

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re account of Max Ritter von Anhauch**

Claim Number: 203606/JA

Award Amount: 149,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] ( the “Claimant”), to the account of Max Ritter von Anhauch (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 indicating that the published Account Owner Max Ritter von Anhauch was her grandfather who was born on 13 March 1863 in Storojinet, Romania, and was married to [REDACTED]. The Claimant provided documents showing that her grandfather obtained the title “*Ritter*” (knight) in 1917. The Claimant stated that Max von Anhauch died in Timisoara, Romania, on 25 July 1945. The Claimant further stated that Max and [REDACTED] von Anhauch had a son, [REDACTED], who was born in Suceava, Romania, on 25 July 1894 and died in Timisoara, Romania, on 13 October 1958. The Claimant explained that she was [REDACTED]’s daughter and therefore Max von Anhauch’s granddaughter. In support of her claim, the Claimant submitted numerous documents, including the death certificate of Max von Anhauch.

The Claimant identified Max von Anhauch as an industrialist who was *Kommerzialrat* and director (*Generaldirektor*) of different companies. The Claimant stated that Max von Anhauch lived at Str. Iancu Zotta No. 6 in Czernovitz, Romania, during the years 1918 to 1940 and at Carmen Sylva 5 in Timisoara, Romania, from 1940 until his death in 1945. The Claimant submitted documents showing that Max von Anhauch’s son, [REDACTED], was excluded from his profession and from military service in July 1943 because he was Jewish.

## **Information Available in the Bank Records**

According to the bank records, the Account Owner was Generalrat Max Ritter von Anhauch from Cernauti, Romania. The bank records indicate that the Account Owner held a custody account with the Bank<sup>1</sup>. The bank records further indicate that the account was closed on 16 February 1956. Information about who closed the account or who received its proceeds is not available.

## **Tribunal's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandfather's name matches the published name of the Account Owner. The Claimant has provided documentation which demonstrates that her grandfather was given the title "*Ritter*" (knight) and was a citizen of Czernovitz (Cernauti), Romania, before the Second World War, which matches the unpublished city name contained in the bank documents. Moreover, the Claimant stated that her grandfather was *Kommerzialrat* and *Generaldirektor* for different companies, and the bank records identify the Account Owner as *Generalrat*.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has provided plausible evidence that the Account Owner was a Victim of Nazi Persecution. The Claimant has shown that the Account Owner, her grandfather, was Jewish, and that he and his family were targets of Nazi persecution. The Account Owner lived in Romania until his death in 1945, and the Account Owner's son, [REDACTED], was excluded from his profession and was denied his military rank in 1943 because he was Jewish.

### The Claimant's Relationship to the Account Owner

The Claimant has shown that the Account Owner is her grandfather by providing family documents, including her grandfather's death certificate, her father's wedding certificate and her own birth certificate. The Claimant has stated that she is the only child of her father. She has further stated that she does not know of any other grandchildren of the Account Owner. The credibility of other information provided by the Claimant gives the Tribunal no basis for questioning this information provided by the Claimant.

### The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the account was paid to the Account Owner or his heirs, the Tribunal must consider the question of what happened to the funds in this case.

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<sup>1</sup> The bank records also indicate that the Account Owner held a demand deposit account, which was closed to fees and charges on 15 January 1996. This account will be addressed in a separate decision.

The historical evidence developed by the Independent Committee of Eminent Persons during its investigation of Swiss banks (the "ICEP Investigation") demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, if the funds were not in fact paid to the account owners or their family, as is apparently the case here as described below, there is a substantial likelihood that the funds went to the Swiss bank.

Although the Tribunal cannot determine with certainty who received the proceeds of the account when it was closed in 1956, the Tribunal concludes that a plausible showing has been made that neither the Account Owner nor his heirs received the proceeds. The Account Owner died in 1945, and his family remained in Romania after the War. The Tribunal notes that living in Communist Eastern Europe after the War would have made it extremely difficult and dangerous for the heirs of the Account Owner to access the account in 1956, and there is no evidence of such access.

#### Basis for the Award

As demonstrated above, the Tribunal has determined that an Award may be made in favor of the Claimant. First, the claim is admissible because the claimed account belonged to a Victim of Nazi Persecution, and the claim meets the other admissibility criteria. Second the Claimant has plausibly demonstrated that her grandfather is the Account Owner, and their relationship justifies an award. Finally, the Tribunal has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the accounts.

#### Amount of the Award

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, as determined based on the results of the investigation of Swiss banks by the Independent Committee of Eminent Persons and as required by Article 35 of the Rules, is used to calculate the present value of the account being awarded. In 1945, the average value of a custody account was 13,000.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce the present value of 149,500.00 Swiss Francs.

In cases where the value of an account is based on the presumptions of the Rules, or where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of the total award amount. In this case, the value of the custody account is based on the Article 35 presumptions, and there is the possibility of other competing claims. After all claims are processed,

subject to approval by the Court, claimants may receive a subsequent payment up to the remaining 65% of the total award amount. In this case, 35% of the total award amount is 52,325.00 Swiss Francs.

### **Scope of the Award**

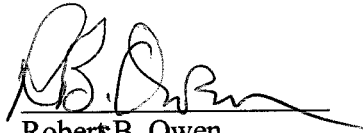
Pursuant to Article 25 of the Rules, the Tribunal will carry out further research on the Claimant's claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

### **Certification of the Award**

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a strong case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same accounts will be forthcoming.

The Special Masters appointed by the Court to supervise the Claims Resolution Process for Deposited Assets Claims have stressed the importance of moving ahead quickly to begin to make awards to Holocaust victim claimants or their heirs. They have therefore instructed the Tribunal that in particular cases where the Tribunal is satisfied that the currently identified claimant has a strong claim and that the risk of future competing claims is low, the Tribunal should prepare an award to that claimant and submit it to the Court for approval. This is such a case. In this case, the Tribunal is of the opinion that the Claimant has presented a strong claim to the account, thus substantially reducing the likelihood of competing claims. On this basis, and taking into account the instructions of the Special Masters, the Tribunal recommends approval of the present Award by the Court for payment by the Special Masters in accordance with Article 37(3) of the Rules.

31 Jan. 2002  
Date

  
Robert B. Owen  
Senior Claims Judge