

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Auguste Mathysen

Claim Number: 206558/GO

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED](the “Claimant”) to the unpublished account of Auguste Mathysen (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).¹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.

On 24 December 2004, the Court approved an award to the Claimant for a custody account owned by the Account Owner (the “December 2004 Award”).

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal great-grandfather, Auguste Mathysen (Mathysen), who was born in Arnhem, the Netherlands. The Claimant stated that his great-grandfather, who was Jewish, had one child, [REDACTED] (the Claimant’s grandfather), who was also born in Arnhem.

In correspondence with the CRT dated 11 December 2001 and 22 November 2002, the Claimant stated that his grandfather was killed in a German bombing raid, and that his father, [REDACTED], who was Jewish and who survived the Holocaust in hiding in Arnhem and Amsterdam, the Netherlands, was active in the underground movement during the Second World War. According to the information provided by the Claimant, his father arranged for many

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Auguste Mathysen is indicated as having one account. The CRT awarded the Claimant a custody account belonging to the Account Owner in a previous award, approved on 24 December 2004 (the “December 2004 Award”). Upon careful review of additional information received from the Bank (“Voluntary Assistance”), the CRT has concluded that the Bank’s records evidence the existence of an additional demand deposit account belonging to the Account Owner, which is the subject of this award.

Dutch Jews to hide from the Nazis during the Holocaust. The Claimant stated that he was told that his father, who was later decorated by Queen Wilhelmina for his bravery during the Second World War, actively supported the underground movement in honor of the Claimant's great-grandfather.

In support of his claim, the Claimant submitted a family tree and his own passport, indicating that [REDACTED] was born on 29 April 1943 in Amsterdam. The Claimant indicated that he was born on 29 April 1943 in Amsterdam.

Additional Information Available in the Bank's Records

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about the custody account awarded in the December 2004 Award ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of a customer card, a lien contract (*Pfandbestellung*) signed on 11 December 1936 in Zurich, Switzerland, ledger sheets, a signature sample dated 27 June 1939, and Bank correspondence with the Account Owner. According to these records, the Account Owner was *Monsieur* (Mr.) Auguste (August) Mathysen, who resided in the Netherlands at 9 Postbus in Oisterwyk, Utrechtsche Straat 25 in Arnhem, and Spoorlaan 112 in Tilburg. These records indicate that the Account Owner instructed the Bank to hold correspondence, and they include signature samples for the Account Owner.

The records indicate that the Account Owner held one custody account, which was treated in the December 2004 Award, numbered 35281. The Bank's records indicate that this account was opened on 4 July 1932, when the Account Owner deposited 25 shares of *Kreuger & Toll A/B* stock into the account.² The Bank's records indicate that the account was closed on 3 January 1968, but they do not show the value of this account on the date of its closure.

The additional records also indicate that, in addition to the custody account treated in the December 2004 Award, the Account Owner held one demand deposit account, which was opened on 22 November 1938. The records further indicate that the account was closed on 29 December 1962, and that the closure was confirmed by an additional notation on 5 January 1963. The amount in the account on the date of its closure is unknown.

The Bank's records indicate that the demand deposit account was considered for publication in the survey of dormant accounts required by the Swiss Federal Decree of 20 December 1962 (the "1962 Survey"). The 1962 Survey required the registration in Switzerland of assets belonging to foreigners or stateless persons who had been or were presumed to have been victims of racial, religious and political persecution. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

² The CRT notes that in the December 2004 Award, the opening date opening of the custody account was indicated as 1931. The new documents received by the CRT during Voluntary Assistance indicate that the opening date of the custody account was 4 July 1932.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-grandfather's name matches the published name of the Account Owner. The Claimant identified his great-grandfather's place of residence as Arnhem, The Netherlands, which matches published information about the Account Owner contained in the bank records. The CRT notes that the name Auguste Mathysen appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution. The CRT notes that there are no other claims filed to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that while the Claimant was unable to provide information as to whether the Account Owner was a Victim of Nazi Persecution, however the Bank's records contain a signature sample of the Account Owner dated 27 June 1939, less than a year prior to the Nazi invasion of the Netherlands. The CRT also notes that the Account Owner's son and grandson, who were his likely heirs, were Victims of Nazi Persecution. The Claimant stated that the Account Owner's son, who was Jewish, lived in Nazi-occupied Holland and was killed in a German bombing raid, and that the Account Owner's grandson, who was also Jewish, survived the Holocaust in hiding from the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's great-grandfather. The CRT notes that the Claimant submitted a copy of his passport, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in the Netherlands. 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. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With respect to the demand deposit account, given that the account was considered for publication in the 1962 Survey and that it was closed on 5 January 1963; 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 (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 great-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 custody account, which was treated in the December 2004 Award, and one demand deposit account.³ 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 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 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”). 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 26,750.00.

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
27 February 2007

³ With respect to the custody account awarded in the December 2004 Award, the CRT has since ascertained that the 25 shares of *Kreuger & Toll A/B* stock contained therein had no value after 1932. However, the CRT finds it plausible that there were also other assets held in that account, and therefore makes no changes to the December 2004 Award amount.