

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Beatrice Margot Brehm Jenni
also acting on behalf of Dr. Hans Hermann Brehm

in re Account of A. Brehm

Claim Number: 206532/MD

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Beatrice Margot Brehm Jenni (the “Claimant”) to the unpublished account of A. Brehm (the “Account Owner”) at the [REDACTED] (the “Bank”).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 paternal grandmother, Alice Brehm, née Stern, who was born on 16 June 1892 in Amsterdam, the Netherlands, as a daughter of Max and Emmy Stern. The Claimant stated that Alice Stern married professor Adolf Brehm, and that the couple, who were Jewish, had two children: Hans (the Claimant’s father) who was born in 1916 in Mannheim, Germany, and Walter, who was born in 1918 in Mannheim. The Claimant indicated that Adolf Brehm died in 1937, and that Alice Brehm lived in Mannheim until 1942, when she moved to Oestrich, Germany.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to the account of Alice Brehm. The Claimant’s father, Dr. Hans Hermann Brehm, submitted a letter to the Swiss Banks Contact Office (“*Anlaufstelle Schweizer Banken*”) in January 1997, in which he requested assistance in search of his mother’s account. In this letter, he stated that he moved to Zurich, Switzerland to study between 1937 and 1938, that his mother, Alice Brehm, visited him there, and that she opened a bank account in an unknown bank in Zurich during one of her visits. He also stated that his mother tried to join him in Switzerland but was unsuccessful. The Claimant stated that her grandmother and great-grandmother, who were Jewish, were deported to Auschwitz, where they were killed.

In support of her claim, the Claimant submitted a detailed family tree, her father’s birth certificate, and an excerpt from a family booklet. The Claimant indicated that she was born on

25 July 1960 in Zurich. The Claimant is representing her father, Dr. Hans Hermann Brehm, who was born in 1916.

Information Available in the Bank Record

The bank record consists of a printout from the Bank's database of suspended accounts. According to this record, the Account Owner was A. Brehm. The residence of the Account Owner is not known. The bank records indicate that the Account Owner held an account of unknown type that was closed on 16 November 1971, and the account balance of 7.45 Swiss Francs was transferred to a collective account for dormant assets, where it remains open today.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandmother's name matches the unpublished initial and family name of the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner other than the first initial and the family name. Thus, the additional information provided by the Claimant cannot be compared with the bank information. The CRT notes that there are no other claims to this account.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, and that the Claimant's father contacted the Swiss Banks Contact Office in 1997, asserting their entitlement to a Swiss bank account owned by Alice Brehm prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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 was deported to Auschwitz, where she perished.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Alice Brehm, and indicates that her date of birth was 16 June 1892 and place of birth was Amsterdam, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she and her father, whom she represents, are related to the Account Owner by submitting documents, including her father's birth certificate and a detailed family tree, which demonstrates that the Claimant's father is the Account Owner's son, and that the Claimant is the Account Owner's granddaughter.

The Issue of Who Received the Proceeds

The bank record indicates that the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant's father. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that she is the Account Owner's granddaughter and that her father is the Account Owner's son, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The bank record indicates that the value of the account as of 16 November 1971 was 7.45 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 405.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1971. Consequently, the adjusted balance of the account at issue is 412.50 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown type of account was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

In this case, the represented party, Dr. Hans Hermann Brehm, is age 75 or older and is therefore entitled to receive 100% of the total award amount.

Division of the Award

According to the principles of distribution set forth in Article 29 of the Rules, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. The Claimant's father, as the Account Owner's son, is therefore entitled to the entire amount of the Award.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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 or her father 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

November 26, 2002