

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Hans Eppenberger,
represented by Benedikt Eppenberger

and

to Claimant Olivier De Chalon Jolles

in re Account of Heinz Jolles and Gertrud Jolles

Claim Numbers: 223187/MBC,¹ 300699/MBC, 300717/MBC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Hans Eppenberger (“Claimant Eppenberger”) to the account of Heinz Jolles (“Account Owner Heinz Jolles”) and the claim of Olivier De Chalon Jolles (“Claimant Jolles”) (together “the Claimants”) to the account of Heinz Jolles (“Account Owner Heinz Jolles”) and Gertrud Jolles (“Account Owner Gertrud Jolles”) (together the “Account Owners”) at the Basel 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 Claimants

Claimant Jolles submitted a Claim Form identifying one of the Account Owners as his father, Heinz Jolles (Henry Jolles or Heinz-Frederic Jolles), who was born on 28 January 1902 in Berlin, and was married to Elisabeth Henriette Sauty de Chalon Jolles in 1941 in France. Claimant Jolles stated that his father, who was Jewish, was a classical pianist who resided at Bismarckstrasse 107 in Berlin-Charlottenburg from 1913 to 1929; at Rondorferstrasse 36 in Cologne from 1929 to 1933; at 40, Rue Boissonade in Paris XIV from 1934 to 1940; and, after his escape to Brazil by means of a cargo ship leaving from Marseille in 1942, at Rua Angatuba 202 in Sao Paulo from 1948 to 1965. Claimant Jolles further stated that his father lived in Berlin with his parents, Oscar and Gertrude Jolles,

¹ Claimant Eppenberger submitted additional claims to the accounts of Adele Jolles and Stanislaus Jolles, which are registered under the Claim Numbers 223186 and 223188. The CRT will treat the claims to these accounts in separate decisions.

and probably also in Cologne with his mother, Gertrude. The Claimant added that his father died on 16 July 1965 in Sao Paulo, and that his mother died there on 26 March 1968.

Claimant Jolles also submitted a Claim Form identifying the other Account Owner as his paternal grandmother, Gertrude Jolles, née Sternberg, who was born on 28 May 1872 in Breslau, Germany, and was married to Dr. Oscar Jolles, who was the president and majority owner of a large printing and publishing company. Claimant Jolles stated that his grandmother, who was Jewish, resided with her husband and family at Bismarckstrasse 107, Berlin-Charlottenburg from 1913 to 1929, and after her husband's death on 11 March 1929 in Berlin, probably also at Rondorferstrasse 36 in Cologne, from 1929 to 1933. Claimant Jolles further stated that his grandmother died in 1943 in a concentration camp, most likely in Auschwitz or Treblinka.

Claimant Jolles submitted a detailed family tree; photographs; a letter from the King of Württemberg dated 12 July 1918 stating that Dr. Oskar Jolles, who was the manager of a metal company, was awarded an important decoration (*Wilhelmskreuz*); his father's identity card issued 7 March 1950 (stating that he was the son of Oscar and Gertrude Jolles); Elizabeth Henriette Jolles' death certificate dated 25 March 1958; his father's testament dated 18 January 1962, which designates Claimant Jolles as his sole heir; a copy of his correspondences with *Bankhaus Aufhäuser* in Munich, Germany; his father's death certificate dated 25 August 1965; his own birth certificate; and a summary of the Jolles family history. Claimant Jolles indicated that he was born on 18 December 1945 in Sao Paulo. The Claimant also indicated that he is his parents' only child.

Claimant Eppenberger submitted a Claim Form identifying Account Owner Heinz Jolles as his great-uncle's son, Henry Jolles. The Claimant stated that his great-uncle, Heinz Jolles, who was born in 1863 in Dresden, Germany, was a ship captain until 1922 and later worked as a ship cleaner, and that he died in Cologne in 1939. Claimant Eppenberger submitted a detailed family tree, his grandfather Boguslaw Jolles' death certificate dated 17 July 1912, his mother's domicile registration with the Berlin police dated 1934, his parents' wedding certificate dated 22 October 1934, and private correspondence. The latter consists of a letter dated in 1952 to Claimant Eppenberger's mother. According to the information in the letter, Henry Jolles was born on 28 November 1902, and was married to Elisabeth Sauty de Chalon in 1940, with whom he had a child, Olivier (Claimant Jolles). The letter indicates that Henry Jolles' original first name was Heinz. The letter also explains that he was a professor in Cologne before he left the country in 1933, and indicated that his mother and his sister Marina perished in Auschwitz in 1943. In a telephone conversation with the CRT on 29 January 2002, Claimant Eppenberger stated that his great-uncle's son died after 1963. Claimant Eppenberger indicated that he was born on 20 June 1936 in Basel, Switzerland. Claimant Eppenberger is being represented by Benedikt Eppenberger.

Information Available in the Bank's Records

The Bank's records consist of a joint account opening contract, three power of attorney forms, and two bank forms showing a correspondence address and an acknowledgement card. According to these records, the Account Owners were Prof. Heinz Jolles and Gertrud Jolles, née Sternberg, who resided in Berlin in 1930 (Gertrud Jolles), at Rondorferstrasse 36 in Köln-Marienburg in 1931 (Heinz and Gertrud Jolles), at 8 rue du Guide in Asnières/Seine, France, in 1934 (Heinz and Gertrud Jolles), and at 40 rue Boissonade in Paris XIV in 1940 (Heinz Jolles). The Bank's records indicate that the Account Owners held a joint custody account,² numbered 36148, which was opened on 20 October 1931, that the Account Owners held a mutual Powers of Attorney, and that Miss Ruth Witziger, who resided at Steinengraben 23, Basel, also held Power of Attorney. The Bank's records also contain signature samples of the joint Account Owners.

The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this 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 ("ICEP" or the "ICEP Investigation") 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. 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

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 three claims of the Claimants in one proceeding.

Identification of the Account Owners

Claimant Jolles' father's name and grandmother's last and maiden names, match the published names of the Account Owners. Claimant Jolles identified his father's and grandmother's addresses as well as his father's title as a Professor, which match unpublished information about the Account Owners contained in the Bank's records. Furthermore, the CRT notes that Claimant Jolles identified the accounts of both Account Owners although they were published separately in February 2001 list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the

² The Bank's records contain a power of attorney form that references a "Titeldepot," which is a custody account.

“ICEP List”). In support of his claim, Claimant Jolles submitted documents, including his father’s identity card issued 7 March 1950 (stating that he is the son of Oscar and Gertrude Jolles), and his father’s testament dated 18 January 1962, which designates Claimant Jolles as his sole heir. Finally, Claimant Jolles submitted samples of his father’s signature, which matches a signature sample contained in the Bank’s records.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Gertrud Jolles, and indicates that her date of birth was 28 May 1872 and place of birth was Breslau, which matches the information about the Account Owner provided by Claimant Jolles. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further notes that the names Heinz Jolles and Gertrud Jolles appear only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution.

Claimant Eppenberger’s great-uncle’s son’s first and last names match the published name of Account Owner Heinz Jolles. The letter dated in 1952 submitted by Claimant Eppenberger indicates that his great-uncle’s son was a professor in Cologne and lived in France after 1933, which matches unpublished information about the Account Owner contained in the Bank’s records. Claimant Eppenberger submitted a sample of his great-uncle’s son’s signature, which matches a signature sample contained in the Bank’s records. The CRT notes that the information provided by Claimant Eppenberger does not identify Account Owner Gertrud Jolles.

The CRT further notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owners.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant Jolles has made a plausible showing that the Account Owners were Victims of Nazi Persecution. Claimant Jolles stated that the Account Owners were Jewish, and that his father first moved to France and then fled to Brazil to escape Nazi persecution, while his grandmother perished in a concentration camp in 1943. As noted above, a person named Gertrud Jolles is included in the CRT’s database of victims.

Claimant Eppenberger has made a plausible showing that Account Owner Heinz Jolles was a Victim of Nazi Persecution. Claimant Eppenberger stated that Account Owner Heinz Jolles was Jewish and first moved to France and then fled to Brazil to flee Nazi persecution.

The Claimants’ Relationship to the Account Owners

Claimant Jolles has plausibly demonstrated that he is related to the Account Owners by submitting documents, including his own birth certificate, stating that Heinz Jolles was his father and that Gertrud Jolles was his grandmother. Claimant Eppenberger has

plausibly demonstrated that he is related to Account Owner Heinz Jolles by submitting documents, including a detailed family tree, demonstrating that Heinz Jolles was his great-uncle's son.

The Issue of Who Received the Proceeds

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; given that Account Owner Gertrud Jolles remained in Germany until she was deported to a concentration camp, where she perished in 1943, and the Account Owners would not have been able to repatriate the account to Germany before her death without its confiscation; that there is no record of the payment of the Account Owners' account to them or any record of date of closure; that the Account Owners and 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 (a), (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners 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 Claimant Jolles. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant Jolles has plausibly demonstrated that the Account Owners were his father and grandmother, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held one custody 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 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 162,500.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. As stated above, Claimant Jolles provided documentation that Account Owner Heinz Jolles was his father and Account Owner Gertrud Jolles was his grandmother, and Claimant Eppenberger provided documentation that Account Owner Heinz Jolles was his great-uncle's son. Accordingly, Claimant Jolles, as a direct descendant of the Account Owners, has a better entitlement to the account. Therefore, Claimant Jolles is entitled to receive 100% 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
19 November 2003