

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Laura Maria Levy

in re Accounts of Gertrud Boettcher

Claim Number: 208436/AH

Award Amount: 425,450.00 Swiss Francs

This Certified Award is based upon the claim of Laura Maria Levy, née Meyer (the “Claimant”) to the accounts of Gertrud Boettcher (the “Account Owner”) at the Zurich 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 her mother, Gertrud Berthe Hedwig Meyer, née Boettcher, who was born on 4 July 1907 in Lithuania. The Claimant indicated in her Claim Form and in a telephone conversation with the CRT on 22 November 2002, that her mother, who was Jewish, was married to Kurt Isaak Loebel Meyer, who was also Jewish, on 2 July 1932, in Berlin. The Claimant also indicated that her parents had one daughter, the Claimant, and that they resided at Gerichtestrasse 20, Berlin N65, Germany. The Claimant stated that in 1933, her father was fired from his job as a teacher, and in November 1938, he escaped to England. The Claimant remained with her mother in Berlin until 1941, when their house was confiscated and, at the age of eight, she was separated from her mother and sent to a remote mountain village in Czechoslovakia, where she stayed in hiding for four years with foster parents, by the names of Ida and Franz Winkler. The Claimant indicated that during the Second World War her mother fled to Poland and Czechoslovakia, where she took on different jobs, apparently under an assumed Aryan identity. The Claimant further stated that in 1943, her mother came to see her and told her that arrangements had been made for her to be smuggled to Switzerland, from where she would be taken to her father in England. Some time later, the Claimant was taken by her foster mother throughout Czechoslovakia to a place where the Claimant was handed over to another woman, who took the Claimant and five other children to Switzerland, traveling on foot by night and hiding during the day to avoid German troops. When they reached the Swiss border, the Claimant was weak with jaundice and starvation, and failed to run across the border. She was later smuggled by strangers to Rewal, Poland, and sent back to her foster parents. The Claimant indicated that after the Second World War, she was rejoined

with her mother, who was working for the Red Cross in the village of Marinheim (near Berlin). The Claimant stated that her mother told her that around 1935, a certain amount of money had been deposited on the Claimant's behalf in a Swiss bank, and that in 1943, she was supposed to be smuggled to Switzerland to avoid her deportation to a concentration camp. The Swiss account was to provide for her survival. The Claimant indicated that she and her mother were finally allowed to immigrate to England in 1949, where she had to be hospitalized for a long time due to her deteriorated physical and mental condition. The Claimant indicated that her mother is deceased and that her father died in England in July 1965. The Claimant submitted documents including her birth certificate, indicating her mother's name and maiden name and her domicile in Berlin. The Claimant indicated that she was born on 2 October 1933, in Berlin.

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

Information Available in the Bank's Records

The Bank's records consist of the Bank's customer card and printouts from the Bank's database. According to these records, the Account Owner was Gertrud Boettcher, who resided in Berlin, Germany. The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 51170, and an account of unknown type. The savings/passbook account was closed, unknown to whom, on 7 November 1938. The amount in the account on the date of its closure was 30,086.00 Swiss Francs. The Bank's records do not show to whom the savings/passbook account was paid. The printouts reflect that the account of unknown type was frozen in the Swiss Freeze of German Assets and registered with the Swiss Compensation Office on 30 January 1946. The printouts from the Bank do not show if or when this account was closed or the amount in the account. There is no evidence in the Bank's records that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's first and maiden names match the published name of the Account Owner. The Claimant also identified her mother's city and country of residence, which match the published city and country of residence of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name and place of residency. In support of her claim, the Claimant submitted documents, including her birth certificate, indicating her mother's married name, maiden name and domicile in Berlin, providing independent verification that the person who is claimed to be the Account Owner resided in the same city recorded in the Bank's records as the residence of the Account Owner. The CRT also notes that the name Boettcher 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"). Finally, the CRT notes that there are no other claimants to this account. Taking all of these

factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 went into hiding to avoid Nazi persecution, that the Account Owner's husband fled Germany, and that the Account Owner's daughter, the Claimant, was placed with a foster family.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her birth certificate, demonstrating that the Account Owner was her mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With regard to the savings/passbook account, given that the Account Owner's passbook savings account was closed in 1938 and her account of unknown type was blocked as a German account after the War; that the Account Owner was in Berlin until 1938 and would not have been able to repatriate her account to Germany without its confiscation during this time; that the Account Owner was in constant flight from 1941 until the end of the War; that there is no record of the payment of the Account Owner's accounts to her in the Bank's records; 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), (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 her heirs.

With regard to the account of unknown type, given that the account was frozen in the Swiss Freeze of German Assets and registered with the Swiss Compensation Office on 30 January 1946, and given the application of Presumptions (h), (i) and (j), as provided in Article 28 of 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 her mother, and that relationship justifies an Award. Finally, 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 and one savings/passbook account. The Bank's records indicate that the value of the savings/passbook account as of the time it was closed on 7 November 1938 was 30,086.00 Swiss Francs. Regarding the 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 investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of these amounts is calculated by multiplying them by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 425,450.00 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
September 15, 2003