

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Ruth Dovrat

## **in re Account of Jeanette Gabbe**

Claim Number: 501346/MW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Ruth Dovrat, née Gabbe, (the “Claimant”) to the published account of Jeanette Gabbe (the “Account Owner”), over which Sally Gabbe and Heinz Gabbe (the “Power of Attorney Holders”) held power of attorney, 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 paternal grandmother, Jeanette Gabbe, née Baron, who was born on 26 January 1875 in Fürstenberg, Germany and was married to Sally Gabbe in 1902. The Claimant explained that her grandmother, who was Jewish, resided at Mühltor 2 in Ilmenau, Germany, with her husband, and her son, Heinz Gabbe, the Claimant’s father. The Claimant indicated that her grandmother had a brother named Paul Baron who resided in Geneva, Switzerland. The Claimant stated that her grandmother died on 26 November 1938 in Ilmenau, that her grandfather perished in Theresienstadt and that her father died on 3 December 1992 in Ramat-Gan, Israel. The Claimant indicated that she was born on 3 August 1931 in Ilmenau.

## **Information Available in the Bank’s Records**

The Bank’s records consist of a power of attorney form signed on 18 January 1931, a declaration of consent form signed on 5 January 1931, and printouts from the Bank’s database. According to these records, the Account Owner was Jeanette Gabbe, née Baron, and the Power of Attorney Holders were Heinz Gabbe, the Account Owner’s son, and Sally Gabbe, the Account Owner’s husband. These records indicate that the Account Owner and the Power of Attorney holders resided at Mühltor 2 in Ilmenau i/ Thüringen, Germany. The Bank’s records indicate that the Account Owner held an account, the type of which is not indicated, that was closed on 16 February 1934. The Bank’s records do not indicate the value of this account. There is no

evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandmother's name, city and country of residence match the published name, city and country of residence of the Account Owner. The Claimant's father's and the Claimant's grandfather's names match the published names of the Power of Attorney Holders. The Claimant identified the Account Owner's maiden name and street address, which match unpublished information about the Account Owner contained in the Bank's records. The CRT notes that the Claimant identified the relationships between the Account Owner and the two Power of Attorney Holders, which matches unpublished information contained in the Bank's records. The CRT notes that there are no other claims to this account.

### 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, that she resided in Germany until her death in 1938, and that her husband was killed at Theresienstadt.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's grandmother. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records, which supports the plausibility that she is related to the Account Owner, as she has asserted in her Claim Form. 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 her death in 1938, and would not have been able to repatriate her account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to her; that the Account Owner's 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see

Appendix A) and Appendix C,<sup>1</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holders, 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 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 grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holders, nor their heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one 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 the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of an account of unknown type was 3,950.00 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 49,375.00.

#### **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  
9 March 2005

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<sup>1</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).