

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants Jonathan Samuel Liffgens, Walter Rosenbaum (represented by Mark Gordon), Irene Shwetz, Bat-Ami Gleiser-Gaufman, Tamar Bustan, Uri Bustan, Erica Rosa Levy, Bella Hechler, Irene Black, Hildegard Kahn (represented by Edy Kahn), and Carole Harris

in re Account of Emil Liffgens

Claim Numbers: 217857/MBC;¹ 217885/MBC; 217953/MBC; 217978/MBC; 217979/MBC; 218063/MBC; 218073/MBC; 218076/MBC; 218487/MBC; 218533/MBC; 220067/MBC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of Jonathan Samuel Liffgens (“Claimant Liffgens”), Walter Rosenbaum (“Claimant Rosenbaum”), Irene Shwetz, née Levy, (“Claimant Shwetz”), Bat-Ami Gleiser-Gaufman, née Bustan, (“Claimant Gleiser-Gaufman”), Tamar Bustan (“Claimant Tamar Bustan”), Uri Bustan (“Claimant Uri Bustan”), Erica Rosa Levy (“Claimant Levy”), Bella Hechler, née Bravmann, (“Claimant Hechler”), Irene Black née Rosenbaum, (“Claimant Black”), Hildegard Kahn, née Liffgens, (“Claimant Kahn”), and Carole Harris, née Levy, (“Claimant Harris”) (together the “Claimants”) to the account of Emil Liffgens at the Zurich branch of the [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 Claimants

The Claimants each submitted separate Claim Forms, in which they provided identical information. Claimant Rosenbaum, Claimant Shwetz, Claimant Uri Bustan, Claimant Levy, Claimant Hechler, Claimant Black, Claimant Kahn and Claimant Harris identified the Account Owner as their uncle, and Claimant Tamara Bustan, Claimant Gleiser-Gaufman and Claimant Liffgens identified the Account Owner as their great-uncle, Emil Liffgens, who was born on 19 July 1897 in Trabelsdorf, Germany, and was married to Irma Goldstein. The Claimants stated that their relative, who was Jewish, was a religious teacher and advisor at the synagogue in Memmingen, Germany. The Claimants explained that Emil Liffgens did not have any children. The Claimants indicated that Emil Liffgens lived at Moltkestrasse 1 in Memmingen from 1929

¹ Claimant Liffgens submitted an additional claim to account of Hans Friede, which is registered under the Claim Number 221130. The CRT will treat the claim to this account in a separate decision.

until 1940, when he moved to Augsburg, Germany. The Claimants stated that their relative was deported to the Auschwitz concentration camp in February 1943, where he perished.

The Claimants submitted a family tree indicating that Emil Liffgens had two brothers: Leopold Liffgens and Siegfried Liffgens; and five sisters: Laura Levy, née Liffgens; Rosa Bravmann, née Liffgens; Karolina Rosenbaum, née Liffgens; Hedwig Rosenbaum, née Liffgens; and Agatha Baumgarten, née Liffgens. The Claimants stated that Emil Liffgens' siblings are all deceased.

- Claimant Liffgens indicated that he was born on 5 June 1959 in Kingston, New York, the United States, and that he is the son of Leopold Liffgens' late son, Gerard Liffgens;
- Claimant Rosenbaum indicated that he was born on 20 December 1921 in Zeckendorf, Germany, and that he is the son of Hedwig Rosenbaum, née Liffgens;
- Claimant Shwetz stated that she was born on 2 October 1917 in Mönchengladbach, Germany, Claimant Levy indicated that she was born on 17 September 1931 in Viersen, Germany, and Claimant Harris indicated that she was born on 29 July 1916 in Mönchengladbach. Claimant Shwetz, Claimant Levy and Claimant Harris indicated that they are the daughters of Laura Levy, née Liffgens;
- Claimant Gleiser-Gaufman indicated that she was born on 19 November 1949 in Haifa, Israel, and Claimant Tamar Bustan indicated that she was born on 10 May 1956, also in Haifa. Claimant Gleiser-Gaufman and Claimant Tamar Bustan indicated that they are the daughters of Agatha Baumgarten's, née Liffgens, late son, Gerhard Baumgarten;
- Claimant Uri Bustan (formerly Baumgarten) indicated that he was born on 16 October 1920 in Verde, Germany, and that he is the son of Agatha Baumgarten, née Liffgens;
- Claimant Hechler indicated that she was born on 18 December 1916 in Trabelsdorf, Germany, and that she is the daughter of Rosa Bravmann, née Liffgens;
- Claimant Black indicated that she was born on 28 March 1929 in Nuremberg, Germany, and that she is the daughter of Karolina Rosenbaum, née Liffgens;
- Claimant Kahn indicated that she was born on 4 March 1924 in Bamberg, Germany, and that she is the daughter of Siegfried Liffgens.

In support of their claims, the Claimants submitted family photographs, family correspondence regarding Emil Liffgens' planned immigration to the United States, and a document issued by the Jewish community in Memmingen certifying that Emil Liffgens was employed by the community from 1929 to 1939. Additionally, Claimant Harris and Claimant Black submitted their birth certificates, identifying their mothers as Laura Charlotte Liffgens and Karolina Liffgens, respectively.

Information Available in the Bank's Records

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was Emil Liffgens, a teacher, who resided in Memmingen, Germany. The Bank's records indicate that the Account Owner held a demand deposit account, numbered 20507, which was closed on 30 June 1936. The amount in the account on the date of its closure is unknown. The value of the account as of 1935 was 109.50

Swiss Francs. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account 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 eleven claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their relative's name and city of residence matches the published name and city of residence of the Account Owner. The Claimants stated that Emil Liffgens worked as a teacher for the Jewish community in Memmingen, which matches unpublished information about the Account Owner's profession contained in the Bank's records. In support of their claims, the Claimants submitted documents, including a document issued by the Jewish community in Memmingen, showing that their relative lived in Memmingen.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Emil Liffgens, and indicates that his date of birth was 19 July 1897 and his place of birth was Trabeldor, which matches the information about the Account Owner provided by the Claimants.² The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Finally, the CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he was deported to the Auschwitz concentration camp, where he perished. As noted above, a person named Emil Liffgens was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents and detailed biographical information, demonstrating that the Account Owner was their relative. The CRT further notes that the Claimants identified unpublished

² The database containing the names of victims of Nazi persecution indicates Trabeldor as Emil Liffgens' place of birth, while the Claimants stated that their relative was born in Trabelsdorf. The CRT notes, however, that the names Trabeldor and Trabelsdorf are substantially similar, and that the discrepancy in spelling was probably due to the transcription of names in different languages.

information about the profession of Emil Liffgens, as contained in the Bank's records; and that the Claimants also identified the city and date of birth of Emil Liffgens, which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their eleven separate Claim Forms.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner's account was closed in 1936; that the Account Owner remained in Germany until his deportation in 1943 and subsequent death in Auschwitz, and would not have been able to repatriate his account to Germany without its confiscation; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about the 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 inquires 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 and Appendix C,³ 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that they are related to the Account Owner, and those relationships justify an Award. Finally, 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 demand deposit account. The Bank's records indicate that the value of the account as of 1935 was 109.50 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, in the absence of plausible evidence to the contrary, and using a 1945 value, the amount in each of the accounts shall be determined to be 2,140.00 Swiss Francs.⁴ The current value of the amount of the award is determined by multiplying the balances as determined by Article 29 by a factor of

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

⁴ The award based on average value in this case takes into account the fact that the confiscations took place in 1936 and the current value adjustment is calculated from 1945.

12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(d) of the Rules, in absence of the Account Owner's will, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendant of the Account Owner's parents who have submitted a claim, in equal shares by representation. In the present case, the Claimants are descendants of the Account Owner's seven siblings. Consequently, Claimant Hechler, Claimant Rosenbaum, Claimant Black, Claimant Liffgens, and Claimant Kahn are each entitled to one-seventh (1/7) of the award amount; Claimant Harris, Claimant Levy and Claimant Shwetz are each entitled to one-twenty first (1/21) of the award amount; Claimant Uri Bustan is entitled to one-fourteenth (1/14) of the award amount; and Claimant Gleiser-Gaufman and Claimant Tamar Bustan are each entitled to one-twenty eighth (1/28) of the award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
31 December 2003