

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]<sup>1</sup>

### **in re Accounts of Gertrude Glücksmann and Samuel Glücksmann**

Claim Number: 706029/HS

Award Amount: 199,625.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”), to the account of Samuel Glücksmann. This Award is to the accounts of Gertrude Glücksmann (“Account Owner Gertrude Glücksmann”) and Samuel Glücksmann (“Account Owner Samuel Glücksmann”) (together the “Account Owners”) 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 owners, and the bank have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted an Initial Questionnaire to the Court in 1999 identifying Account Owner Samuel Glücksmann as her maternal grandfather. In the Initial Questionnaire, the Claimant indicated that Samuel Glücksmann resided in Berlin and Russia in the 1930s, that he had a daughter named Ilse and that his wife and daughter resided in Berlin.

In a telephone conversation with the CRT on 20 January 2004, the Claimant provided more detailed information about her family. The Claimant stated that her grandfather, Samuel Glücksmann, was born in Galicia, Poland, around 1884, that he held a German passport, and that he worked as an engineer and inventor. According to the Claimant, Samuel Glücksmann was married to Therese Glücksmann, née Goldblum (the Claimant’s grandmother), who was born in Danzig in 1888 or 1889 and held a German passport. The Claimant stated that she believed Samuel Glücksmann was married only once and that she did not know whether her grandmother had a nickname or middle name. According to the Claimant, her grandparents, who were Jewish, had two children: Ilse, the Claimant’s mother, who was born in 1907, and Wilhelm, who was born in 1905. The Claimant stated that she knew of two family residences in Berlin before the Second World War, one at Augsburg Strasse 62 and another on Kaiserallee, where the house number may have been a number between 20 and 29.

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<sup>1</sup> The Claimant submitted an Initial Questionnaire on 11 November 1999 in which she indicated that she represented her mother, Ilse Hargrave Hughes, née Glücksmann, who passed away on 20 December 2001. However, the Claimant and her mother did not submit power of attorney forms to confirm the representation. Therefore, the CRT considers the Initial Questionnaire to have been submitted solely by the Claimant.

The Claimant explained that her grandfather fled Berlin soon after Hitler came to power in Germany, arriving in Russia in the early 1930s, where he worked as an engineer setting up factories in Siberia. The Claimant further explained that when her grandfather was working in Russia he sent only a portion of his earnings to Germany and the rest of his money to a bank in Switzerland. The Claimant indicated that her grandfather's deposits in Switzerland may have also consisted of patents for a panorama cinema screen, a combination lock and other inventions. The Claimant stated that while her grandfather was in Russia, he maintained the residence in Berlin where his wife and children lived until they were forced to flee following *Kristallnacht* (the "Night of Broken Glass") in November 1938. During this time, Ilse, the Claimant's mother, married [REDACTED], the Claimant's father, around 1935. The Claimant explained that her father died during the Holocaust. The Claimant further stated that her grandmother and mother obtained visas allowing them to enter the United Kingdom, and that her uncle Wilhelm and his wife, who were unable to obtain visas for the United Kingdom, fled to Bolivia. According to the Claimant, her grandfather fled Stalinist Russia in the late 1930s and went to Palestine, where he remained during the Second World War. The Claimant stated that her grandfather's money and patents were stolen and that he fled to Palestine with very little or no money. The Claimant indicated that Samuel Glücksmann joined his wife, daughter and granddaughter (the Claimant) in the United Kingdom in 1945. The Claimant further indicated that she, her mother and her grandparents joined her uncle Wilhelm and his wife in Brazil in 1946. The Claimant stated that she and her mother returned to the United Kingdom in 1949. The Claimant's mother then married [REDACTED], who adopted the Claimant.

The Claimant indicated that her grandmother passed away in 1949 in São Paulo, Brazil, and her grandfather passed away in 1958 or 1959 in São Paulo. The Claimant stated that her uncle Wilhelm died in 1990 and that her mother passed away on 20 December 2001.

In support of her claim, the Claimant submitted her mother's birth certificate, her mother's marriage certificate to [REDACTED] and her mother's death certificate, which indicate that her name was Ilse Hargrave Hughes, née Glücksmann, that her parents were Samuel Glücksmann and Therese Goldblum, and that the Claimant is her daughter. Additionally, the Claimant submitted her own birth certificate, the certificate of her adoption by her mother's husband, [REDACTED], and her own marriage certificate, which indicate that the Claimant's mother was Ilse Hughes, née Glücksmann.

The Claimant indicated that she was born on 2 July 1941 in Bournemouth, the United Kingdom, and that she is the only child of Ilse Hargrave Hughes.

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

The Bank's records consist of a consent form signed on 27 June 1931 by Account Owner Samuel Glücksmann, authorizing his wife to open an account; a power of attorney form signed in Berlin, Germany, by Account Owner Gertrude Glücksmann on 13 August 1931; a power of attorney form signed in Moscow, then the Union of Soviet Socialist Republics, by Account Owner Samuel Glücksmann, on 24 October 1931; and printouts from the Bank's database. The Bank's records indicate that Account Owner Samuel Glücksmann held one custody account,<sup>2</sup> and that

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<sup>2</sup> The Bank's records contain a power of attorney form that references a "Titeldepot," a type of custody account.

Account Owner Gertrude Glücksmann held one demand deposit account and one savings account, numbered 2072.

With regard to Account Owner Samuel Glücksmann's custody account, the Bank's records indicate that the Power of Attorney Holders were Willy Glücksmann, Gertrude Glücksmann and Ilse Glücksmann. According to these records, Account Owner Samuel Glücksmann resided at Kalaueruskaje 15a in Moscow, and the Power of Attorney Holders resided at Kaiserallee (also spelled Kaiser-Allee) 207 in Berlin W-15. The Bank's records indicate that the power of attorney form was cancelled on 11 October 1933, but do not show when the account was closed.

With regard to Account Owner Gertrude Glücksmann's demand deposit account and savings account, the Bank's records indicate that the Account Owner's full name was Gertrude Glücksmann, née Goldblum, that she was also a Power of Attorney Holder to Account Owner Samuel Glücksmann's account, and that she resided at Kaiserallee (also spelled Kaiser-Allee) 207 in Berlin W-15. According to these records, the Power of Attorney Holders were Willy Glücksmann, *Fräulein* (Miss) Ilse Glücksmann and Account Owner Samuel Glücksmann, Gertrude Glücksmann's husband.

The Bank's records do not show when the Account Owners' accounts were opened, when they were closed or to whom they were paid, nor do these records indicate the value of these accounts. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. There is no evidence in the Bank's records that the Account Owners, the Power of Attorney Holders or their heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners and the Power of Attorney Holders. In her Initial Questionnaire, the Claimant identified her grandfather's name and cities and countries of residence, which matches published information about Account Owner Samuel Glücksmann contained in the Bank's records. The Claimant also identified Ilse Glücksmann as Samuel Glücksmann's daughter, who is identified in the Bank's records as a Power of Attorney Holder. Furthermore, the Claimant stated that Glücksmann was Ilse's maiden name, which matches unpublished information in the Bank's records that Power of Attorney Holder Ilse Glücksmann was referred to as *Fräulein* (Miss), indicating that Glücksmann was her maiden name. The CRT notes that all of this information was submitted by the Claimant in her Initial Questionnaire, which was filed with the Court in 1999, 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 has not based her present claim on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also 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.

In the telephone conversation with the CRT on 20 January 2004, the Claimant further indicated that her family resided at Kaiserallee in Berlin, which matches unpublished information about the address of the Power of Attorney Holders for Account Owner Samuel Glücksmann's account and unpublished information about Account Owner Gertrude Glücksmann contained in the Bank's records. The Claimant stated that her grandmother's maiden name was Goldblum, and that she was married to Samuel Glücksmann, which also matches unpublished information about Account Owner Gertrude Glücksmann contained in the Bank's records. Furthermore, the Claimant identified Wilhelm Glücksmann as a child of the Account Owners and the brother of Ilse Glücksmann, which is consistent with information found in the Bank's records showing that "Willy" Glücksmann resided at the same Berlin address as Ilse Glücksmann and Account Owner Gertrude Glücksmann, and that he was a Power of Attorney Holder for both Account Owners. The CRT notes that the Claimant submitted documents including her mother's birth, marriage and death certificates, indicating that her name was Ilse Hargrave Hughes, née Glücksmann, and that her parents were Samuel Glücksmann and Therese Goldblum; and the Claimant's own adoption and marriage certificates, indicating that her mother was Ilse Hughes, née Glücksmann.

The CRT notes that the Claimant gave her grandmother's first name as Therese, whereas the Bank's records show the first name Gertrude. However, given the fact that the Claimant provided her grandmother's maiden name, her mother's maiden name, the street address of her family's residence in Berlin, her grandfather's connection to both Berlin and Russia and her uncle's name, all of which match unpublished information contained in the Bank's records; and given that she identified Power of Attorney Holders Ilse and Wilhelm Glücksmann as the children of the Account Owners, which is consistent with information contained in the Bank's records, the CRT concludes that Gertrude Glücksmann, née Goldblum, and Therese Glücksmann, née Goldblum, are the same person.

Finally, the CRT notes that the other claims to these accounts were disconfirmed because the other claimant indicated a different maiden name for Account Owner Gertrude Glücksmann and a different familial relationship between the Account Owners than the marriage relationship indicated in the Bank's records. Taking all of these factors into account, the CRT concludes that the Claimant has identified the Account Owners.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owners Samuel Glücksmann and Gertrude Glücksmann were Victims of Nazi Persecution. The Claimant stated that her grandparents were Jewish and that they fled Berlin to escape Nazi persecution.

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

The Claimant has demonstrated that she is related to the Account Owners by submitting specific information and documents demonstrating that her mother was Power of Attorney Holder Ilse Glücksmann, and that Ilse Glücksmann, was the child of the Account Owners. These documents include her mother's birth, marriage and death certificates, indicating that her name was Ilse Hargrave Hughes, née Glücksmann, and that her parents were Samuel Glücksmann and Therese Goldblum; and the Claimant's own adoption and marriage certificates, indicating that her mother

was Ilse Hughes, née Glücksmann. There is no information to indicate that the Account Owners have other surviving heirs who filed a claim.

### The Issue of Who Received the Proceeds

With regard to the custody account held by Account Owner Samuel Glücksmann, given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including confiscation of assets held in Swiss banks, and therefore Account Owner Samuel Glücksmann or his wife would not have been able to repatriate his account to Germany without its confiscation; that Account Owner Samuel Glücksmann fled Germany to work in the Soviet Union in the early 1930s; that Account Owner Samuel Glücksmann was in the Soviet Union under the communist regime, and therefore it was unlikely that he would have been able to access his account; that there is no record or other indication of the payment of Account Owner Samuel Glücksmann's account to him, the Power of Attorney Holders or their heirs; that Account Owner Samuel Glücksmann, the Power of Attorney Holders or their heirs would not have been able to obtain information about the 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) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the proceeds of the account were not paid to Account Owner Samuel Glücksmann, the Power of Attorney Holders or their heirs.

With regard to the accounts held by Account Owner Gertrud Glücksmann, given that Account Owner Gertrud Glücksmann resided in Nazi Germany until she fled in 1938; that Account Owner Gertrud Glücksmann would not have been able to repatriate her accounts while in Germany without their confiscation; the Nazi enforcement of flight taxes; that there is no record or other indication of the payment of Account Owner Gertrud Glücksmann's accounts to her, the Power of Attorney Holders or their heirs; that Account Owner Gertrud Glücksmann, the Power of Attorney Holders or their heirs would not have been able to obtain information about the 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 (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the proceeds of the accounts were not paid to Account Owner Gertrud Glücksmann, 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 Owners were her grandparents, and these relationships justify an Award. Finally, the CRT has determined that it is plausible that neither

the Account Owners, the Power of Attorney Holders nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, Account Owner Samuel Glücksmann held one custody account, and Account Owner Gertrude Glücksmann held one demand deposit account and one savings 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, the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a savings account was 830.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue is 15,970.00 Swiss Francs. 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 199,625.00 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 the Claimant 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  
20 May 2004