

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Heinz Kallmann

in re Accounts of Sigmund (Siegmond) Kallmann

Claim Number: 214105/HS¹

Award Amount 204,750.00 Swiss Francs

This Certified Award is based upon the claim of Heinz Kallmann (the "Claimant") to the published accounts of Sigmund (Siegmond) Kallmann (the "Account Owner") at the [REDACTED] (the "Bank").²

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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal uncle, Siegmund Kallmann, who was born on 11 February 1886 in Reetz, Germany, the son of Michaelis and Karoline Kallmann, and who was married to Else Kallmann. The Claimant indicated that his uncle, who was Jewish, was a lawyer, and that he lived in Berlin, Germany, until 1933, when he fled to Zurich, Switzerland. The Claimant stated that his uncle was not permitted to settle in Switzerland, and that he therefore moved to Nîmes, France after approximately one year. According to the Claimant, his uncle moved to the United States in 1936 to join his brother and sister, but returned to Europe the same year. The Claimant further stated that in 1940, his uncle was briefly interned by the Nazis in Nîmes, but was released shortly thereafter. According to the Claimant, after Siegmund Kallmann's release, he and his wife fled from France to San Francisco, California, the United States. The Claimant further indicated that his uncle changed his name to Sydney Coleman. The Claimant indicated that in 1942 his uncle moved to Denver, Colorado, the United States, where he died in 1949. According to the Claimant, Siegmund and Else Kallmann did not have any children. The Claimant stated that Else Kallmann died in 1961 in Denver.

¹ The Claimant submitted an additional claim to his own account, which is registered under the Claim Number 214104. The CRT will treat the claim to this account in a separate decision.

² The CRT notes that 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"), Sigmund (Siegmond) Kallmann is indicated as having eight accounts. Upon careful review, the CRT has concluded that the Bank's records evidence the existence of only three accounts.

The Claimant indicated that he was born on 10 June 1923 in Berlin, Germany, and that he is the son of Siegmund Kallmann's brother, Bruno Kallmann.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a list of securities held by Bank customers. According to these records, the Account Owner was Dr. Sigmund (Siegmund) Kallmann, who resided in Berlin, Germany. The Bank's records indicate that the Account Owner held a demand deposit account and a custody account, both of which were closed on 19 May 1933, and a safe deposit box, which was closed on 1 June 1933. According to the list of securities contained in the Bank's records, the Account Owner owned 3¾ % bonds with a nominal value of 5,000.00 in an unknown currency, which became due on 6 February 1934. The amounts in these accounts on the dates of their closure are unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His uncle's name and country of residence match the published name and country of residence of the Account Owner. The Claimant stated that his uncle lived in Berlin, which matches unpublished information about the Account Owner's city of residence contained in the Bank's records. Furthermore, the Claimant stated that his uncle was a lawyer, which is consistent with unpublished information in the Bank's records that the Account Owner used the professional title "Dr." The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different city of residence than the city of residence of 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 he fled Germany in 1933, that he was interned in the concentration camp in Nîmes, and that upon his release he fled to the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by providing detailed biographical information demonstrating that the Account Owner was his uncle. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records, which the CRT notes is information 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 this information supports the plausibility that the Claimant is related to

the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owner held one custody account and one demand deposit account, both of which were closed on 19 May 1933, and one safe deposit box, which was closed on 1 June 1933. The CRT notes that the Claimant stated that the Account Owner fled from Germany to Switzerland sometime in 1933. However, given that the Nazi Party assumed power in Germany on 30 January 1933, and that soon afterwards 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 there is no evidence that the Account Owner fled Germany prior to the dates that the accounts were closed, and that he would not have been able to repatriate his accounts to Germany without their confiscation; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his accounts 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; given the application of Presumptions (a) (ii), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A) and Appendix C,³ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 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 his paternal uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account, one custody account, and one safe deposit box. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here with regard to the demand deposit account and the safe deposit box, 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 the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"), and the average value of a safe deposit box was SF 1,240.00. With regard to the Account Owner's custody account, although a list of securities owned by Bank customers indicates that the Account Owner held bonds with a nominal value of 5,000.00 in an unknown

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

currency, there is no indication in the Bank's records that these securities constituted the entire content of his custody account. Therefore, since it is impossible to determine the actual value of the custody account, the CRT determines the value to be the 1945 average value of a custody account, which is SF 13,000.00. Therefore, the total 1945 average value of the three accounts at issue here is SF 16,380.00. 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 204,750.00.

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 his claim 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

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
18 August 2004