

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
acting on behalf of himself and [REDACTED]

in re Account of Paul Marx

Claim Number: 217536/HM¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Paul Marx (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 a Claim Form identifying the Account Owner as his maternal uncle, Paul Marx, who was born on 20 April 1891 in Siegburg, Germany, was married and had one daughter. The Claimant stated that his uncle, who was Jewish, lived in Germany and was a businessman. Further, the Claimant stated that the Nazis murdered his uncle during his deportation to Riga. The Claimant, who was born in Wesel, Germany, on 1 June 1926, and is representing his sister, [REDACTED], née [REDACTED], stated that they are the only living family members.

Information Available in the Bank Records

The bank records consist of printouts from the Bank’s database and an internal survey dated 24 June 1959 identifying the accounts of customers who had not been in contact with the bank since 31 December 1948. According to these records, the Account Owner was Paul Marx. The records of the internal bank survey noted that there had been no correspondence with the Account Owner since 1943. While the bank records states that there was no correspondence since 1943, it does not appear plausible that there was correspondence with the Account Owner since 1941, after his death. This bank survey only indicates that the account was without any

¹ The CRT notes that the Claimant has filed an additional Claim Form, which was registered under Claim Number 216530. The CRT will treat that claim separately.

contact with the client since 1943, but does not indicate the type of correspondence nor whether it was bank activity rather than actual correspondence with the Account Owner. The bank records do not show the type of account the Account Owner held, when this account was closed, or to whom it was paid. The account balance on 24 June 1959 was recorded as 141.00 Swiss Francs. There is no evidence in the bank records that the Account Owner or his heirs closed the account and received the proceeds themselves.

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 the account in the Bank’s system of open accounts and they therefore presumed that it was closed.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as his uncle. The Claimant’s uncle’s name matches the published name of the Account Owner. The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Paul Marx, born on 19 April 1891, in Siegburg, and indicates that he perished in Riga in 1941, which matches the information about the Account Owner provided by the Claimant and supports his identification of the Account Owner as his uncle. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that there are no other claimants to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has provided plausible evidence that the Account Owner, his uncle, was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and was murdered on a transport to Riga. As noted above, a person named Paul Marx was included in the CRT's database of victims.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly shown that the Account Owner is his maternal uncle through the documents and information provided in his Claim Form. The Claimant indicated that he and his sister are the sole living family members.

The Issue of Who Received the Proceeds

Given the application of Presumptions (b), (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 his uncle, and that relationship justifies 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 account of unknown type. The bank records indicate that the assets in the account as of 24 June 1959 were valued at 141.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an unknown account 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 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

According to Article 23 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 of representation. The Claimant is representing his sister, [REDACTED], in these proceedings. Therefore, the Claimant and his sister are each entitled to receive one half of the total award amount.

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 Account Database (consisting of records of 4.1 million Swiss bank account 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
April 24, 2003