

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Anna Kaiser and Karl Kaiser

Claim Numbers: 223916/AG, 300060/AG¹

Award Amount: 20,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Anna Kaiser (“Account Owner Anna Kaiser”) and Karl Kaiser (“Account Owner Karl Kaiser”) at the Rheinfelden 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 owner, and the bank have been redacted

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Karl Kaiser as her maternal grandfather, who was born on 24 February 1865 in Meimers, Germany, and was married to [REDACTED], née [REDACTED], in 1895 in Wahles, Germany. The Claimant stated that her grandfather had three children: [REDACTED]; [REDACTED], née [REDACTED] (the Claimant’s mother); and Anna Kaiser. The Claimant also stated that her grandfather, who was Jewish and a German citizen, owned a commercial shipping business, which was located at Hauptstrasse in Bad Liebenstein, Germany, where he resided until 1937. According to the information provided by the Claimant, the persecution of Jews in Germany by the Nazis led to the Claimant’s grandfather committing suicide in June 1937, and the confiscation of the family business by the Nazis in October 1938. The Claimant further stated that her family attempted to flee to Switzerland, where the Claimant’s grandfather had a connection to a family in Basel, but they were not permitted to cross the border. According to the information provided by the Claimant, her family also attempted, in 1937, to arrange through a relative for her and her sister to go to a boarding school in Switzerland, but without success. The Claimant stated that she and her immediate family were relocated to another home in Bad Liebenstein in 1938, where they resided under house arrest, and were forced to perform slave labor until they were liberated in

¹ The Claimant has filed an additional claim to the account of [REDACTED] which is registered under the Claim Number 223747. The CRT will treat the claim to this account in a separate decision.

1945. According to the information provided by the Claimant, her father, [REDACTED], and mother, [REDACTED], née [REDACTED], died in 1960 and 1969, respectively; and the Claimant's only sister, [REDACTED], died in 1992.

The Claimant submitted an additional Claim Form identifying Account Owner Anna Kaiser as her maternal aunt, who was born on 2 December 1899 in Meimers, Germany. The Claimant stated that her aunt was a manager of the family business and never married, and that she resided in Bad Liebenstein from 1933 until 1939. According to the information provided by the Claimant, her aunt had business connections in Switzerland. Additionally, the Claimant stated that it is possible that her aunt's relatives, who travelled extensively to Switzerland, may have opened an account on behalf of the Claimant's aunt. According to the information provided by the Claimant, her aunt, who was Jewish and a German citizen, fled to the German mountains in Gernrode, Germany, in 1939, where she lived in hiding with a friend's family until she died on 8 March 1942.

In support of her claims, the Claimant submitted a family tree; her own birth certificate, identifying her mother as [REDACTED], née [REDACTED]; and her own marriage certificate, also indicating that her mother's maiden name was [REDACTED]. The Claimant also submitted her mother's death certificate; a copy of a family letter dated 24 October 1938, addressed to the Claimant's father, referring to the arrangements made for the Claimant and her sister to attend boarding school in Switzerland; and a photograph. The Claimant said that Anna Kaiser and Karl Kaiser appear in the photograph. The Claimant indicated that she was born on 3 December 1925 in Bad Liebenstein.

Information Available in the Bank's Records

The Bank's records consist of internal correspondence of the Bank and a list of savings booklets provided to the Bank by account owners for payment to the German Reichsbank. According to these records, the Account Owners of two separate savings accounts were Anna Kaiser and Karl Kaiser, who resided in Wallbach, Germany. The Bank's records indicate that Account Owner Anna Kaiser held savings account number 18725, and that Account Owner Karl Kaiser held savings account number 18724. The Bank's records also indicate that the Account Owners each submitted their savings booklet in December 1933 to the Bank with an order to transfer the proceeds of the accounts to the *Oeffentliche Sparkasse Säckingen*.² The Bank's records do not indicate the date on which the transfer occurred. According to the Bank's records, the amounts in each account were 365.60 Swiss Francs as of 8 December 1933.

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

² *Oeffentliche Sparkasse Säckingen* was a German savings bank located in Säcklingen, Germany.

CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owners. The Claimant's aunt's and grandfather's names match the published names of the Account Owners. The Claimant identified her aunt's and her grandfather's nationality as German, which matches unpublished information about the Account Owners contained in the Bank's records. The CRT notes that the Claimant did not identify Wallbach, the Account Owners' city of residence contained in the Bank's records. However, the Claimant indicated that her relatives lived in Bad Liebenstein, which is a city located twenty-eight kilometres from Wallbach. Finally, the fact that the accounts were opened at the same branch with sequential account numbers increases the plausibility that the Account Owners were related, which is consistent with the information provided by the Claimant that Anna Kaiser, who was never married, was the daughter of Karl Kaiser.

In support of her claim, the Claimant submitted documents, including a family photograph. The Claimant said that Anna Kaiser and Karl Kaiser appear in the photograph. The Claimant also provided her own birth certificate, identifying her mother as [REDACTED], née [REDACTED], and providing independent verification that the persons recorded as the Account Owners in the Bank's records had the same family name as the Claimant's mother. The CRT also notes that the name Anna Kaiser appears only once on the February 2001 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"). The CRT further notes that there are no other claims filed to these accounts. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

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, that Account Owner Karl Kaiser committed suicide in 1937 as a result of Nazi persecution of Jews in Germany, and that Account Owner Anna Kaiser fled Bad Liebenstein in 1939 to avoid Nazi persecution and lived in hiding from 1939 until her death in 1942.

The Claimant's Relationships to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting detailed biographical information and documents, including her own birth certificate, identifying her mother as [REDACTED], née [REDACTED], and providing independent verification that the persons recorded as the Account Owners in the Bank's records had the same family name as the Claimant's mother. The CRT further notes that the Claimant identified unpublished information about Anna Kaiser's and Karl Kaiser's German nationality, as contained in the Bank's records. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were transferred to Germany to the *Oeffentliche Sparkasse Säcklingen* on or after 8 December 1933. The Account Owners' accounts appear on a list of savings booklets provided to the Bank by Account Owners, identified in the Bank's records as a list of accounts for payment to the German Reichsbank. The Bank's records indicate that the Account Owners submitted their savings booklet in December 1933 to the Bank with an order to transfer the proceeds of the accounts to the *Oeffentliche Sparkasse Säcklingen*. Given these facts, 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; that the Account Owners resided in Germany in 1933 when the transfer order was made, and thus they would not have been able to repatriate their accounts to Germany without their confiscation; that the accounts were on a list in the Bank's records of accounts for payment to the German Reichsbank; and given that the accounts were transferred to a German bank for payment to the Reichsbank, the CRT determines that it is plausible that the Account Owners were forced to transfer the proceeds of their accounts to Nazi authorities.

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 Account Owner Anna Kaiser was her aunt, and that Account Owner Karl Kaiser was her grandfather, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held two savings accounts. The Bank's records indicate that the value of each of the savings accounts as of 8 December 1933 was 365.60 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings account was less than 830.00 Swiss Francs, in the absence of plausible evidence to the contrary, and using a 1945 value, the amount in each of the accounts shall be determined to be 830.00 Swiss Francs.³ The current value of the accounts is determined by multiplying the balances 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 20,750.00 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 claims to determine whether there are additional Swiss bank accounts to

³ The award based on average value in this case takes into account the fact that the confiscations took place in 1933 and the current value adjustment is calculated from 1945.

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
6 February 2004