

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants Anton Blum

and [REDACTED]

in re Account of Anton Blum

Claim Numbers: 211696/SJ, 710107/SJ¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Anton Blum (“Claimant Anton Blum”) to the account of [REDACTED],² and upon the claim of [REDACTED] (“Claimant [REDACTED]”) (together the “Claimants”) to the published account of Anton Blum. This Award is to the published account of Anton Blum (the “Account Owner”) at the Lucerne 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 Claimants

Claimant Anton Blum

Claimant Anton Blum submitted a Claim Form identifying himself as the Account Owner. Claimant Anton Blum indicated that he was born on 8 November 1924 in Herne, Germany, the

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered GER 0054 019, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 710107.

² The CRT did not locate an account belonging to Claimant Anton Blum’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (ICEP or ICEP Investigation), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the Rules). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

son of [REDACTED] and [REDACTED], née [REDACTED]. Claimant Anton Blum indicated that his father, who was Romani, as well as the rest of his family, which included 11 children, lived in Recklinghausen, Germany from 1933 until 1943. Claimant Anton Blum also indicated that his father was a horse trader and that he spent some time in Zurich, Switzerland in 1940. Claimant Anton Blum stated that in 1943 his father was deported to Auschwitz, where he perished, together with ten of his children. Finally, Claimant Anton Blum indicated that his mother died on 17 March 1985 in Mitterfels, Germany.

As stated above, Claimant Anton Blum indicated that he was born on 8 November 1924 in Herne.

Claimant Anton Blum previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his parents [REDACTED] and [REDACTED].

Claimant [REDACTED]

Claimant [REDACTED] submitted an IQ identifying the Account Owner as his father, Anton Blum, who was born on 10 October 1905 and was married to [REDACTED], née [REDACTED], who was born on 21 February 1920. Claimant [REDACTED] indicated that his parents, who were Romani, lived in Dedrow [sic], Germany and Cologne, Germany before the Nazis rose to power. Claimant [REDACTED] indicated that in 1943 Anton Blum was arrested and deported to Auschwitz, where he performed forced labor, and was then sent to Bergen-Belsen, where he remained until being freed by the Allied troops. Claimant [REDACTED] further indicated that his mother [REDACTED] was deported from Cologne to Auschwitz and then to Ravensbruck, where she was forced to manufacture war materials. Furthermore, Claimant [REDACTED] indicated that his father had jewelry, gold and cash, all of which was looted by the Nazis. Finally, Claimant [REDACTED] indicated that both his parents survived the Second World War and passed away in Frankfurt am Main, Germany, his mother in 1970 and his father in 1974.

Information Available in the Bank’s Records

The Bank’s records consist of printouts from the Bank’s database. According to these records, the Account Owner was Anton Blum. The Bank's records do not contain information about the Account Owner's domicile. The Bank’s records indicate that the Account Owner held one account, numbered 10351, the type of which is not indicated. The records further indicate that the account was considered dormant by the Bank and was transferred to the Bank’s suspense account on 19 February 1993, on which date it had a balance of 28.25 Swiss Francs (“SF”). The account remains in the Bank’s suspense account.

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 Anton Blum's name and the name of Claimant [REDACTED]'s father both match the published name of the Account Owner.

The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. The CRT notes further that the name Anton Blum appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT also notes that Claimant [REDACTED] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Anton Blum, prior to the publication in February 2001 of the ICEP List. This indicates that Claimant [REDACTED] has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED] had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED].

Finally, the CRT notes that Claimant Anton Blum and Claimant [REDACTED]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant Anton Blum and Claimant [REDACTED] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Each of the Claimants has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Each of the Claimants stated that the Account Owner was Romani. Furthermore, Claimant Anton Blum indicated that the Account Owner and his children were deported to Auschwitz where they perished. Claimant [REDACTED] indicated that the Account Owner and his wife were both deported to Auschwitz, where they performed forced labor.

The Claimants' Relationships to the Account Owner

Claimant Anton Blum has plausibly demonstrated that he is the Account Owner by submitting specific information about himself. Claimant [REDACTED] has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was his father.

The CRT notes that Claimant [REDACTED] filed an IQ with the Court in 1999, identifying the relationship between himself and the Account Owner, prior to the publication in February 2001 of the ICEP List. The CRT also notes that the information provided by the Claimants is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants, and all of this information supports the plausibility that Claimant Anton Blum is the Account Owner, and that Claimant [REDACTED] is related to the Account Owner, as they have asserted in their respective Claim Form and IQs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant Anton Blum has plausibly demonstrated that he is the Account Owner, and Claimant [REDACTED] has plausibly demonstrated that the Account Owner was his father, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his 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 19 February 1993 was SF 28.25. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 805.00, which reflects standardized bank fees charged to the account between 1945 and 1993. Consequently, the adjusted balance of the account at issue is SF 833.25. 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, to produce a total award amount of SF 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where

several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, the Claimants have each established a plausible relationship to a person with the same name as the Account Owner. Accordingly, the Claimants are each entitled to one-half of the total 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
15 July 2005