

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Oskar Gustav Adolf Mann and Anna Emma Ida Mann

Claim Number: 401558/HU

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Oskar Gustav Adolf Mann (“Account Owner Oskar Mann”) and Anna Emma Ida Mann (“Account Owner Anna Mann”) (together the “Account Owners”) at the Basel 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 a Claim Form identifying the Account Owners as his paternal great-grandparents, Oskar Mann, who was born in the Schlesien (Silesia) region of Germany (today Poland and the Czech Republic) and Anna Mann, née Lepke, who were married in Bremen, Germany. The Claimant stated that until the 1930s, his great-grandparents lived in Schlesien and Bremen, and subsequently moved eastward. The Claimant further stated that his great-grandmother was Jewish but that he did not know the couple’s exact whereabouts or fate during the Second World War. However, the Claimant indicated that during the War, his great-grandfather’s son, [REDACTED] (the Claimant’s paternal grandfather), returned to Schlesien, and was deported to a concentration camp, where he perished on 11 April 1944.

In support of his claim, the Claimant submitted documents, including: (1) his grandfather’s birth certificate, issued in Germany, indicating that [REDACTED]’s parents were Oscar Mann and Anna Mann, née Lepke; (2) his grandfather’s death certificate, indicating that [REDACTED] perished at the Flossenbürg concentration camp on 11 April 1944; (3) an official certificate from

¹ The CRT notes that, on the on the List of Account Owners Published in 2005 (the “2005 List”), both Oskar Gustav Adolf Mann and Anna Emma Ida Mann are each indicated to have owned an account. Upon careful review, the CRT has concluded that the Bank’s records evidence only one account, which was held by Oskar Mann during his lifetime, and was transferred to Anna Mann upon his death.

a family book (*Familienbuch*), dated 25 January 1973, indicating that [REDACTED]'s parents were [REDACTED] and [REDACTED]; and (4) his own birth certificate, indicating that [REDACTED]'s parents are [REDACTED] and [REDACTED].

The Claimant indicated that he was born on 4 April 1979 in Castrop-Rauxel, Germany.

Information Available in the Bank's Records

The Bank's records consist of a customer card, correspondence instructions dated 22 February 1935, a signature sample for Account Owner Anna Mann, a letter dated 28 June 1938 sent to the Bank from Account Owner Anna Mann, a death certificate, and an inheritance certificate. According to these records, the original Account Owner was Oskar Mann, who resided at Augustastraße 35 in Breslau 21, Germany (today Wrocław, Poland).

In a letter, dated 28 June 1938, *Frau* (Mrs.) Ida Mann informed the Bank that her husband, Account Owner Oskar Mann, had suffered a stroke, and provided her contact address at Opitzstraße 49 II in Breslau. The correspondence in the Bank's records also includes Account Owner Oskar Mann's death certificate, indicating that Oskar Gustav Adolf Mann died in Breslau on 7 July 1938, and that his wife was Anna Emma Ida Mann, née Lepke. The inheritance certificate contained in the Bank's records was issued by the District Court of Breslau and indicates that *Frau* Ida Mann, née Lepke, the widow of Oskar Mann, was his sole heir.

The Bank's records indicate that the Account Owners held a custody account, numbered 36329. The Bank's records do not indicate the value of this account.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's great-grandfather's name matches the published name of Account Owner Oskar Mann and the Claimant's great-grandmother's name matches the published name of Account Owner Anna Mann. The Claimant identified the Account Owners' region of residence as well as the maiden name of Account Owner Anna Mann, which match unpublished information about the Account Owners contained in the Bank's records.

In support of his claim, the Claimant submitted his paternal grandfather's birth certificate, providing independent verification that the persons who are claimed to be the Account Owners

had the same names, marital relationship, and country of residence recorded in the Bank's records as the names, marital relationship, and country of residence of the Account Owners. The CRT notes that there are no other claims to this account.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owner Anna Mann was Jewish, and that she and her husband resided in Nazi Germany. The Claimant also indicated that the Account Owners' son, [REDACTED], was deported to a concentration camp, where he perished in 1944. In support of his claim, the Claimant submitted his grandfather's death certificate, indicating that [REDACTED] perished in the Flossenbürg concentration camp on 11 April 1944.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's great-grandparents. These documents include the Claimant's birth certificate, indicating that his father is [REDACTED], an official certificate from the family book, indicating that [REDACTED]'s father was [REDACTED], and [REDACTED]'s birth certificate, indicating that [REDACTED]'s parents were Oscar Mann and Anna Mann.

The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owners' account to them nor any record of a date of closure of the account; and that the Account Owners' 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 (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 Owners or their 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 Owners were his great-grandparents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 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 162,500.00.

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 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
23 April 2007