

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [Redacted 1]
also acting on behalf of [Redacted 2] and [Redacted 3]

in re Accounts of Salomon Pfeiffer

Claim Numbers: 213868/HB; 213869/HB

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of [Redacted 1] (the “Claimant”) to the accounts of Sophie Pfeiffer and Salomon Pfeiffer.¹ This award is to the published accounts of Salomon Pfeiffer (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 Claim Forms identifying the Account Owner as his paternal grandfather, Salomon Pfeiffer, who was born on 12 February 1872 in Braunsbach, Germany, and was married to [REDACTED], née [REDACTED], in 1905 in Germany. The Claimant indicated that his grandfather, who was Jewish, was a businessman, that his family owned a store called *S. Pfeiffer*, and that his grandparents had three children: [REDACTED] (the Claimant’s father), who was born on 22 March 1907; [REDACTED 3], who was born on 25 December 1910; and [REDACTED], née [REDACTED], who was born in 1908, all in Essen, Germany. The Claimant further indicated that his grandparents resided in Braunsbach until 1913, when they moved to Friedrichstrasse 40 in Dusseldorf, Germany, where they resided until 1939, when they fled to Amsterdam, the Netherlands, due to Nazi persecution, and resided at Wouwermanstraat 8. According to the Claimant, his grandparents were deported on 9 September 1943 from Amsterdam to Auschwitz, where they perished. The Claimant stated that his father traveled to Switzerland for business and for vacations between 1920 and 1936. The Claimant further stated that his father’s parents told his father that they held money in a bank in Switzerland. The Claimant also indicated that his father, aunt and uncle are no longer alive, and that he has cousins who are still alive but who are not represented in his claim.

¹ The CRT will treat the claim to the accounts of Sophie Pfeiffer in a separate determination.

In a telephone conversation with the CRT on 29 April 2002, the Claimant indicated that his grandfather had family members remaining in Braunsbach during the Second World War, and that his grandmother had a cousin named Gerhard or Gerta Fulda, who lived in Manchester, England.

In support of his claim, the Claimant submitted copies of documents, including: (1) an excerpt from the family register of Braunsbach/Württemberg, issued by the Jewish community of Württemberg and Hohenzollern, indicating that Schlomo-Salomon Pfeiffer was born on 12 February 1872, and that his parents were [REDACTED] and [REDACTED]; (2) his grandmother's birth certificate, indicating that [REDACTED] was born on 13 May 1878 in Archshofen, Kreis Mergentheim, Germany; (3) his father's birth certificate, indicating that [REDACTED] was born on 22 March 1907 in Essen, that his parents were Salomon Pfeiffer and [REDACTED], née [REDACTED], who were Jewish; (4) his own birth certificate, indicating that [Redacted 1] was born in Amsterdam on 5 October 1938, and that his parents were [REDACTED] and [REDACTED]; (5) a message from his grandfather, sent by Salomon Pfeiffer to his daughter [REDACTED] and her husband, [REDACTED], dated 21 July 1942, sent via the German and Dutch Red Cross, and an attached reply, dated 6 January 1943, indicating that Salomon Pfeiffer resided at Wouwermanstraat 8 in Amsterdam; (6) a message from his grandfather to his uncle, [REDACTED], dated 12 April 1943, sent via the German and Dutch Red Cross, indicating that Salomon Pfeiffer was in the transit camp of Westerbork, the Netherlands, and that [REDACTED] was in Palestine; (7) a message from his uncle, [REDACTED], to his grandmother, dated 1 July 1943, sent via the British and Swiss Red Cross, indicating that [REDACTED] resided in Amsterdam, and; (8) a request for information by his mother, [REDACTED], regarding the deportation of his grandparents, indicating that Salomon Pfeiffer was born on 12 February 1872, that [REDACTED] was born 13 May 1878, and that they were deported from Westerbork on 7 September 1943.

The Claimant indicated that he was born on 5 October 1938 in Amsterdam. The Claimant is representing his siblings: [Redacted 3], who was born on 28 June 1937 in Amsterdam, and [Redacted 2], who was born on 25 December 1947 in Montreal, Canada.

The Claimant previously submitted an Initial Questionnaire ("IQ") to the Court in 1999, asserting his entitlement to a Swiss bank account owned by his grandfather, Salomon Pfeiffer.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Salomon Pfeiffer, who resided in Braunsbach (Württemberg) and Künzelsau in Germany. The Bank's record indicates that the Account Owner held a demand deposit account, which was closed and transferred to Gerhard or Gertrud Fulda on 31 August 1933,² and a custody account, numbered L44310, which was closed on 18 August 1933. The amounts in the accounts on the dates of their closure are unknown. There is no indication in the Bank's record that the Account Owner or his heirs closed the custody account and received the proceeds themselves.

² The name recorded in the Bank's record is not entirely legible, but the individual referenced appears to have been named Gertrud or Gerhard Fulda.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, as well as the name of an individual who received one of his accounts, which matches unpublished information contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including an excerpt from the family register of Braunsbach/Württemberg, his father's birth certificate, and various wartime correspondence, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Salomon Pfeiffer, and indicates that his date of birth was 12 February 1872 and place of birth was Braunsbach, and that he resided in Amsterdam, 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 CRT notes that the name Salomon Pfeiffer 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 "ICEP List").

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by the Account Owner, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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 the other claims to these accounts were disconfirmed because that claimant provided a different country of residence, city of residence, and name spelling than the country of residence, city of residence, and name spelling of the Account Owner.

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, that he resided in Nazi Germany, that he fled to Amsterdam, and that he was deported to Auschwitz, where he perished.

As noted above, a person named Salomon Pfeiffer was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandfather. These documents include his own birth certificate, indicating that [Redacted 1]'s father was [REDACTED], and his father's birth certificate, indicating that [REDACTED]'s father was Salomon Pfeiffer. The Claimant further submitted various correspondence, including letters from his uncle [REDACTED] to his grandparents, Salomon and [REDACTED], and his mother's inquiry regarding their deportation. Although the Claimant indicated that the Account Owner may have additional surviving heirs, as they are not represented on his claim and have not filed claims on their own behalf, their potential entitlement to his accounts will not be treated in this Award.

The Issue of Who Received the Proceeds

With respect to the demand deposit account, the Bank's record indicates that the account was closed and transferred to Gertrud or Gerhard Fulda on 31 August 1933. The Claimant indicated that the Account Owner's spouse had a cousin named [REDACTED] or [REDACTED], who lived in England. Therefore, the CRT concludes that the Account Owner closed the account himself.

With respect to the custody account, the Bank's record indicates that the account was closed on 18 August 1933. Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1939, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; that the Account Owner perished in Auschwitz on 9 September 1943; that there is no record of the payment of the account to the Account Owner; 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),³ 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

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are 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 paternal 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 his custody account.

Amount of the Award

In this case, the Award is for 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 investigation carried out pursuant to the instructions of ICEP (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.

Division of the Award

According to Article 23(1)(c) 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 his siblings, [Redacted 2]Pfeiffer and [Redacted 3]. Accordingly, the Claimant and his siblings are each entitled to one-third 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 claims 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