

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by [REDACTED]

## **in re Account of Adele Jolles and Stanislaus Jolles**

Claim Numbers: 223186/TP ; 223188/TP

Award Amount: 149,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the "Claimant") to the account of Adele Jolles and Stanislaus Jolles (the "Account Owners") 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 is redacted.

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

The Claimant submitted two separate Claim Forms identifying the Account Owners as his maternal great-uncle, Stanislaus Jolles, and his great-aunt by marriage, Adele Jolles. The Claimant stated that his great-uncle was born in 1858 in Berlin, Germany, and was married to Adele Jolles. The Claimant indicated that he was born in Basel, Switzerland, on 20 June 1936. According to the Claimant, his relatives were German Jews who lived in Berlin, where his great-uncle was a professor of mathematics and a privy councillor (*Geheimrat*). The Claimant stated that his great-uncle died in Berlin in 1943. His wife, Adele Jolles, was deported in 1943 and perished in the concentration camp Theresienstadt in 1944. The Claimant further stated that his relatives had two children, [REDACTED] and [REDACTED], who are both deceased. The Claimant indicated that [REDACTED] remained childless and that he did not know whether [REDACTED] had any children, but that he in any case had no knowledge of any living descendants of his relatives.

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

The bank records consist of printouts from the Bank's electronic database and a contract for the opening of a joint account dated 4 June 1931. According to these records, the joint Account Owners were Mr. Stanislaus Jolles, privy councillor, and Mrs. Adele Jolles, both living at

Kurfürstendamm 130 in Berlin-Halensee, Germany. The bank records further indicate that the Account Owners held a custody account.<sup>1</sup>

The bank records do not show if or when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of the account. The auditors who carried out the investigation of this Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

## **The Tribunal's Analysis**

### Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the discretion of the Claims Judges. In this case, the Tribunal determines it appropriate to join the two claims which the Claimant submitted in one proceeding.

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His relatives' names match the published names of the Account Owners. Moreover, the Claimant has indicated that his great-uncle was a privy councillor (*Geheimrat*), which matches unpublished information about the Account Owners contained in the bank documents. Moreover, the Claimant's relatives' city of residence matches the Account Owners' published city of residence.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and lived in Germany. The Claimant indicated that his great-uncle died in Berlin in 1943, whereas his wife, Adele Jolles, was deported in 1943 and killed in the concentration camp Theresienstadt in 1944.

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

The Claimant has plausibly demonstrated that he is related to the Account Owners by providing a detailed family tree and explaining that Stanislaus Jolles was his maternal great-uncle, and Adele Jolles his great-aunt by marriage. There is no information indicating that the Account Owners left any other surviving heirs.

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<sup>1</sup> The bank records contain a copy of a contract between the Account Owners and the Bank regarding the opening of a joint account with joint liability (*Vertrag betreffend eine gemeinschaftliche Rechnung mit Solidarität der Inhaber*) that references a "*Titeldepot*," which is a custody account. Such contracts were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this contract therefore does not necessarily demonstrate that the Account Owners held a custody account, in the absence of evidence to the contrary, the Tribunal concludes that it is plausible that they held such an account.

## The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the account at issue was paid to the Account Owners or their heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the Independent Committee of Eminent Persons during its investigation of Swiss banks (the “ICEP Investigation”) demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, if the funds were not in fact paid to the account owners or their family, as is apparently the case here as described below, there is a substantial likelihood that the funds went to the Nazis or to the Swiss bank.

Although the Tribunal cannot determine with certainty who received the proceeds of the account, the Tribunal concludes that a plausible showing has been made that neither the Account Owners nor their heirs received the proceeds.<sup>2</sup> The account at issue was opened on 4 June 1931. It is unknown when this account was closed. The Claimant’s great-uncle died in Berlin in 1943, whereas his wife, Adele Jolles, was deported in 1943 and perished in Theresienstadt in 1944. The application of confiscatory laws by the Nazi Regime during the 1930s, as described in more detail in footnote 2 below, makes it highly unlikely that the Account Owners received the proceeds of the account at issue. Moreover, there is no evidence in the bank records suggesting that the Account Owners closed the account and received the proceeds themselves.

## Basis for the Award

The Tribunal 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were his great-uncle and his great-aunt, and that relationship justifies an Award. Finally, the Tribunal has determined that it

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<sup>2</sup> In reaching this conclusion, the Tribunal is relying in part on research cataloguing more than forty different laws, acts, and decrees used by the Nazi Regime to confiscate Jewish assets abroad. Although some of these laws were promulgated before the Nazis came into power, and although many of the laws were facially non-discriminatory, the Nazi Regime increasingly enforced these laws on a discriminatory basis against Jewish asset holders. These laws included, for example, increasingly stringent registration and repatriation requirements for assets held outside Germany and special confiscatory taxes for emigrants who wished to flee Germany. Until 1937, the laws generally did not explicitly target Jews, although in practice the laws were enforced more stringently against Jews. Over the course of 1937, however, the spoliation process became increasingly wholesale and systematic and Nazi expropriations of Jewish assets held in Swiss banks and elsewhere became widespread. A decree dated 26 April 1938 required Jews to register their assets, and subsequent to that date the Nazi Regime began to enact legislation and orders to repatriate and confiscate foreign assets both for Jews who sought permission to flee the Reich and for those unable to flee. A listing of the principal laws invoked by the Nazi Regime in specific confiscatory situations appears at the CRT-II website, [www.crt-ii.org](http://www.crt-ii.org).

is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

### Amount of the Award

Pursuant to Article 35 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 present 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 present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 149,500.00 Swiss Francs.

In cases where the value of an account is based on the presumptions of Article 35 of the Rules, or where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. In this case, the value of the account at issue is based on the Article 35 presumptions and there is the possibility of other competing claims. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this case, 35% of the total award amount is 52,325.00 Swiss Francs.

### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal will carry out further research on his claims to determine whether there are additional Swiss bank accounts to which he 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**

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a strong case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same account will be forthcoming. The Special Masters appointed by the Court to supervise the Claims Resolution Process for Deposited Assets Claims have stressed the importance of moving ahead quickly to begin to make awards to Holocaust victim claimants or their heirs. They have therefore instructed the Tribunal that in particular cases where the Tribunal is satisfied that the currently identified claimant has a strong claim and that the risk of future competing claims is low, the Tribunal shall prepare an award to that claimant and submit it to the Court for approval. This is such a case.

In this case, the Tribunal is of the opinion that the Claimant has presented a strong claim to the account at issue, thus reducing the likelihood of competing claims. On this basis, and taking into account the instructions of the Special Masters, the Tribunal recommends approval by the Court of the present Award for payment by the Special Masters in accordance with Article 37(3) of the Rules.

27 Feb 2002

Date



Veijo Heiskanen  
Senior Claims Judge