

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Oskar Löw

Claim Number: 401483/AZ; 401487/AZ

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of Oskar Löw and Gertrude Löw. This Award is to the published account of Oskar Löw at the Lugano branch of the [REDACTED] (the “Bank”).¹

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 her maternal grandfather, [REDACTED],² who was born on 3 June 1886 in Ostrov, Hungary (today Slovakia), and was married to [REDACTED], née [REDACTED], on 5 August 1923 in Prague, Czechoslovakia (today the Czech Republic). The Claimant stated that her grandparents had two children, [REDACTED] (the Claimant’s mother), who was born in Prague in 1924, and [REDACTED], who was born in Aussig, Czechoslovakia (today the Czech Republic) in 1926. The Claimant indicated that her grandfather, who was a research chemist, moved from Czechoslovakia to Milan, Italy in 1934 after having been hired as a permanent technical consultant at a major Italian chemical company. The Claimant further indicated that her grandfather, who was Jewish, was forced out of his position in February 1939 due to the Italian racial laws imposed in collaboration with the Nazi regime. According to the Claimant, her grandfather and his family fled Italy for Huddersfield, England, where he began work as a chemist in April 1939. The Claimant indicated that her uncle, [REDACTED], died in Huddersfield in 1943 or 1944 and that he had no children. Finally, the Claimant indicated that her grandfather died in Leeds, England, in 1964 and that she is his sole surviving heir.

¹ The CRT will treat the Claimant’s claim to the account of Gertrude Löw in a separate determination.

² The CRT notes that the Claimant noted “Low” as an alternative spelling of “Löw” and that some of the documents she submitted use this alternative spelling.

In support of her claim, the Claimant submitted the following documents: 1) her mother's birth certificate, indicating that her mother, [REDACTED], was born in Prague on 15 July 1924 and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; 2) her grandfather's *curriculum vitae*, signed by her grandfather in 1939, stating that he had worked for a chemical company in Milan from 1934 until 1939 and that he had moved from Italy to England in early 1939 after having been expelled from his position due to Nazi racial laws; 3) the marriage certificate from her mother's first marriage, indicating that her mother, [REDACTED], whose father was [REDACTED], a research chemist, was married to [REDACTED] in Huddersfield on 23 November 1946; 4) her own birth certificate, indicating that she was born on 29 January 1958 in Zurich, Switzerland and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; 5) a memorial, taken by the Yorkshire Dyeware and Chemical Co. Ltd., in memory of its former chief chemist, [REDACTED], who died on 25 January 1964; 6) her mother's death certificate, dated in Zurich on 11 June 1980, which indicates that her mother, [REDACTED], née [REDACTED] whose father was [REDACTED], was divorced from [REDACTED] in 1959; 7) her grandmother's will, dated in Leeds in 1959, stating that, in the event that the testator was predeceased by her husband ([REDACTED]) and daughter ([REDACTED]), her entire estate would pass to her daughter's children in equal shares.

The Claimant indicated that she was born on 25 January 1958 in Zurich, Switzerland.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Oskar Löw who resided in Milan, Italy. The Bank's record indicates that the Account Owner held a safe deposit box, numbered 328, and that his account was opened on 31 October 1935 and closed on 10 February 1939. The Bank's record does not indicate the value of the contents of the safe deposit box. There is no evidence in the Bank's record 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 two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name matches the published name 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 record.

In support of her claim, the Claimant submitted documents, including her mother's birth, marriage, and death certificates and her grandmother's will, indicating that her mother's father was [REDACTED], as well as her grandfather's signed *curriculum vitae*, indicating that [REDACTED] resided in Milan, Italy between 1934 and 1939, providing independent verification that her grandfather had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the 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, that he lost his job due to Nazi persecution and that he fled Italy - an ally of Nazi Germany - in 1939.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandfather. These documents include the Claimant's birth certificate, which indicates that the Claimant's mother was [REDACTED], née [REDACTED] and the Claimant's mother's birth, marriage, and death certificates, which indicate that [REDACTED]'s father was [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Account Owner's safe deposit box was closed on 10 February 1939 and that Germany occupied Italy on 10 June 1940. However, for the purposes of the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), the date on which a country allied itself to the Reich is considered the date from which victimization can be assumed to have existed. Italy formally allied itself with Germany on 25 October 1936. Accordingly, an asset closed between 25 October 1936 and 10 June 1940 will only be considered closed properly if there is evidence that the asset was paid to the account owner or an authorized party. In this case, the Bank's record indicates only the closure date of the safe deposit box and gives no information as to the circumstances surrounding the closure of the asset. Accordingly, given that the Bank's record does not indicate to whom the account was closed; that the Account Owner was removed from his job in Italy due to Nazi persecution during the same month that the account was closed and fled Italy soon afterwards; 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 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 Presumptions (a), (h), and (j), as provided 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 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 her grandfather, 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 account.

Amount of the Award

In this case, the Account Owner held 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 ICEP Investigation, in 1945 the average value of a safe deposit account was 1,240.00 Swiss Francs (“SF”). 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 15,500.00.

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 claim 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
October 20, 2006