

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Charlotte Hamburger

Claim Number: 785002/HB^{1,2}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Sophie-Charlotte Hamburger.³ This Award is to the published account of Charlotte Hamburger (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.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as her mother, Sophie-Charlotte Hamburger, née [REDACTED], who was born on 20 May 1911, and was married to [REDACTED]. The Claimant stated that, from 1937 to 1943, her mother resided at Kaiser Wilhelm Strasse in Berlin-Charlottenburg, Germany. According to the Claimant, during this time, her mother, who was Jewish, was forced to perform labor in a factory in Berlin. The Claimant further indicated that, in 1943, she and her mother were interned at Theresienstadt for six weeks, that they did not have any valid identity papers upon their release, and that they therefore traveled secretly throughout Germany, including to Augsburg, Stuttgart, Tuttlingen, Singen, and Emmingen, to escape Nazi persecution. The Claimant indicated that she and her

¹ [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0586-047, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 785002.

² The Claimant submitted two additional Initial Questionnaires, claiming the accounts of herself and of Siegfried Lipschütz, which have also been forwarded to the CRT, and have been assigned Claim Numbers 784964 and 785003. The CRT will treat the claims to these accounts in separate determinations. The CRT notes that some of the information addressed in this award was provided by the Claimant in Claim Numbers 784964 and 785003.

³ The CRT will treat the claim to this account in a separate determination.

mother also attempted to enter Switzerland on foot from Germany via the border at Schaffhausen four times, but that they were repeatedly refused entry by Swiss officials. According to the Claimant, in 1945, she and her mother fled Germany to Linz, Austria, and then to Vienna, Austria, where the Claimant's mother gave birth to the Claimant's sister shortly after the Second World War. Finally, the Claimant stated that her mother died on 10 May 1995 in Florida, the United States. The Claimant indicated that she was born on 24 February 1941 in Berlin.

Information Available in the Bank's Records

The Bank's record consists of an excerpt from a closing registry of numbered accounts. According to this record, the Account Owner was *Frau* (Mrs.) Charlotte Hamburger. The Bank's record does not contain any information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held one numbered account, the type of which is not indicated, with the designation 61389. The Bank's record further indicates that the account was closed to the Bank's profit and loss account on 30 June 1948. The amount in the account on the date of its transfer is unknown.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). On 7 December 2005, the Bank provided the CRT with additional documents. These documents consist of an account card and a list of accounts. The documents contain no additional information regarding the Account Owner or her account, but indicate that the Bank corresponded with the Account Owner in German.

The CRT's Analysis

Identification of the Account Owner

The Claimant's name matches the published name of the Account Owner. The CRT notes that only the second part of the Claimant's mother's first name, namely "Charlotte," matches the first name of the Account Owner. However, the CRT determines that it is plausible that the Claimant's mother opened the account using the name "Charlotte" rather than her full first name "Sophie-Charlotte," and therefore finds that this does not materially affect the Claimant's identification of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name. In addition, the CRT notes that the Bank's record does include the Account Owner's general title, in that it identifies the Account Owner as *Frau* (Mrs.) Charlotte Hamburger. The CRT further notes that it is customary to refer to both married women and women who command respect by reason of age or profession as "*Frau*" in the German language, and that the Claimant's indication that her mother was married is therefore consistent with the information in the Bank's record. The CRT also notes that the name Charlotte Hamburger 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"). Moreover, the Claimant filed

an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Sophie-Charlotte Hamburger prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based her 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 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. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 was forced to perform labor in a factory in Berlin, that she was temporarily interned at Theresienstadt, and that she subsequently moved continuously throughout Germany and Austria to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's mother. The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. Furthermore, 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 Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her IQ. There is no information to indicate that the Account Owner has other surviving heirs who have submitted a claim.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed by transfer to the Bank's profit and loss account on 30 June 1948.

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 mother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her 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 ICEP, 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
12 May 2006