

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Gerard Klein
represented by Muriel Klein

in re Accounts of Hugo Klein

Claim Number: 208358/UM

Award Amount: 42,250.00 Swiss Francs

This Certified Award is based upon the claim of Gerard Klein (the “Claimant”) to the published accounts of Hugo Klein (the “Account Owner”) at the [REDACTED] (the “Bank”).¹

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 father, Hugo Hermann Klein, who was born on 10 March 1890 in Berlin, Germany, and was married to Hertha Klein, née Wiesen, in Eisenach, Germany, in either 1921 or 1922. The Claimant stated that his father, who was Jewish, lived in Berlin from 1922 until 1942. In addition, the Claimant stated that his father briefly worked as a shopkeeper, and that he subsequently became a rabbi and teacher. The Claimant stated that he was his parents' only child, and that he was born on 12 April 1923 in Berlin. The Claimant stated further that he was sent to England with a *Kindertransport* in 1939, and that his parents intended to either follow him to England or to meet him in the United States. Finally, the Claimant stated that both of his parents were subsequently deported to Riga, where they perished in September 1942.

The Claimant submitted his own birth certificate, identifying him as Gerhard Gerd Klein and his parents as Hertha Klein, née Wiesen, and *Dr. phil.* Hugo Hermann Klein, and specifying that they resided in Berlin; his parents' death certificates, indicating that they both perished in Riga in September 1942; a Change of Name Deed, dated 26 November 1955, indicating that the Claimant changed his name from Gerhard Gerd Klein to Gerard Klein; and the Claimant's

¹ 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”) determined that the two accounts were held by two different individuals named Hugo Klein. However, the CRT has determined that it is plausible that the account owners are the same person.

marriage certificate, identifying Muriel Klein, née Hardy, who represents the Claimant, as his wife.

Information Available in the Bank's Records

The Bank's records consist of two account registry cards. According to these records, the Account Owner was Hugo Klein, who resided in Berlin, Germany. The Bank's records indicate that the Account Owner held one demand deposit account and one safe deposit box, numbered S 842. According to the Bank's records, the demand deposit account was opened on 23 March 1933 and was closed on 4 January 1934. The Bank's records indicate that the safe deposit box was opened on 24 December 1934 and closed on 31 December 1937. The amounts in the accounts on the dates of their closures 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. The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted documents, including his own birth certificate, identifying his father as Hugo Hermann Klein, and specifying that he resided in Berlin, Germany, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hugo Klein, and indicates that his date of birth was 10 March 1890, and place of birth was Berlin, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further notes that the other claims to these accounts were disconfirmed because those claimants provided different cities and countries of residence than the city and country 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, and that he lived in Nazi Germany until he was deported to Riga, where he perished in September 1942. The Claimant also submitted the Account Owner's death certificate, which specifies that the Account Owner died in Riga in September 1942. As noted above, a person named Hugo Klein was 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 specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include his own birth certificate, identifying his father as Hugo Hermann Klein. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until he was deported to Riga, and would not have been able to repatriate his accounts to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner's 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; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules (see Appendix A and Appendix C),² 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 father, 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 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, 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. Thus, the total 1945 average value of the accounts at issue is SF 3,380.00. 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

² Appendix C appears on the CRT II website -- www.crt-ii.org.

produce a total award amount of SF 42,250.00.

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 November 2004