

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant David Amsterdam

in re Account of Charlotte Amsterdam

Claim Number: 210513/WI

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of David Amsterdam (the “Claimant”) to the published account of Charlotte Amsterdam (the “Account Owner”) at the Basel branch of 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 his paternal aunt by marriage, Charlotte Amsterdam, who was born in Warsaw, Poland, and was married to Avram Amsterdam before 1910 in Warsaw. The Claimant indicated that his aunt, who was Jewish, resided in Warsaw prior to the Second World War. In a telephone conversation with the CRT on 23 March 2005, the Claimant stated that his aunt’s husband, the Claimant’s paternal uncle, Avram Amsterdam, worked as a high-ranking executive at a large bank and that the couple had one child, Komelech (Carl) Amsterdam. According to the Claimant, his aunt and uncle are presumed to have perished in the Warsaw Ghetto. Finally, in the above-mentioned telephone conversation, the Claimant also indicated that his aunt has other surviving relatives, including the Claimant’s two sisters, who are not represented in this claim.

The Claimant submitted copies of: (1) his own birth certificate, indicating that David Amsterdam was born on 7 May 1925 in London, the United Kingdom, to Jacob Amsterdam and Zlotte Amsterdam, née Freidenrich; (2) his Certificate of Naturalization as a United States citizen, dated 7 February 1964, indicating that David Amsterdam was born on 7 May 1925; (3) his father’s death certificate, indicating that Jacob Amsterdam died on 27 December 1960 in London at the age of seventy; (4) his mother’s application for British citizenship, dated 20 June 1957, indicating that Zlotte Amsterdam was born on 8 June 1891 in Warsaw and that she was married in September 1913 in Antwerp, Belgium, to Jacob Amsterdam, who was born on 20 June 1890 in Warsaw.

The Claimant indicated that he was born on 7 May 1925 in London.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts and printouts from the Bank's database. The Bank's records also contain a protocol, dated 2 December 1942, from a meeting of a prosecutor, a representative of the Bank, policemen, and August Dörflinger, an employee of the Bank, who was accused of acting as a spy for the Nazis and violating bank secrecy laws by reporting seventy-four account holders to the authorities in Nazi Germany.¹ The name Charlotte Amsterdam appears on the list of accounts in this protocol entitled "Existing Accounts and Depots" (*Bestehende Konti & Depots*), which were reported to the Nazis.

According to these records, the Account Owner was *Frau* (Mrs.) Charlotte Amsterdam, who resided at Marsz. Focha Street 4 in Warsaw, Poland. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, with a balance of 884.00 Swiss Francs ("SF") as of 2 December 1942.

Based on the fact that the account was reported to Nazi authorities, 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") determined that it was probable that the entire amount in the account, or a part of it, had been paid to the Nazi authorities. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal aunt's name, city, and country of residence match the published name, city, and country of residence of the Account Owner. The CRT notes that the name Charlotte Amsterdam appears only once on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that the other claims to this account were disconfirmed because these claimants provided a different city or a different country of residence than the city and country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

¹ According to the files, August Dörflinger was suspected of having betrayed a total of 85 account relationships ("*Kundenbeziehungen*") to Nazi authorities. Of these, 74 account relationships, including the one at issue here, were included on a list of those that Dörflinger admitted having reported to Nazi authorities. An additional nine account relationships were identified as suspected of having been reported to Nazi authorities by Dörflinger, and an additional two account relationships were identified, based on the files, as being associated with Dörflinger ("*Aufgrund der Aktenlage in den Zusammenhang mit A. Dörflinger zu stellen*"). The total 1942 value of these 85 accounts was 1,581,809.05 Swiss Francs ("SF"), which, using a factor of 12.5 to adjust to present day value, is equivalent to SF 19,772,613.13 today.

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, that she resided in Nazi-occupied Poland, and that she most likely perished in the Warsaw Ghetto.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's paternal aunt by marriage.

The CRT notes that the Claimant submitted copies of his own birth certificate; his Certificate of Naturalization; his father's death certificate; and his mother's application for British citizenship, which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Warsaw. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

Finally, the CRT notes that the Claimant indicated that he has other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-occupied Poland and that she is presumed to have perished in the Warsaw Ghetto; that the Account Owner's account was reported to the Nazi authorities by a Nazi spy; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; 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 (d), (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 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 paternal aunt by marriage,

and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 2 December 1942 was SF 884.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 49,375.00.

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
12 October 2007