

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED 1]

and

to Claimant [REDACTED 2]

## **in re Accounts of Alexander Conitzer**

Claim Numbers: 211118/MD; 211119/MD<sup>1</sup>

Award Amount: 181,680.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Alexander Conitzer (the “Account Owner”) 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 each submitted a Claim Form identifying the Account Owner as their uncle, Alexander Conitzer, who was born on 15 April 1904 in Goslerhaussen, Germany, and was the son of [REDACTED] and [REDACTED], née [REDACTED]. The Claimants stated that Alexander Conitzer was unmarried, and did not have any children. According to the information provided by the Claimants, their uncle lived at Xantenerstrasse 16 in Berlin, Germany. The Claimants stated that their uncle, who was Jewish, was deported from Berlin to the Auschwitz concentration camp, where he perished.

---

<sup>1</sup> Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 211118, and 217935. The CRT has determined that these claims are duplicate claims, and is treating them under the consolidated Claim Number 211118. Claimant [REDACTED 2] submitted two Claim Forms, which were registered under the Claim Numbers 211119, and 217934. The CRT has determined that these claims are duplicate claims, and is treating them under the consolidated Claim Number 211119.

In support of their claims, the Claimants submitted a detailed family tree, indicating that Alexander Conitzer had one brother, [REDACTED], the Claimants' father. Claimant [REDACTED 2] indicated that he was born on 2 October 1946 in Amsterdam, the Netherlands; and Claimant [REDACTED 1] indicated that he was born on 20 August 1949 in Amsterdam. The Claimants also submitted their father's death certificate, a probate decision to the Estate of their father, and a list of Holocaust victims from Berlin.

### **Information Available in the Bank Record**

The Bank's record consists of a bank customer card. According to this record, the Account Owner was Alexander Conitzer who resided in Berlin-Dahlem, Germany. The Bank's record indicates that the Account Owner held a demand deposit account that was closed on 31 May 1933, and a custody account that was closed on 2 September 1933. The amounts in the accounts on the respective dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

### **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 Claimants' claims in one proceeding.

#### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their uncle's name matches the published name of the Account Owner. The Claimants stated that their uncle lived in Berlin, which matches unpublished information about the Account Owner contained in the Bank's record. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Alexander Conitzer, and indicates that his place of birth was Gosslerhausen, Germany, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that there are no other claims to these accounts.

#### 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, who was Jewish, was deported to the Auschwitz concentration camp, where he perished. As noted above, a person named Alexander Conitzer appears in the CRT database of victims of Nazi persecution.

### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific family information and a detailed family tree demonstrating that the Account Owner was their uncle. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; the Account Owner remained in Germany until his death at Auschwitz; and the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules (see Appendix A) and Appendix C,<sup>2</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a demand deposit account was 2,140.00 Swiss Francs, giving a total of 15,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 181,680.00 Swiss Francs.

---

<sup>2</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

### Division of the Award

According to Article 23 of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares of representation. 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  
June 3, 2003