

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Martha Pohl

Claim Number: 500074/MG

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Martha Pohl (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 paternal grandmother, Martha Alice Pohl, née Stein, who was born on 2 September 1888 in Prague, Czechoslovakia, and was married to [REDACTED] on 1 June 1911 in Dresden, Germany. Her grandparents had two children: [REDACTED], the Claimant’s aunt, who was born on 23 November 1912 in Hamburg, Germany, and [REDACTED], the Claimant’s father, who was born on 21 June 1914 in Hamburg. The Claimant stated that her grandmother, who was Jewish, resided until 1936 in Hamburg, where she worked as a chemist. In 1936 her grandmother fled Germany to Antwerp, Belgium, where she resided at Ave. J. V. Ryswijck 32 and at Karel Oomstraat 8. The Claimant stated that her grandfather, [REDACTED], was a successful businessman who frequently traveled outside of Germany and later, Belgium. The Claimant stated that her grandmother, who was entrusted with the family’s finances, maintained assets such as stock certificates and Swiss bonds and made deposits in bank accounts. The Claimant further stated that, in March 1942, the Gestapo arrested her grandmother in Antwerp and sent her to a concentration camp in Malinas, from where she was deported to Auschwitz in November 1942, where she perished. The Claimant stated that her aunt, [REDACTED], also perished in Auschwitz, in 1942, and that her grandfather and father, who survived Nazi persecution, both died in the United States - her grandfather in 1950 in New Rochelle, New York, and her father on 1 March 2001 in Scarsdale, New York. The Claimant submitted various documents, including a copy of her grandmother’s German passport issued on 15 May 1936 in Hamburg, a copy of a family book indicating the names of her grandparents, her aunt, and her father, a copy

of her father's birth certificate indicating Martha Alice Pohl, née Stein, as his mother, and a letter, dated 12 March 1946, from the Claimant's grandfather to the Consul General of Belgium in New York, New York, referring to his possessions, which had been sequestered by the Belgium government, together with a list of these assets, which include Swiss Federal Bonds. The Claimant indicated that she was born on 27 August 1956 in New Rochelle, New York.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Martha Pohl, née Stein, who resided in Hamburg, Germany. The Bank's records indicate that the Account Owner held a safe deposit box account numbered 1384. The account was closed on 9 September 1933 unknown by whom. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

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 identified her grandmother's city of residence, which matches unpublished information about the Account Owner's residence contained in the Bank's record. In support of her claim, the Claimant submitted documents, including a copy of her grandmother's German passport issued on 15 May 1936 in Hamburg, a copy of a family book indicating the names of her grandparents, her aunt and her father, and a copy of her father's birth certificate indicating that Martha Alice Pohl, née Stein, was his mother, thus providing independent documentation that the mother of the Claimant has the same name as the Account Owner.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Martha Pohl, née Stein, and indicates that her date of birth was 1888 and place of birth was Prague, 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 two other claims to this account were disconfirmed because the claimed account owners lived in countries different from the Account Owner in this case. Taking all these factors into account, the CRT concludes that the Claimant plausibly identified 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 and that she perished in Auschwitz. As noted above, the name of Martha Pohl was listed in the CRT's database of victims of Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting a copy of her grandmother's German passport and a copy of her father's birth certificate indicating that Martha Alice Pohl, née Stein, was his mother. The Claimant also submitted a family tree indicating that she has a sister, [REDACTED], and a brother, [REDACTED].

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including the confiscation of assets held in Swiss banks; the Account Owner's account was closed in 1933 and she remained in Germany until 1936; she would not have been able to repatriate her account to Germany when it was closed without its confiscation; the Account Owner fled Germany and was captured in Antwerp and deported eventually to Auschwitz where she perished in 1942; there is no record of payment of the Account Owner's account to her; the Account Owner's heirs would not have been able to obtain information about her 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 Bank's 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 Appendix A) and Appendix C,¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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, nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held a safe deposit box. 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 the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a safe deposit box account was 1,240.00 Swiss Francs. The current value of this amount is

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 15,500.00 Swiss Francs.

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
September 30, 2003