

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Martin Korner

in re Account of Alfred and Marie Körner

Claim Numbers: 210717/EZ; 210718/EZ

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claims of Martin Korner (the “Claimant”) to the account of Alfred and Marie Körner (the “Account Owners”) at the Zurich branch of [REDACTED] (the “Bank”).

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 Claim Forms identifying the Account Owners as his parents, Alfred and Marie Körner. The Claimant stated that his father, Alfred Körner, was born on 15 December 1893 in Laszkowka-Bukovina, Austro-Hungary, and was a businessman and industrialist in Bucharest, Romania. The Claimant stated that his father was the co-owner of companies including *Gottlieb & Körner and Company*, *FIBI – Ferdinand Bucharest Cork Products Manufacturing*, and *Montisol Cork and Insulation Products*, all of which were located in Romania. The Claimant stated that his mother, Marie Körner, née Kindler, was born on 1 January 1906 in Austro-Hungary. The Claimant stated that his parents, who were Jewish, were married on 12 March 1928 in Cernauti, Romania, and that they were later deported to labor camps by the Nazis. The Claimant stated that in 1952 his parents emigrated to Tel-Aviv, Israel, where his father died on 6 April 1970, and his mother died on 23 April 1971. The Claimant stated that he is his parents’ only child, and that he was born on 8 January 1929 in Cernauti, Romania.

Information Available in the Bank Records

The bank records consist of printouts from the Bank’s database and a copy of an account registry card. According to these records, the Account Owners were Alfred and Marie Körner. The records indicate that the Account Owners resided in Romania. A handwritten notation on the

account registry card identifies the Account Owners' nationality as "Israel." The bank records indicate that the Account Owners held a numbered account of an unknown type.

The bank records do not show if or when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. 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 Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the bank records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owners. His parents' names and country of residence match the published names and country of residence of the Account Owners. Moreover, even though the Account Owners' names were published separately on the February 2001 list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), the Claimant correctly identified them as joint account owners, which matches the unpublished information about the Account Owners contained in the bank records. The CRT notes that there are no other claims to this account.

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, and were deported to labor camps.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting documents, including his parents' immigration documents, which indicate that he is the son of Alfred and Marie Körner. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

This case raises the question of whether the Account Owners could have accessed their account after immigrating to Israel. The notation regarding an "Israel" nationality in the bank records suggests that the account was still open as of 1952 when the Account Owners emigrated to Israel. The CRT notes that it is plausible that, if the accounts were still open in 1950, they could have been transferred to the Romanian government pursuant to an agreement between Switzerland and Romania whereby unclaimed assets held by Romanian citizens in Swiss banks were to be transferred to the Romanian government in return for compensation for Swiss property that had been nationalized by Romania's communist regime. Given that the accounts

were apparently still open after the War, the potential diversion of the Account Owner's funds under this governmental agreement, the Communist dictatorial regime after the War, the practice of Swiss banks of withholding or misstating account information in their responses to inquires from Holocaust victims and their heirs after the War because of concerns regarding double liability, and the application of Presumptions (h), (i), and (j), contained 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 Owners or their 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 Owners were his parents, and that relationship justifies 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 account.

Amount of the Award

In this case, the Account Owners held an account of unknown type. 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 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 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
April 24, 2003