

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Louis Spier

Claim Number: 223675/EZ¹

Award Amount: 156,000.00 Swiss Francs

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

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her mother’s cousin, Louis Spier, who was born on 3 January 1888, in Kalkar, Germany, and was married to Paula Sara Herz in 1922, in Eckum, Germany. They had three children: Edith, Alfred and Max. The Claimant stated that Louis Spier was a businessman dealing in agricultural products. He resided and worked first in Eckum and later in Butzheim, Germany. The Claimant stated that in approximately 1938 the Spier family fled to Amsterdam, the Netherlands, but in 1943 they were deported to a concentration camp in Poland, where they were all murdered.

The Claimant stated that her mother, [REDACTED] née [REDACTED], who survived the Second World War, was the Account Owner’s cousin. The Claimant’s maternal grandmother, Berta Cahn née Spier, was a sister of Adolf Spier, the Account Owner’s father. The Claimant asserted that she was born on 11 October 1926.

Information Available in the Bank Records

The bank records consist of printouts from the Bank’s database. According to these records, the sole Account Owner was Louis Spier from Amsterdam, the Netherlands, who held a numbered custody account.

¹ The Claimant submitted additional claims to the accounts of Emil Nathan, Emil Jacob, Berta Spier, Mathilde Spier, Oskar Nathan and Karl Leon, which are registered under the claim numbers 216557, 223674, 223734, 223735, 216558, 216559, respectively. The CRT will treat the claims to these accounts in separate decisions.

The bank records indicate that the account was opened on 4 March 1939, and was later closed on 11 April 1940. The bank records do not show who closed the account, nor do these records indicate the value of this account. There is no evidence in the bank records that the Account Owner or his heirs closed the account at issue and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her relative's name matches the published name of the Account Owner. The Claimant stated that her relative escaped to Amsterdam, the Netherlands, which matches published information about the Account Owner contained in the bank documents. The Claimant stated that her relative arrived in Amsterdam in 1938, which is consistent with the unpublished information about the account opening date on 4 March 1939. In support of her claim, the Claimant submitted documents, including a copy of Louis Spier's birth certificate and marriage registration as well as a copy of his children's birth registration.

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 was murdered together with his entire family in a concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including a copy of Louis Spier's birth certificate and marriage registration, demonstrating that the Account Owner's father was Adolf Spier. The Claimant stated that Adolf Spier was her grandmother's brother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Based on its precedent and the Rules Governing the Claims Resolution Process (the "Rules"), the CRT applies presumptions to determine whether Account Owners or their heirs received the proceeds of their accounts. These presumptions are contained in Appendix A.² The CRT concludes that in this case presumption (j), supported by the CRT's precedent and historical research regarding German efforts to confiscate Jewish assets held abroad, is applicable.

In view of the Account Owner's German nationality and the vigorous campaign launched by the Nazis to capture foreign wealth of German nationals regardless of their place of residence, the date of the Nazi occupation of the Netherlands is not relevant to the determination of whether the Account Owner or his heirs received the proceeds when the account was closed on 11 April

² An expanded version of Appendix A appears on the CRT II website -- www.crt-ii.org.

1940. In the circumstances of the German campaign to seize the domestic and overseas assets of German nationals, and given that the Account Owner and his entire family died in a concentration camp, the CRT believes it plausible that the Account Owner and his heirs did not receive the proceeds of this account.

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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her mother's cousin, and that relationship justifies an Award. Finally, 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

Pursuant to Article 35 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 present 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. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 156,000.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 35% of these accounts award amount is 54,600.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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