

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Edith Oppenheim

Claim Number: 213654/SJ

Award Amount: 312,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Edith Oppenheim (the “Account Owner”) at the Zurich branch 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 her maternal grandmother, Edith Oppenheim, née [REDACTED] (previously [REDACTED]), who was born on 5 March 1894 in Hohensalza (Inowroclaw), Poland, and was married to [REDACTED] in July 1919 in Berlin, Germany. The Claimant stated that Edith Oppenheim had two children: [REDACTED], née [REDACTED] and [REDACTED], who was later known as [REDACTED]. According to the Claimant, [REDACTED] was born on 21 May 1920 and [REDACTED] was born on 2 December 1922, both in Berlin. The Claimant identified her grandmother, who came from a family of successful bankers, as a financial advisor and stockbroker for the bank *Brüder Ginsberg* in Berlin. Furthermore, the Claimant stated that Edith [REDACTED] married into another successful banking family when she married [REDACTED]. The Claimant added that her grandfather died in 1928 in Berlin and that from 1930 until approximately 1942 her grandmother, who was Jewish, lived at Landshuterstrasse 8, Berlin 30. The Claimant stated that Edith Oppenheim was in hiding for some time and was then captured by the Nazis on 25 August 1943. The Claimant further stated that Edith Oppenheim was deported to Auschwitz on 12 July 1944, where she perished.

The Claimant stated that Edith Oppenheim used to travel often to Engelberg, Switzerland and enclosed a copy of a postcard sent by her grandmother from Engelberg. Additionally, the Claimant stated that since Edith Oppenheim came from a very wealthy and illustrious banking

family with international business connections, it was probable that she had ties to banks in Switzerland and had assets deposited there. Furthermore, the Claimant stated that Franz Bischofswerder, who owned a tourist business and accompanied groups around the world, was a very close friend of Edith Oppenheim and may well have acted as her representative.

In support of her claim, the Claimant submitted numerous documents, including a family tree, her grandmother's last letter to her daughter (the Claimant's mother), samples of her grandmother's handwriting and signature, a transport list showing her grandmother's deportation on 12 July 1944, and documentation of her grandmother's family history. The Claimant stated that she is the daughter of [REDACTED], née [REDACTED], and that she was born on 15 April 1943 in Prescott (Lancashire), the United Kingdom. The Claimant stated that her uncle, [REDACTED], previously known as [REDACTED], died on 7 January 1996 in London, England. The Claimant is representing her mother, [REDACTED], who was born on 21 May 1920 in Berlin.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Edith Oppenheim.

Information Available in the Bank's Records

The Bank's records consist of two power of attorney forms, dated 6 October 1930 and 23 October 1930, and printouts from the Bank's database. According to these records, the Account Owner was *Frau Witwe* (widow) Edith Oppenheim from Berlin W 30, and the Power of Attorney Holder was Dr. Franz Bischofswerder, who lived at Siegmundshof 16, Berlin NW 87. The power of attorney form executed on 6 October 1930 contains the full name and address of the Power of Attorney Holder. The power of attorney form executed on 23 October 1930 contains only the Power of Attorney Holder's signature. The Bank's records indicate that the Account Owner held two custody accounts.¹ The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts.

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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

¹ The Bank's records contain two power of attorney forms that reference a "*Titeldepot*," a type of custody account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandmother's name matches the published name of the Account Owner. The Claimant also identified the published name of the Power of Attorney Holder as her grandmother's close friend. The Claimant identified her grandmother's place of residence as Berlin 30, Germany, which matches unpublished information about the Account Owner contained in the Bank's records. Furthermore, the Claimant identified her grandmother as a widow after 1928, which also matches unpublished information contained in the Bank's records. In support of her claim, the Claimant submitted documents, including a copy of her family tree, correspondence written by her grandmother, and a copy of her grandmother's family history. Finally, the Claimant submitted a sample of her grandmother's signature, which matches the signature samples contained in the Bank's records.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Edith Oppenheim, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. 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 and that she perished at Auschwitz. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Edith Oppenheim, and indicates that her date of birth was 5 March 1894 and place of birth was Inowroclaw, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner was her maternal grandmother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given Account Owner's death in Auschwitz in 1944, the closure of Account Owner's accounts by the Bank without a record of their disposition, and 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, the Power of Attorney Holder, 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 Owner was her grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two custody accounts. 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. As such, the total amount held by the Account Owner will be valued at 26,000.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 312,000.00 Swiss Francs.

Division of the Award

According to Article 23(1) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her mother, the daughter of the Account Owner. Therefore, as the child of the Account Owner, the Claimant's mother is entitled to 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 her claim to determine whether there are additional Swiss bank accounts to which she 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
June 23, 2003