

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Marcus Manasse

Claim Number: 213146/IG¹

Award Amount: 81,270.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Marcus Manasse (the “Account Owner”) at the Basel and Zurich branches of 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 a Claim Form identifying the Account Owner as his maternal uncle, Marcus Manasse, who was a physician in Berlin, Germany. The Claimant indicated that his uncle, who was Jewish, lived in Berlin during the Second World War. The Claimant stated that his uncle was estranged from his immediate family, and that he therefore does not have much biographical information about Marcus Manasse and does not have any information regarding his fate after the Second World War. During a telephone conversation with the CRT, the Claimant stated that he believes that his uncle never had any children. In support of his claim, the Claimant submitted copies of his mother’s identification papers and his parents’ marriage certificate, which indicates that the Claimant's mother's maiden name was [REDACTED]. The Claimant indicated that he was born in 1920 in Strassburg, Germany, the son of [REDACTED], the sister of Marcus Manasse.

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the claim number 213147. The CRT will treat the claim to this accounts in a separate decision.

Information Available in the Bank Records

The bank records consist of printouts from the Bank's database and bank statements. According to these records, the Account Owner was Marcus Manasse of the Charlottenburg district in Berlin, Germany. The bank records indicate that the Account Owner held a demand deposit account and an account of unknown type.

The demand deposit account was transferred to a suspense account on 7 October 1974. The amount in the demand deposit account on 8 October 1974 was 872.50 Swiss Francs. The account remains open today.

Regarding the account of unknown type, the bank records consist of excerpts from the transcript of an interrogation of a Bank employee, [REDACTED], conducted by the State Prosecutor of Basel on 2 December 1942. According to the transcript, the Account Owner was among 85 account owners who were reported by [REDACTED] to the Nazi government. According to this document, the Account Owner held an account of unknown type that had a balance of 1,395.00 Swiss Francs on the date of the interrogation. The auditors who carried out the investigation of this Bank to identify accounts of Victims of Nazi Persecution pursuant to instruction of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") determined that the amount in the account had been paid to the Nazi authorities.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His uncle's name matches the published name of the Account Owner. The Claimant identified his uncle's city of residence, which matches published information about the Account Owner contained in the bank records. In support of his claim, the Claimant submitted documents, including copies of his mother's identification papers and his parents' marriage certificate. The marriage certificate was issued in Berlin in 1912. The fact that the Claimant's parents lived in Berlin supports the credibility of the information provided by the Claimant. The CRT notes that there are no other claimants to the accounts of Marcus Manasse.

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, and lived in Germany during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting a family tree demonstrating that he is the son of the Account Owner's sister.

The Issue of Who Received the Proceeds

The bank records indicate the demand deposit account remains open and dormant and that the account of unknown type was paid to the Nazi authorities after being reported by a Bank employee.

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 23 of the Rules Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was his uncle, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

The bank records indicate that the value of the demand deposit account as of 8 October 1974 was 872.50 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 1,950.00 Swiss Francs, which reflects standardized bank fees charged to the demand deposit account between 1945 and 8 October 1974. Consequently, the adjusted balance of the account at issue is 2,822.50 Swiss Francs. The present value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12, in accordance with Article 37(1) of the Rules, to produce an award amount of 33,870.00 Swiss Francs.

The bank records indicate that the value of the account of an unknown type as of 1942 was 1,395.00 Swiss Francs. According to Article 35 of the Rules, if the amount in an account of an unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce an award amount of 47,400.00 Swiss Francs.

Consequently, the total award amount in this case is 81,270.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the value of the account of unknown type, and 65% of the award amount for this account is 30,810.00 Swiss Francs.

The total initial payment amount is therefore 64,680.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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
October 24, 2002