

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
and Claimant [REDACTED 2], née [REDACTED]

in re Account of Caroline Uhlmann

Claim Numbers: 201576/MBC¹; 209775/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (“Claimant [REDACTED 1]”) and his sister, [REDACTED], née [REDACTED] (“Claimant [REDACTED 2]”), (together, the “Claimants”) to the account of [REDACTED].² This Award is to the account of Caroline Uhlmann (the “Account Owner”) at the Geneva 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 Claimants

The Claimants each submitted a Claim Form and an Initial Questionnaire identifying the Account Owner as their paternal grandmother, Caroline Uhlmann, née [REDACTED]. The Claimants stated that their grandmother was born in approximately 1862 and was married to [REDACTED]. The Claimants also stated that the couple had three children: [REDACTED] and [REDACTED], both of whom perished in concentration camps, and [REDACTED], the Claimants’ father, who was born on 27 October 1889 and died in 1959. The Claimants indicated that they were both born in Frankfurt am Main, Germany. Claimant [REDACTED 1] was born on 6 June 1930, and Claimant [REDACTED 2] was born on 22 July 1933. The Claimants stated that their grandparents were Jewish, and that they lived in Glen-Kaldenkirchen, Germany, where their grandfather was a landowner and livestock trader. The Claimants also indicated that their grandparents lived for a short while in Frankfurt am Main. According to the Claimants, the

¹ Claimant [REDACTED] submitted an additional claim to the account of [REDACTED] and the account of [REDACTED], which is registered under the claim number 216192. The CRT will treat the claim to these accounts in a separate decision.

² The CRT will treat the claim to this account in a separate decision.

Nazis confiscated their grandparents' property and all their assets in 1941. The Claimants stated that their grandparents were deported and killed in Theresienstadt in approximately 1942-43. The Claimants indicated that their grandfather gave some money to his sister, [REDACTED], who lived in Zurich, Switzerland, and that this money was deposited at the [REDACTED].

In support of their respective claims, the Claimants provided various documents, such as a biography of their family. Furthermore, Claimant [REDACTED 1] provided a copy of his and his mother's birth certificates, as well as a copy of his parents' marriage certificate.

The Claimants each previously submitted an Initial Questionnaire with the Court in 1999, asserting their entitlement to a Swiss bank account owned by [REDACTED] and/or Caroline Uhlmann.

Information Available in the Bank Records

The bank records consist of printouts from the Bank's electronic database. According to these records, the Account Owner was Caroline Uhlmann. The bank records do not indicate the place and country of residence of the Account Owner, nor do they indicate her marital status. These documents do show that the Account Owner held an account of unknown type, opened on 8 January 1931, which has been dormant since 9 January 1931. The bank documents further show that this account was transferred to a suspense account, which is a grouping of open and dormant accounts, on 10 November 1961. The amount in the account on the date of its transfer was, and still is, 6.20 Swiss Francs.

The CRT's Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their grandmother's name matches the unpublished name of the Account Owner.

The CRT notes that the Claimants each filed an Initial Questionnaire with the Court in 1999, asserting their entitlement to a Swiss bank account owned by [REDACTED] and/or Caroline Uhlmann, 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 Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their

relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have 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 was deported and killed in Theresienstadt, along with her husband.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents, such as a detailed biography of their family, showing that they are the Account Owner's grandchildren. The Claimants stated that they are the Account Owner's only surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their 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 account.

Amount of the Award

The bank records indicate that the value of the account at issue as of 10 November 1961 was 6.20 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 255.00 Swiss Francs, which reflects standardized bank fees charged to this account between 1945 and 1961. Consequently, the adjusted balance of the account at issue is 261.20 Swiss Francs. According to Article 35 of the Rules, if the amount in an account of unknown type was less than the presumptive value and, in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is thus determined by multiplying 3,950.00 Swiss Francs by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 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 65% of the Certified Award, and the claimant may receive a second payment of up to 35% 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 65% of the total award amount is 30,810.00 Swiss Francs.

Division of the Award

According to Article 29(c) of the Rules, each Claimant is entitled to one half of the present Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
October 3, 2002