

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

and to Claimant [REDACTED 3]
also acting on behalf of [REDACTED 4]

and to Claimant [REDACTED 5]

in re Account of Arnold Grünbaum

Claim Numbers: 204332/AC;¹ 214553/AC;² 215199/AC; 220935/AC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”), and [REDACTED 5], née [REDACTED], (“Claimant [REDACTED 5]”) (together the “Claimants”) to the published account of Arnold Grünbaum (the “Account Owner”) at 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.

¹ Claimant [REDACTED 1] submitted additional claims to the accounts of [REDACTED], née [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 200207, 200208, 201126, 201367, 203726, and 204526, respectively. The CRT did not locate an account belonging to Claimant [REDACTED 1]’s relatives, [REDACTED], [REDACTED], and [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (ICEP or ICEP Investigation), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the Rules). Claimant [REDACTED 1] should be aware that the CRT will carry out further research on his claims to determine whether an award may be made based upon the information provided by Claimant [REDACTED 1] or upon information from other sources. A denial was previously issued to Claimant [REDACTED 1] with respect to the account of Max Grünbaum. See *In re Account of Max Grünbaum*, which was approved by the Court on 18 August 2004.. The CRT will treat the claim to the accounts of [REDACTED] and [REDACTED] in separate decisions.

² Claimant [REDACTED 2] submitted two Claim Forms, which were registered under the Claim Numbers 214553 and 206594. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 214553.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his maternal uncle, Arnold Grunbaum, who was born in 1900 in Poland. According to Claimant [REDACTED 1], his uncle, who was Jewish, was a diamond dealer and owned a jewelry store in Germany. Claimant [REDACTED 1] stated that his paternal aunt, [REDACTED], had similar businesses in Paris, France, Zurich, Switzerland, and other locations in Europe, and was likely to have deposited assets in banks on Arnold Grunbaum's behalf. Claimant [REDACTED 1] indicated that his uncle lived in Germany until 1938, when he was deported by the Nazis. Claimant [REDACTED 1] stated that his uncle perished in Auschwitz in 1943. Claimant [REDACTED 1] indicated that, to his knowledge, he is the sole surviving heir of his uncle.

In support of his claim, Claimant [REDACTED 1] submitted a copy of a letter from the *Spar & Leihkasse Bern*, dated 2 July 1998, showing that Claimant [REDACTED 1] attempted to locate accounts belonging to his aunt, [REDACTED]. The letter states that the bank had found an account, that it had been paid into a savings-book and that the balance of the account as of 30 June 1998 was 1,616.85 Swiss Francs ("SF"). However, the letter also states that *Spar & Leihkasse Bern* would not release the account to Claimant [REDACTED 1] without proof of ownership of the savings-book. In addition Claimant [REDACTED 1] submitted a copy of his provisional one-year Red Cross passport, issued on 18 February 1947, indicating that [REDACTED 1] was born in Berlin, Germany on 24 July 1928, that his parents were [REDACTED] and [REDACTED], that he was a German citizen "detained as a prisoner of war, internee, or deportee, or...employed as a civil worker" in Austria between 1940 and 1945.

Claimant [REDACTED 1] indicated that he was born on 24 July 1928 in Berlin.

Claimant [REDACTED 1] previously submitted Initial Questionnaires ("IQs") with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED], [REDACTED], and [REDACTED].³

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his father, Arnold Grünbaum (Gruenbaum), who was born on 20 April 1910 in Cologne, Germany, and was married to [REDACTED], née [REDACTED], on 13 September 1935 in London, England. According to Claimant [REDACTED 2], his father, who was Jewish, was the son of [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 2] explained that his father, who was a medical doctor, frequently traveled to Switzerland between 1936 and 1939, and that he resided in Basel, Switzerland from 1931 to 1932, in London from 1933 to 1935, in Juan-les-Pins, France from 1936 to 1938, and in Athens, Greece from 1939 onwards. According to information provided by Claimant [REDACTED 2], his father told him that he had set aside money in Switzerland for safekeeping. Claimant [REDACTED 2] indicated that he and

³ As indicated above, the CRT did not locate an account belonging to Claimant [REDACTED 1] s relatives, [REDACTED], [REDACTED], and [REDACTED].

his father were forced to flee their home in Athens after the Nazis took control of Greece, and that his father was arrested and executed by Greek Communists in April 1944. According to Claimant [REDACTED 2], his mother remarried in 1951, and her second husband's name was [REDACTED]. Claimant [REDACTED 2] stated that he is the sole survivor of the family.

In support of his claim, Claimant [REDACTED 2] submitted documents, including copies of a letter and a student record from the Canton Basel Archives, dated 14 October 1981, confirming that Arnold Grünbaum, who was born on 20 April 1910, was a student at University of Basel Medical School between 19 October 1931 and 26 August 1932, and indicating that he was from Cologne, Germany, that he was Jewish, that his father's name was [REDACTED], and that he resided in Basel while a student at the medical school; a copy of his parents' marriage certificate, indicating that Arnold Grünbaum and [REDACTED] were married on 13 September 1935 in Westminster, England; a copy of his own birth certificate, indicating that he was born on 13 June 1933, and that his parents were Arnold Grünbaum and [REDACTED], née [REDACTED]; a copy of a letter from the Greek Consulate in Frankfurt, Germany, dated 26 February 1951, indicating that Dr. Arnold Grünbaum, who was a German citizen, resided in Athens, Greece until April 1944, when he was arrested and executed by the Greek Communist party; a copy of his father's death certificate, indicating that Dr. Arnold Grünbaum, who resided in Athens, Greece, was born in April 1910 and died in April 1944; and a copy of a letter from the Greek Ministry of Foreign Affairs, dated 8 June 1979, indicating that [REDACTED 2] was the sole legal heir of his mother, [REDACTED], who was the widow of [REDACTED].

Claimant [REDACTED 2] indicated that he was born on 13 June 1933 in London.

Claimant [REDACTED 2] previously submitted an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Arnold Grünbaum.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her husband's paternal uncle, Arnold Grünbaum. Claimant [REDACTED 3] indicated that her husband's family, who were Jewish, resided in Hungary, Austria, and Yugoslavia, and that her husband's father, [REDACTED], had at least two brothers, [REDACTED] and Arnold Grünbaum. Claimant [REDACTED 3] explained that her husband's uncle was deported by the Nazis, and that he is believed to have eventually perished in a concentration camp, along with most of the other members of the family, leaving her husband as the sole survivor of the family. Claimant [REDACTED 3] stated that her husband, [REDACTED], was born on 26 September 1922 in Hungary, and that he passed away on 31 January 1996 in Sweden, leaving only his wife, Claimant [REDACTED 3], and their son, [REDACTED 4].

Claimant [REDACTED 3] submitted a copy of her own passport, indicating that her name is [REDACTED 3]. Claimant [REDACTED 3] indicated that she was born on 24 October 1925 in Kisvarda, Hungary. Claimant [REDACTED 3] represents her son, [REDACTED 4], who was born on 18 August 1949 in Budapest, Hungary.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as her father, Arnold Grünbaum (whose name was later changed to [REDACTED]), who was born on 10 March 1896 in Bakonszeg, Hungary, and was married to [REDACTED], née [REDACTED], on 15 August 1926 in Budapest, Hungary. Claimant [REDACTED 5] indicated that her father, who was Jewish, was the son of [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 5] indicated that her father owned a haberdashery shop in Budapest, where he resided from 1918 until approximately 1940, when he was deported to a German labor camp, and was never heard from again. Claimant [REDACTED 5] indicated that the family believes that he was murdered by the Nazis. Claimant [REDACTED 5] stated that she is the only child of her father.

In support of her claim, Claimant [REDACTED 5] submitted a copy of her own birth certificate, indicating that she was born in Budapest, Hungary, and that her parents were Arnold Grünbaum and [REDACTED]. Claimant [REDACTED 5] stated that she was born on 20 October 1931 in Budapest.

Information Available in the Bank's Records

The Bank's records consist of excerpts from a list of dormant demand deposit accounts and an account-registry card. According to these records, the Account Owner was Arnold Grünbaum. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held a demand deposit account, identified by the number 52285-I. These records further show that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 7 February 1938, on which date the balance of the account was 19.00 Swiss Francs ("SF"). According to the Bank's records, the account was subsequently closed to the Bank's profit and loss account on 23 January 1964. The amount in the account on the date of its closure was SF 19.00.

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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s uncle's name, Claimant [REDACTED 2]'s father's name, Claimant [REDACTED 3]'s husband's uncle's name, and Claimant [REDACTED 5]'s father's name

match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

In support of his claim, Claimant [REDACTED 2] submitted documents, including copies of a letter and a student record from the Canton Basel Archives, dated 14 October 1981, confirming that Arnold Grünbaum, was a student at University of Basel Medical School between 19 October 1931 and 26 August 1932, and indicating that he was from Köln, Germany, that he was Jewish, that his father's name was [REDACTED], and that he resided in Basel while a student at the medical school; a copy of his parents' marriage certificate, indicating that Arnold Grünbaum and [REDACTED] were married on 13 September 1935 in Westminster, England; a copy of his own birth certificate, indicating that he was born on 13 June 1933, and that his parents were Arnold Grünbaum and [REDACTED], née [REDACTED]; a copy of a letter from the Greek Consulate in Frankfurt, Germany, dated 26 February 1951, indicating that Dr. Arnold Grünbaum, who was a German citizen, resided in Athens, Greece until April 1944, when he was arrested and executed by the Greek Communist party; and a copy of his father's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

In addition, the CRT notes that Claimant [REDACTED 2] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Arnold Grünbaum, prior to the publication in February 2001 of the ICEP List. This indicates that Claimant [REDACTED 2] has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 2] had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2].

In support of her claim, Claimant [REDACTED 5] submitted her own birth certificate, demonstrating that her father was Arnold Grünbaum, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Arnold Grünbaum, and indicates that he was born in 1899 in Bakonsyag, and resided in Budapest, which matches information about the Account Owner provided by Claimant [REDACTED 5]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1] filed IQs with the Court in 1999, asserting his entitlement to Swiss bank accounts owned by relatives of Arnold Grünbaum and identified Arnold Grünbaum in his IQs, prior to the publication in February 2001 of the ICEP List. This indicates that Claimant [REDACTED 1] has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] had reason to

believe that his relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1].

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, Claimant [REDACTED 3]'s relative and Claimant [REDACTED 5]'s relative are not the same person. However, given that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

The CRT notes that the name Arnold Grünbaum appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

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.

Claimant [REDACTED 1] stated that the Account Owner perished in Auschwitz in 1943. Claimant [REDACTED 2] stated that the Account Owner was forced to flee his home in Athens to avoid Nazi persecution, and that he was arrested and executed by Greek Communists in April 1944. Claimant [REDACTED 3] stated that the Account Owner was deported by the Nazis to a concentration camp, where he perished. Claimant [REDACTED 5] stated that the Account Owner was deported to a German labor camp, and is believed to have been murdered by the Nazis.

As noted above, a person named Arnold Grünbaum was included in the CRT's database of victims.

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 Claimant [REDACTED 1]'s uncle, Claimant [REDACTED 2]'s father, Claimant [REDACTED 3]'s husband's uncle, and Claimant [REDACTED 5]'s father. These documents include the birth certificates of Claimant [REDACTED 2] and Claimant [REDACTED 5].

The CRT further notes that Claimant [REDACTED 2] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner or the Account Owner's relatives and Claimant [REDACTED 1] and Claimant [REDACTED 2], prior to the publication in February 2001 of the ICEP List. The CRT also notes that Claimant [REDACTED 1] submitted a copy of his provisional one-year Red Cross passport, indicating that his parents were [REDACTED] and [REDACTED], and Claimant [REDACTED 3] submitted a copy of her own passport, which provides independent verification that Claimant [REDACTED 1] and Claimant [REDACTED 3]'s relatives bore the same last name as the Account Owner. Finally, the CRT notes that the

foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms. There is no information to indicate that the Account Owner has other surviving heirs other than the party which Claimant [REDACTED 3] represents.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to the Bank's profit and loss account on 23 January 1964.

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, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his uncle, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his father, Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her husband's uncle, and Claimant [REDACTED 5] has plausibly demonstrated that the Account Owner was her father, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that [REDACTED 4], Claimant [REDACTED 3]'s son, as the great-nephew of the Account Owner, has a better entitlement to the account than Claimant [REDACTED 3], who is only related to the Account Owner by marriage.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 3 February 1938 was SF 19.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 26,750.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. As indicated above, [REDACTED 4] has a better entitlement to the account than his mother, Claimant [REDACTED 3]. Accordingly, [REDACTED 4],

Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 5] 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
30 December 2004