's birth certificate, indicating that her parents were [REDACTED] and [REDACTED], and a detailed family tree.

#### The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 10 November 1939, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled her country of origin due to Nazi persecution; that the Account Owner may have had relatives remaining in her country of origin and that she may therefore have yielded to Nazi pressure to turn over her account to ensure their safety; that the Account Owner was a refugee in Belgium, France and Great Britain from 1938 until the end of the War; that the account was closed before the Account Owner's arrival in the United Kingdom on 13 July 1940; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) 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 her 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 Claimant [REDACTED 1], his sister [REDACTED 2] and his brother [REDACTED 3], whom he is representing. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his mother. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account. Further, the CRT notes that Claimant [REDACTED 1], represented party [REDACTED 2], and represented party [REDACTED 3], as the children of the Account Owner, have a better entitlement to the account than Claimant [REDACTED 4] and represented party [REDACTED 5], the nephews of the Account Owner.

#### Amount of the Award

In this case, the Account Owner held a demand deposit 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 current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). The current value

of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] is representing his sister [REDACTED 2] and his brother [REDACTED 3]. Accordingly, Claimant [REDACTED 1], represented party [REDACTED 2], and represented party [REDACTED 3] are each entitled to one-third of the total award amount. As indicated above, Claimant [REDACTED 4] and represented party [REDACTED 5], the nephews of the Account Owner, are not entitled to share in the award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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  
27 February 2007