

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of Richard Kaufmann

in re Account of Richard Kaufmann

Claim Numbers: 211000/JT; 224168/JT

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the accounts of [REDACTED] and [REDACTED].¹ This Award is to the account of Richard Kaufmann (the “Account Owner”) at the Lucerne 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 two Claim Forms identifying the Account Owner as his brother, Richard Kaufmann, who is Jewish and was born on 3 July 1926 in Karlsruhe, Germany. The Claimant stated that he and his brother used to live in Karlsruhe with their parents, [REDACTED] and [REDACTED], née [REDACTED], who were born in Rheinbischofsheim, Germany on 9 December 1889 and 21 June 1897, respectively. The Claimant indicated that his father was a businessman who owned a woodworking machine factory on Ruppurererstrasse in Karlsruhe. The Claimant further indicated that his father often traveled to Switzerland. The Claimant explained that he recalls his father making many trips to Switzerland between 1933 and 1937 to deposit money in a Swiss bank account that was likely opened under a different name, as he wanted to avoid scrutiny by the Nazis. The Claimant further explained that his father stopped traveling abroad after his passport was confiscated by the Nazis in 1938. According to the Claimant, he and his brother fled to England on a *Kindertransport* (childrens’ transport) in 1939 and subsequently lost contact with their parents when the Second World War began. The Claimant explained that his parents were deported to the concentration camp in Gurs, France in 1940 and later to Auschwitz, where they perished in 1942. The Claimant submitted a sample of [REDACTED]’s business letterhead, Richard Kaufmann’s birth certificate identifying his date of

¹ The CRT will treat the claim to this account in a separate decision.

birth as 3 July 1926 and his parents as [REDACTED] and [REDACTED], his own birth certificate identifying his parents as [REDACTED] and [REDACTED], and a family tree. The Claimant indicated that he was born on 7 October 1922 in Karlsruhe. The Claimant is representing Richard Kaufmann, his brother, in this claim.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by [REDACTED], whom he believes opened an account under a different name.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Richard Kaufmann. The Bank's records indicate that the Account Owner held an account of unknown type. The Bank's records do not show in which country the Account Owner resided. The account was transferred on or before 17 May 1984 to a suspense account. The amount in the account on the date of its transfer was 21.10 Swiss Francs. The account remains open and dormant.

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 two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His brother's name, Richard Kaufmann, matches the published name of the Account Owner. In support of his claim, the Claimant submitted documents, including a family tree as well as both Richard Kaufmann's and his birth certificates identifying their parents as [REDACTED] and [REDACTED] [REDACTED]. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named [REDACTED] and [REDACTED], both of Karlsruhe, Germany, and indicates that [REDACTED]'s date of birth was 21 June 1897, which matches the information about Richard Kaufmann's parents provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. The CRT also notes that the Claimant stated that his father likely opened an account under a name other than his own and thus finds it plausible that [REDACTED] opened an account under the name of his son, Richard Kaufmann, who was a child during the Second World War. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by [REDACTED], prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his father may have owned a Swiss bank account or opened an account under another name prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT 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, and that he escaped to England on a *Kindertransport* during the Second World War. The Claimant indicated that his father, [REDACTED], who likely opened the account for his son, perished in Auschwitz. As noted above, persons named [REDACTED] and [REDACTED] were included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his birth certificate and the Richard Kaufmann's birth certificate, demonstrating that he is the Account Owner’s brother.

The Issue of Who Received the Proceeds

The Bank’s records indicate the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant’s brother, Richard Kaufmann. 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 brother, and that relationship justifies an Award. Finally, the CRT has determined that the Account Owner has not received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank’s records indicate that the value of the account as of 17 May 1984 was 21.10 Swiss Francs. According to Article 29 of the Rules, if the amount in an unknown type of account was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be

determined to be 3,950.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance 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 49,375.00 Swiss Francs.

Division of the Award

The Claimant is representing his brother, Richard Kaufmann, who is the Account Owner. Thus, Richard Kaufmann 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
July 15, 2003