

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],
[REDACTED 2]
and [REDACTED 3]

in re Account of Bruno Cassirer

Claim Numbers: 224132/GP, 224133/GP and 224134/GP

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”), and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Bruno Cassirer (the “Account Owner”), over which Elsa Cassirer held power of attorney (the “Power of Attorney Holder”), at the Zurich 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

The Claimants submitted three Claim Forms identifying the Account Owner as their relative, Bruno Cassirer. According to the Claimants, Bruno Cassirer was Claimant [REDACTED 2]’s maternal grandfather, the maternal grandfather of Claimant [REDACTED 1]’s late husband, [REDACTED], and the father of the first wife of Claimant [REDACTED 3]’s husband, [REDACTED] (formerly [REDACTED]). The Claimants stated that Bruno Cassirer was born on 12 December 1872 in Breslau, Germany (now Wroclaw, Poland) and was married to Else Cassirer, with whom he had two children: [REDACTED], née [REDACTED], and [REDACTED] (formerly [REDACTED]), née [REDACTED]. The Claimants further stated that Bruno Cassirer, who was Jewish, was an art dealer and publisher. According to the Claimants, Bruno Cassirer founded a publishing company called *Bruno Cassirer Verlag* located in Derflingerstrasse 15, in Berlin, Germany. The Claimants stated that Bruno Cassirer lived at Branitzerplatz 1, Berlin-Charlottenburg, but fled Germany to England in 1938, where he remained with his wife and family until his death in Oxford, England in 1941. Finally, the Claimants stated that Bruno Cassirer's wife, Else Cassirer, died in Oxford in 1943. Claimant [REDACTED 3] indicated that she was the widow of [REDACTED], who was previously

married to Bruno Cassirer's daughter, [REDACTED]. Claimant [REDACTED 2] indicated that she was the daughter of [REDACTED] and [REDACTED]. Claimant [REDACTED 1] indicated that she was the widow of [REDACTED], who was the son of [REDACTED] and [REDACTED]. The Claimants further stated that [REDACTED] died in Oxford on 26 October 1957, that [REDACTED] died on 23 February 1979 in Oxford, that George Hill died on 30 April 1995 in Oxford, and that [REDACTED] died on 1 June 1999 in Rough Common, Canterbury, England.¹

The Claimants submitted the inheritance certificate of Bruno Cassirer, which was signed in Berlin-Charlottenburg and identifies Else Cassirer as his wife and sole heir; the inheritance certificate of Else Cassirer, which was signed in Berlin-Charlottenburg and identifies [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED], as her daughters and only heirs; a copy of [REDACTED]'s will, which identifies [REDACTED] and [REDACTED 2] as the beneficiaries of her residuary estate; a copy of the inheritance certificate of [REDACTED], which identifies her husband [REDACTED] as her sole heir; a copy of the will of [REDACTED], which identifies Claimant [REDACTED 3] as his wife, and [REDACTED] and [REDACTED 2] as his son and daughter, respectively, and indicating that a trust was to be set up after his death, and further instructing that his trustees hold the trust fund and the income thereof in trust for his wife absolutely, in the event that she survived him for a period of 28 days or more; and the inheritance certificate and will of [REDACTED], which identify [REDACTED 1] as [REDACTED]'s wife and sole heir.

Claimant [REDACTED 3] indicated that she was born on 18 March 1921. Claimant [REDACTED 1] indicated that she was born on 2 January 1942. Claimant [REDACTED 2] indicated that she was born on 30 September 1931.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Bruno Cassirer and the Power of Attorney Holder was Else Cassirer, both of whom resided in Berlin, Germany. 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 the Account Owner and the Power of Attorney Holder resided at Granitzerplatz 1. The Bank's record indicates that the Account Owner held a custody account, numbered 32892. The Bank's record further indicates that the account was closed on 10 September 1936. 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, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

¹ The CRT notes that the Cassirers were a well-known extended family. For more information regarding the Cassirer family, visit <http://www.genealogy.metastudies.net/index.html> (last visited 22 October 2004).

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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' relatives' names match the published names of the Account Owner and the Power of Attorney Holder. The Claimant's relatives' city and country of residence match the published city and residence of the Account Owner. The Claimants identified the Account Owner's address as Branitzerplatz 1, which is virtually identical to unpublished information provided by the auditors who carried out the ICEP Investigation that the Account Owner lived at Granitzerplatz 1.

In support of their claims the Claimants submitted documents, including the inheritance certificate of Bruno Cassirer, which was signed in Berlin-Charlottenburg and identifies Else Cassirer as his wife and sole heir; and the inheritance certificate of Else Cassirer, which was signed in Berlin-Charlottenburg, providing independent verification that the person who is claimed to be the Account Owner had the same name and had a connection with the same city recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that there are no other claims to this account.

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 stated that the Account Owner was Jewish, and fled Nazi Germany for England in 1938, where he remained with his wife and family until his death in Oxford, England, in 1941.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the grandfather of Claimant [REDACTED 2]; the grandfather of [REDACTED 1]'s late husband, [REDACTED]; and the father of the first wife of Claimant [REDACTED 3]'s husband, [REDACTED]. These documents include the inheritance certificate of Bruno Cassirer, which identifies Else Cassirer as his wife and sole heir; the inheritance certificate of Else Cassirer, which identifies [REDACTED], née [REDACTED] and [REDACTED], née [REDACTED], as her daughters and only heirs; a copy of the inheritance certificate of [REDACTED], which identifies her husband [REDACTED] as her sole heir; a copy of the will of [REDACTED], which identifies Claimant [REDACTED 3] as his wife and [REDACTED] and [REDACTED] as his son and daughter respectively; and the inheritance certificate and will of [REDACTED],

which identify Claimant [REDACTED 1] as the wife of [REDACTED] and his heir. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1938, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; that the Account Owner fled Germany for England in 1938; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his accounts 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 (a), (h) and (j), as provided in Article 28 of the Rules (see Appendix A), and Appendix C, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was the grandfather of Claimant [REDACTED 2]; the grandfather of Claimant [REDACTED 1]'s late husband, [REDACTED]; and the father of the first wife of [REDACTED 3]'s husband, [REDACTED], and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 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 162,500.00.

Division of the Award

According to Article 23(2)(b) of the Rules, if none of the named beneficiaries in an Account

Owner's will has filed a claim, the CRT shall make an award to any claimant who has submitted an unbroken chain of wills or other inheritance documents, starting with the will of, or any inheritance documents pertaining to, the Account Owner. The Claimants submitted the inheritance certificate of Bruno Cassirer, which identifies Else Cassirer as his wife and sole heir; the inheritance certificate of Else Cassirer, which identifies her daughters, [REDACTED], née [REDACTED] and [REDACTED], née [REDACTED], as her only heirs; a copy of [REDACTED]'s will, which identifies [REDACTED] and [REDACTED 2] as the beneficiaries of her residuary estate; the inheritance certificate of [REDACTED], which identifies her husband [REDACTED] as her sole heir; a copy of the will of [REDACTED] which identifies his wife Claimant [REDACTED 3] as the beneficiary of his residuary estate; and the inheritance certificate and will of [REDACTED], which identifies Claimant [REDACTED 1] as his wife and heir. Accordingly, Claimant [REDACTED 3] is entitled to one-half of the total award amount, and [REDACTED 2] and Claimant [REDACTED 1] are each entitled to one-quarter 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
18 November 2004