

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Julius Landauer

Claim Numbers: 211633/JW; 704681/JW¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Oskar (Oscar) Steiner.² This Award is to the published accounts of Julius Landauer (the “Account Owner”) at 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 an Initial Questionnaire and a Claim Form identifying the Account Owner as Julius Landauer, the father-in-law of her maternal uncle, [REDACTED]. The Claimant also submitted an extract from a book, titled “*Die Geschichte der Juden in Kempten*” (The History of Jews in Kempten), which includes information about the Claimant’s family, including Julius Landauer. According to the extract, Julius Landauer, whose family was Jewish, was born on 4 April 1854 in Munich, Germany, and was married to [REDACTED], née [REDACTED], who was born on 1 October 1873 in Munich. The extract indicates that Julius Landauer was a businessman, and that he resided in Munich. The extract further indicates that Julius Landauer’s daughter, [REDACTED], who was born on 20 February 1892, married [REDACTED] in 1920, that the couple initially resided in Kempten, Germany, and that they later moved to Munich, where they worked for Julius Landauer’s business. The Claimant provided no additional information regarding Julius Landauer. However, the Claimant submitted [REDACTED]’s marriage certificate, which identifies his wife as [REDACTED], and her father

¹ In addition to her Claim Form, numbered 211633, the Claimant submitted an Initial Questionnaire (“IQ”), numbered ENG 0531173, to the Court in the United States in 1999. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 704681.

² The CRT will treat the claims to these accounts in a separate determination.

as Julius Landauer. This certificate further indicates that Julius Landauer died on an unspecified date, sometime before 5 March 1940, the day the certificate was issued. The Claimant also provided additional information regarding Julius Landauer's relatives, indicating that [REDACTED], his wife, and [REDACTED] attempted to flee to the United States in 1940, but that they were refused visas. The Claimant further indicated that her relatives then applied for visas to Portugal, and that they planned to travel via Switzerland in an attempt to retrieve money from their Swiss bank accounts. The Claimant stated that she later learned that [REDACTED] and [REDACTED], who were Jewish, were deported on 5 April 1942 to the Chelmno concentration camp, where they perished, and that [REDACTED], who was Jewish, also perished in a concentration camp.

In support of her claim, the Claimant submitted copies of numerous documents, including: 1) the obituary of [REDACTED], indicating that two of his children were [REDACTED] and [REDACTED]; 2) the marriage certificate of [REDACTED] and [REDACTED], née [REDACTED], dated 5 March 1940, indicating that both were Jewish, that Julius Landauer, a businessman, was the father of [REDACTED], that he was deceased, and that he last resided in Munich; 3) the passports of [REDACTED] and [REDACTED], indicating Munich as their place of residence; 4) the passport of [REDACTED], indicating that she resided in Munich; 5) a letter from Alexander P. Reed, a trust officer, to the American Consul in Stuttgart, Germany, dated 3 June 1940, indicating that [REDACTED]'s application to enter the United States was denied; and 6) a letter from the Portuguese Embassy in Munich, dated 21 June 1941, acknowledging the receipt of visa applications from [REDACTED] and [REDACTED], as well as from [REDACTED]. The Claimant indicated that she was born on 19 May 1926 in Germany, as the daughter of [REDACTED], née [REDACTED].

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Julius Landauer, who resided in Augsburg, Germany. The Bank's record indicates that the Account Owner held one demand deposit account and one custody account, numbered L31454. The Bank's record further indicates that the demand deposit account was closed on 31 March 1935. The Bank's record also indicates that the custody account was opened on 31 March 1928, and closed on 30 March 1937. The amounts in the accounts on the dates of their closures are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

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 name and country of residence of the Claimant's maternal uncle's father-in-law match the published name and country of residence of the Account Owner. The CRT notes that the Claimant indicated that her relative resided in Munich, whereas the Bank's record indicates that the Account Owner resided in Augsburg. However, the CRT further notes that Munich and Augsburg are located approximately 60 kilometers apart, and determines that it is plausible that the Claimant's relative, and/or his family, may have had connections to cities near Munich, of which the Claimant may be unaware.

In support of her claim, the Claimant submitted documents, including a copy of [REDACTED]'s marriage certificate, identifying his father-in-law as Julius Landauer of Munich, providing independent verification that the person who is claimed to be the Account Owner had the same name and country of residence recorded in the Bank's record as the name and country of residence of the Account Owner.³

The CRT notes that the name Julius Landauer appears only once 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"). The CRT further notes that the Claimant also filed an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED], the Account Owner's son-in-law. This indicates that the Claimant believed, prior to the publication in February 2001 of the ICEP List, that her relatives owned Swiss bank accounts, and supports the credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that while the Claimant did not indicate whether the Account Owner was a Victim of Nazi Persecution, the Account Owner's wife and daughter were Victims of Nazi Persecution. The Claimant stated that the Account Owner's wife and daughter were Jewish, resided in Nazi Germany, attempted unsuccessfully to flee, and were deported to concentration camps, where they perished. The CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], and indicates that she was born in 1873 and resided in Munich, and a person named [REDACTED]⁴, indicating that she was born in 1892 and resided in Munich. This matches information about the Account Owner's wife and daughter provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

³ The CRT notes that the marriage certificate was dated 5 March 1940, while the Claimant Stated that [REDACTED] married in 1920. The CRT finds it plausible that [REDACTED] and [REDACTED] applied for a copy of the certificate in 1940 as part of their visa application process.

⁴ The CRT notes that "[REDACTED]" and "[REDACTED]" are sufficiently similar to render it plausible that they refer to the same person.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was her maternal uncle's father-in-law. The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying [REDACTED] as her uncle, prior to the publication in February 2001 of the ICEP List; that she identified her mother as [REDACTED], née [REDACTED]; and that she submitted a copy of [REDACTED]'s obituary, indicating that two of his children were [REDACTED] and [REDACTED]. The CRT notes that the Claimant also submitted the marriage certificate of [REDACTED] and [REDACTED], which identifies [REDACTED]'s father as Julius Landauer. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that only family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs who have submitted a claim.

The Issue of Who Received the Proceeds

With respect to the demand deposit account, which was closed on 31 March 1935, 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 tax 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 his death, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to him; that the Account Owner's 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules (see Appendices A and Appendix C),⁵ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs.

With respect to the custody account, which was closed on 30 March 1937, given that the Account Owner and his family, who were Jewish, resided in Nazi Germany; that the Account Owner died sometime before 1940 and that his family members were later deported to concentration camps, where they perished; that there is no record of the payment of the Account Owner's account to him or his heirs; that, as noted above, the Account Owner's 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 Presumption (h) and (j), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs.

⁵ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her maternal uncle's father-in-law, 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 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 investigation carried out pursuant to the instructions of ICEP, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF") and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 189,250.00.

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 her claims to determine whether there are additional Swiss bank accounts to which she 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
23 February 2006