

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

**in re Account of Dr. Fritz Kauffmann**

Claim Number: 217849/SJ<sup>1</sup>

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the unpublished account of Fritz Kauffmann (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).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 the Account Owner as his maternal grandmother’s cousin, Fritz Kauffmann, who was born on 15 January 1899 in Stargard, Germany (known as Starogard, Poland after the First World War), and who was married to [REDACTED], née [REDACTED], on 26 January 1932. The Claimant indicated that Fritz Kauffmann, who was Jewish, was one of five children of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant further indicated that Fritz Kauffmann and his siblings, [REDACTED] (who died in 1918), [REDACTED], [REDACTED], and [REDACTED] all grew up at the family home in Starogard, which was called the *Villa Kauffmann*. The Claimant added that [REDACTED] was a wealthy owner of shoe factories in Starogard, including the *Peter Kauffmann Synowie*.

The Claimant stated that in 1923, Fritz Kauffmann moved to Berlin, Germany, to pursue his career as a doctor and bacteriologist, and was employed at the Robert Koch Institute from approximately 1923 until 1932, at which point he moved to a sanatorium in Davos, Switzerland, in order to recover from tuberculosis. The Claimant explained that in order to avoid Nazi persecution in Germany, Fritz moved to Copenhagen, Denmark in 1933, where he continued his work as a bacteriologist.

---

<sup>1</sup> The Claimant submitted eight additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 217259, 217279, 217829, 217839, 217269, 219314, 219315 and 219316, respectively. The CRT has already treated the claim to [REDACTED], 217839. See In re Account of [REDACTED]. The CRT will treat the claims to the additional accounts in separate decisions.

According to the Claimant, upon the Nazi invasion of Denmark, the Kaufmanns escaped by boat to Sweden, where they stayed until they could safely return to Copenhagen. The Claimant explained that, except for this brief period, Fritz Kauffmann lived in Copenhagen until his death, without issue, on 27 September 1978.

In support of his claim, the Claimant submitted documents, including Fritz Kauffmann's birth certificate, indicating that his mother was [REDACTED]; [REDACTED]'s birth certificate, indicating that her father was [REDACTED]; the marriage certificate of the Claimant's great-grandfather ([REDACTED]), indicating that his father was also [REDACTED]; the engagement announcement and marriage certificate of [REDACTED] and [REDACTED] (the Claimant's grandparents), indicating that [REDACTED]'s father was [REDACTED]; the birth certificate of the Claimant's mother (REDACTED 2), indicating her mother was [REDACTED], née [REDACTED]; the Claimant's own marriage certificate, indicating his mother's maiden name was [REDACTED 2]; photographs of *Villa Kauffmann* (the family home in Starogard); letters referring to and written by [REDACTED], which include her signature; letters written by [REDACTED] to the Claimant, which include his signature; and numerous articles about Fritz Kauffmann's career in Berlin and Copenhagen.

The Claimant indicated that he was born on 16 January 1957 in Los Angeles, California, the United States. The Claimant is representing his mother, [REDACTED 2], who was born on 29 May 1926 in Berlin.

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

The Bank's records consist of an executed power of attorney form and a signed letter to the Bank relating to the accounts of [REDACTED] and [REDACTED], respectively.<sup>2</sup> The power of attorney form indicates that the Power of Attorney Holders to these accounts were Fritz Kauffmann and [REDACTED], that Fritz Kauffmann held the title Doctor ("Dr."), and that he resided at Johann Siegismundstrasse 5 in Berlin-Hallensee, Germany. The letter to the Bank from [REDACTED], dated 1 September 1931 and typed on *Peter Kauffmann Synowie* letterhead, revokes the powers of attorney and includes a hand-written notation indicating that Fritz Kauffmann, the Account Owner, held one custody account in his own name, numbered 36770. Furthermore, following to a request for further documents, on 16 April 2004, the Bank provided to the CRT an acceptance form of receipt of the terms and conditions of a custody account signed by Dr. Fritz Kauffmann of Berlin-Hallensee on 15 April 1931.

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 CRT notes that 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 report any account belonging to Fritz Kauffmann. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

---

<sup>2</sup> The CRT will address the accounts of [REDACTED] and [REDACTED] in separate decisions.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The name of his grandmother's cousin matches the unpublished name of the Account Owner. The Claimant identified his relative's city of residence in 1931, his profession, and the fact that the Account Owner's family owned *Peter Kauffmann Synowie*, all of which also match unpublished information contained in the Bank's records. Additionally, the Claimant identified [REDACTED] and [REDACTED] as siblings of the Account Owner, and provided copies of their signatures and these names and signatures match unpublished information contained in the Bank's records. In support of his claim, the Claimant submitted documents, including Fritz Kauffmann's birth certificate, indicating that his mother was [REDACTED], and articles about Fritz Kauffmann discussing, among other things, the beginnings of his career in Berlin. The CRT further notes that there are no other claims to this account.

### 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 did not return to Germany in 1933 due to fear of Nazi persecution, and that he was later forced to flee Nazi persecution in Denmark.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was the Claimant's grandmother's cousin. These documents include Fritz Kauffmann's birth certificate, indicating that his mother was [REDACTED]; [REDACTED]'s birth certificate, indicating that her father was [REDACTED]; the marriage certificate of the Claimant's great-grandfather ([REDACTED]), indicating that his father was also [REDACTED]; the engagement announcement and marriage certificate of [REDACTED] and [REDACTED] (the Claimant's grandparents), indicating that [REDACTED]'s father was [REDACTED]; the birth certificate of the Claimant's mother ([REDACTED 2]), indicating her mother was [REDACTED], nee [REDACTED]; and the Claimant's own marriage certificate, indicating his mother's maiden name was [REDACTED 2]. There is no information to indicate that the Account Owner has other surviving heirs other than the party that the Claimant is representing (the Claimant's mother).

### The Issue of Who Received the Proceeds

The CRT concludes that, in the absence of evidence to the contrary, the Account Owner's account, which was opened in 1931, remained open in the Relevant Period given that the Account Owner was in Switzerland in 1932, moved to Copenhagen in 1933, and had relatives who also maintained Swiss bank accounts at the Bank in the Relevant Period. Moreover, given that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his 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 (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), 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 grandmother's cousin, 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 account.

### Amount of the Award

In this case, the Account Owner 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)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his mother who is entitled to receive the total award amount.

### **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  
29 June 2004