

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED 1]¹
also acting on behalf of [REDACTED 2], [REDACTED 3],
[REDACTED 4] and [REDACTED 5]

in re Accounts of Julius Löwenstein

Claim Number: 224243/DE; 501353/DE²

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (the “Claimant”) to the published accounts of Julius Löwenstein (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 Claim Forms identifying the Account Owner as his maternal grandfather’s brother, Julius Löwenstein, who was born on 11 July 1874 in Bochum, Germany, and was married to [REDACTED], née [REDACTED], who was born on 4 July 1889 in Berlin, Germany. The Claimant indicated that his great-uncle, who was Jewish, resided in Aachen, Germany, and had two children: [REDACTED], who was born on 29 January 1909 in Aachen, and [REDACTED], who was born on 15 February 1913 in Aachen.

¹ The CRT notes that the Claimant’s sister, represented party [REDACTED 2], submitted a copy of [REDACTED 1]’s death certificate, indicating that the Claimant died on 18 July 2003.

² The Claimant submitted three additional claims, which are registered under the Claim Numbers 224545, 224242 and 224256. In a separate decision, the CRT treated the Claimant’s claim to the account of Hilde Simon, née Löwenstein. See *In re Account of Hilde Löwenstein* (approved on 18 March 2008). In a decision released 23 January 2008, the CRT treated the Claimant’s claims to the accounts of Else Löwenstein, Grete Kaufman, Lotte Lowenherz, Alex Coppel, Rosalie Coppel, and Herman Löwenstein. In another decision released 23 January 2008, the CRT treated the Claimant’s claims to the accounts of Willy Neuman, Else Neuman, Grete Kaufman, Lotte Löwenherz, Hilde Simon, Alex Coppel, Rosalie Coppel, and Herman Löwenstein. In a decision released 19 March 2008, the CRT treated the Claimant’s claims to the accounts of Herman Löwenstein, Lotte Löwenherz, Hilde Simon, Grete Kaufman, Abreham Löwenstein, Jenny Löwenstein, Margot Tylin, Garda Elchassid, Eva Hirsch, George Kaufman, Lora Kaufman, and Else Löwenstein.

The Claimant indicated that Julius Löwenstein was the son of [REDACTED] and [REDACTED], née [REDACTED], and that he had two siblings: [REDACTED] (the Claimant's maternal grandfather), and [REDACTED], who operated a clothing shop in Aachen. The Claimant stated that the Claimant's grandfather [REDACTED] and Julius Löwenstein both helped the Claimant's great-aunt to operate her business in Aachen after her husband passed away.

The Claimant indicated that his grandfather [REDACTED] was married to [REDACTED], née [REDACTED], and lived on Holzstrasse in Düren, Germany. According to the Claimant, his grandfather owned the power equipment factory *Gebrüder Hanneman & Cie.* in Düren, and a porcelain isolator factory in Weisswasser, in eastern Germany; [REDACTED] also served as the leader of the Jewish Community of Düren.

The Claimant indicated that he and his mother lived with his maternal grandparents [REDACTED] and [REDACTED] in Düren from 1935 until September 1938. The Claimant indicated that he often traveled to the Eifel forest in Germany with his grandfather and his grandfather's siblings during the years he lived with his grandparents in Düren. According to the Claimant, these outings took place near the border and may have been used to conduct financial business and to arrange money transfers outside of Germany.

The Claimant also indicated that Julius Löwenstein fled Nazi persecution in Germany and settled first in Great Britain, and then in Palestine (today Israel). The Claimant stated that Julius Löwenstein passed away in March 1946 in Palestine (today Israel).

The Claimant further indicated that his maternal grandparents Herman and [REDACTED], and his grandfather's sister, [REDACTED], née [REDACTED], remained in Nazi Germany, and that they perished during the years 1943 and 1944.

In support of his Claim, the Claimant and his Estate submitted copies of: (1) an undated Düren newspaper article about Jewish families in Düren, which includes a photograph of a man named Löwenstein, owner of the *Gebrüder Hanneman* company in that city; (2) a statement dated 14 January 1938, written and signed by the Claimant's mother [REDACTED], née [REDACTED], who was born on 15 July 1910, regarding her life, and indicating that she was the daughter of [REDACTED] and [REDACTED]; and (3) a family tree of the Claimant's mother's family created by [REDACTED 3] in 1984, indicating that Julius Löwenstein and [REDACTED], née [REDACTED], had two children, [REDACTED] and [REDACTED], who were born in Aachen, and that Julius Löwenstein had a brother [REDACTED], whose daughter [REDACTED] had a son named [REDACTED 1], a daughter named [REDACTED 2], and a son named [REDACTED 3].

The Claimant indicated that he was born on 2 March in Wuppertal, Germany. The Claimant is representing his sister, [REDACTED 2], who was born on 11 February 1938 in Düren; his brother, [REDACTED 3], who was born on 30 May 1947 in Stockholm, Sweden; his daughter, [REDACTED 4], who was born on 28 March 1964 in Stockholm; and his son, [REDACTED 4], who was born on 30 September 1966 in Stockholm. The Claimant's sister, [REDACTED 2], notified the CRT that the Claimant passed away on 18 July 2003.

Outside Research Conducted by the CRT

The CRT notes that a website entitled *Spuren jüdischen Lebens in Düren*, operated by the historical research organization *Geschichtswerkstatt Düren e.V.* in Düren, Germany, contains information on Julius Löwenstein; the information stems primarily from historical records of the city of Düren and contains information on a large number of former residents of the city.³ According to the website, Dr. Julius Löwenstein, who was born on 11 July 1874 in Bochum, was married to [REDACTED], née [REDACTED], who was born in Berlin in 1889. According to this record, Julius Löwenstein resided on Wilhelmstrasse in Aachen from 1905 until August 1935, worked as a *Rechtsanwalt* (attorney) in Aachen, and held the title *Dr. Jur.* (Doctor of Laws).

The website also contains information on other members of the Löwenstein family. The website indicates that [REDACTED] was born on 8 February 1840, that he was married to [REDACTED], née [REDACTED], and that he co-owned two companies: *Löwenstein Freudenberg* and *Gebrüder Hannemann & Co.* The site further indicated that [REDACTED] had four children, [REDACTED], [REDACTED], [REDACTED] and Julius. [REDACTED] co-owned *Löwenstein Freudenberg*, a textile and fashion company.

The website further indicates that [REDACTED] Löwenstein, the son of [REDACTED] and [REDACTED], had three children, namely [REDACTED],[REDACTED] and [REDACTED]. [REDACTED] had three siblings: [REDACTED], [REDACTED] and Julius Löwenstein. [REDACTED] also co-owned *Gebrüder Hannemann & Co.*, a machine and iron manufacturing company, and was a leader of the Düren Jewish community. The site also indicates that [REDACTED] and his wife [REDACTED] were deported from Cologne to Izbica, Poland in June 1942, and were both declared dead as of 8 May 1945.

The site further indicates that [REDACTED], née [REDACTED], the daughter of [REDACTED] Löwenstein, was born on 25 July 1910 and was married to [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of a securities deposit agreement, a customer card, correspondence from the Account Owner, and printouts from the Bank's database. According to these records, the Account owner was Dr. Julius Löwenstein, *Rechtsanwalt* (practicing attorney), who resided in Aachen, Germany. The records provide two addresses for the Account Owner: Wilhelmstrasse 25, Aachen, and *Haus am Siegelwald*, Aachen.

According to these records, the Account Owner held a custody account and a demand deposit account, both numbered 25670, which were open by the year 1928. The records indicate that on 20 June 1929, the Account Owner deposited *City of Rio de Janeiro Gold Bonds 1953* with a total face value of 1,000.00 United States Dollars ("US \$") into his custody account. The Account

³ See: <http://www.geschichtswerkstatt-dueren.de> and http://www.geschichtswerkstatt-dueren.de/gws_dn_namensliste_neu/namensliste.php for a listing and biography of individuals in the city.

Owner's correspondence with the Bank, dated 20 June 1933, consists of a completed form regarding the Account Owner's wishes with regards to accounting rules for bonds.

The customer card indicates that the Account Owner's custody and demand deposit accounts were closed on 9 January 1935. The amount in the accounts on the date of their closure is 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's grandfather's brother's name and city and country of residence match the published name and city and country of residence of the Account Owner.

The CRT also notes that the historical research website *Spuren jüdischen Lebens in Düren* lists the birth date, street address in Aachen, and profession of an individual named Julius Löwenstein, all of which match the unpublished birth date, street address in Aachen, and profession of the Account Owner contained in the Bank's records. The CRT further notes that the Claimant identified his great-uncle's birth date, and the names of his parents, siblings, and children, all of which match published information about the Account Owner, the individual Julius Löwenstein, contained on the same historical research website.

In support of his claim, the Claimant submitted documents, including a detailed family tree, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the name Julius Löwenstein appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that there are no other claims to these accounts.

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 fled Nazi Germany, and that his sister and brother perished in the Holocaust.

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 grandfather's brother. These documents include a detailed family tree prepared in 1984 by the

Claimant's relative. The CRT notes that the Claimant indicated that he may have other surviving relatives, other than the parties he is representing, but that because they are not represented in the Claimant's claims, the CRT will not treat their potential entitlement to the Account Owner's accounts in this decision.

The CRT notes that the Claimant also submitted a copy of a letter from his mother [REDACTED] née [REDACTED], dated 14 January 1938, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Germany. 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 Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

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 tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany after the Nazis came to power, and would not have been able to repatriate his accounts to Germany without losing ultimate control over their proceeds; that the Account Owner later fled Nazi Germany; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),⁴ 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 and represented parties [REDACTED 2] and [REDACTED 3]. 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 his maternal grandfather's brother 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.

Further, the CRT notes that the Claimant and his siblings, represented parties [REDACTED 2] and [REDACTED 3], as the Account Owner's brother's grandchildren, have a better entitlement

⁴ Appendix C appears on the CRT II website -- www.crt-ii.org.

to the accounts than represented parties [REDACTED 4] and [REDACTED 5], the Account Owner's brother's great-grandchildren.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account.

With respect to the demand deposit account, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with the demand deposit account, 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 (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF").

With respect to the custody account, the Bank's records indicate that as of 20 June 1929, the account contained bonds with a total face value of US \$1,000.00, which was equivalent to SF 5,190.00.⁵ However, the Bank's records do not indicate the securities contained in the custody account or the value of the custody account on the date of the closing of the account, namely 9 January 1935. Accordingly, the CRT will treat the value of the custody account as unknown. Based on the ICEP Investigation, in 1945 the average value of a custody account was SF 13,000.00.

Thus, the combined 1945 average value for the two 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.

Division of the Award

According to Article 23(1)(d) of the Rules, 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 descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his siblings, [REDACTED 2] and [REDACTED 3]. Accordingly, the Claimant's Estate and represented parties [REDACTED 2] and [REDACTED 3] are each entitled to one-third of the total award amount. As noted above, represented parties [REDACTED 4] and [REDACTED 5] are not entitled to share in the award.

Scope of the Award

The Claimant's Estate should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on the Claimant's claims to determine whether there are additional Swiss bank accounts to which the Claimant's Estate 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).

⁵ The CRT uses official exchange rates when making currency conversions.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
25 November 2008