

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2],  
[REDACTED 3], and [REDACTED 4]

**in re Accounts of Jacob Valk; *Jakob Valk Jr., Bankgeschäft*; and Alice Braun**

Claim Number: 725506/CC/YS/CC/IK<sup>1</sup>

Award Amount: 514,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the accounts of Jacob Valk. This Award is to the published accounts of Jacob Valk (“Account Owner Valk”) and Alice Braun (“Account Owner Braun”) at the [REDACTED] (“Bank I”) and to the published account of *Jakob Valk Jr., Bankgeschäft*<sup>2</sup> (“Account Owner *Bankgeschäft*”) (together the “Account Owners”) at the [REDACTED] (“Bank II”).

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.<sup>3</sup>

## **Information Provided by the Claimant**

The Claimant submitted an Initial Questionnaire identifying Account Owner Valk as her maternal grandfather, Jacob Valk; Account Owner *Bankgeschäft* as the bank owned by her grandfather; and Account Owner Braun as her maternal aunt. The Claimant stated that her

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<sup>1</sup> [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered 0367018, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 725506.

<sup>2</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to probably or possibly those of Victims or Nazi Persecution (the “ICEP List”), Jacob Valk and Jakob Valk, Jr. are each listed as having one account. Upon careful review, the CRT has concluded that Bank II’s records indicate that the account was owned by *Jakob Valk Jr., Bankgeschäft*, which was a bank and not an individual.

<sup>3</sup> As a matter of policy, the CRT accords confidential treatment to all Initial Questionnaires.

grandfather was born in Emden, Germany, on 15 June 1867, and was married to [REDACTED].<sup>4</sup> The Claimant stated that her grandparents, who were Jewish, resided in Hamburg, Germany, where they had three children; [REDACTED], [REDACTED], née [REDACTED] (the Claimant's mother), and Alice Braun, née Valk. According to information provided by the Claimant, Jacob Valk was the founder and proprietor of the banking firm of *Jacob Valk Jr. Bankgeschäft* in Hamburg, which was established in 1893. According to information provided by the Claimant, Jacob Valk retired in 1931, at which time he transferred ownership of the bank to his son and nephew. The Claimant indicated that the bank was initially operated by Jacob Valk's son and nephew jointly, and then by his son alone, until it was aryanized in 1938.

The Claimant stated that Alice Braun, née Valk, was born on 27 July 1907. According to the Claimant, Alice Braun, who was Jewish, had a daughter, [REDACTED 2], who was born on 19 October 1929, and a son, [REDACTED], who was born on 4 July 1933. According to information provided by the Claimant, [REDACTED] and Alice Valk attended university in Berlin.

According to the Claimant, in 1938, her grandparents fled from Germany to Amsterdam, the Netherlands, where they remained in hiding during the Second World War, and her aunt Alice Braun fled to the United States. The Claimant stated that her grandfather died in Amsterdam on 30 May 1945. The Claimant also stated that her mother died in 1937 and that her uncle [REDACTED] did not have children.

In support of her claim, the Claimant submitted:

1. a letter dated 22 December 1938 from *M.M. Warburg & Co. Kommanditgesellschaft* to the American Consulate General, attesting that their colleague, Jacob Valk was of good character, in support of his application for immigration to the United States;
2. Jacob Valk's Hamburg Securities Exchange identification card dated 19 February 1932, which identifies Jacob Valk of the firm *Jacob Valk Jr.* as a member;
3. a translation of Jacob Valk's memoir, which he authored in 1944 while in hiding in Amsterdam;
4. her grandfather's birth certificate, which indicates that he was born on 15 June 1867 in Emden, Germany;
5. her grandfather's marriage certificate, which states that Jacob Valk, a banker residing in Hamburg, married [REDACTED] on 20 July 1899;
6. her grandfather's obituary, which indicates that he died on 30 May 1945 in Amsterdam and was survived by [REDACTED], née [REDACTED], [REDACTED], and Alice Braun, née Valk;
7. Jacob and [REDACTED]'s will, which states that they bequeathed their assets to their children: Alice, [REDACTED], and [REDACTED] and through them to their grandchildren;
8. Alice Braun's birth certificate, which indicates that she was born on 27 July 1907 to Jacob Valk and [REDACTED], née [REDACTED], and that they were Jewish;

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<sup>4</sup> The CRT notes that several variations of the name [REDACTED] appear in various documents, including [REDACTED], [REDACTED], and [REDACTED]. The CRT concludes that these names are substantially similar.

9. Alice Braun's marriage certificate, which states that Alice Valk married [REDACTED] on 9 June 1927;
10. Alice Braun's German passport, which indicates that she had a daughter named [REDACTED 2] and a son named [REDACTED];
11. the birth certificate of [REDACTED 2], which states that she was born on 19 October 1929 to [REDACTED] and Alice Braun née Valk;
12. [REDACTED]'s marriage certificate, which states that he was born to [REDACTED] and Alice Braun, née Valk on 4 July 1933;
13. [REDACTED]'s death certificate, which states that he died on 4 August 2002;
14. the birth certificates of [REDACTED 3] and [REDACTED 4], which state that [REDACTED] was their father; and
15. the Claimant's birth certificate, which indicates that her parents were [REDACTED] and [REDACTED], née [REDACTED].

The Claimant stated that she is the only child of [REDACTED], née [REDACTED], and that she was born in Hamburg on 9 June 1935. The Claimant is representing her cousin, [REDACTED 2], née [REDACTED] (the daughter of Alice Braun); and the children of her cousin [REDACTED], [REDACTED 3], who was born on 13 April 1963, and [REDACTED 4], who was born on 30 May 1965.

### **Information Available in the Banks' Records**

#### Bank I

With respect to the account of Account Owner Valk, Bank I's record consists of a customer card. According to this record, Account Owner Valk was Jacob Valk, who resided in Hamburg, Germany. Bank I's record indicates that Account Owner Valk held one custody account numbered L34626. Bank I's record indicates that this account was closed on 10 April 1933, but does not show to whom it was paid, nor does this record indicate the value of this account. There is no evidence in Bank I's record that Account Owner Valk or his heirs closed the account and received the proceeds themselves.

With respect to the accounts of Account Owner Braun, Bank I's record consists of a customer card. According to this record, Account Owner Braun was *Frau* (Mrs.) Alice Braun who resided in Berlin, Germany. Bank I's record indicates that Account Owner Braun held one demand deposit account, which was opened on 10 November 1929 and closed on 10 November 1934, and one custody account numbered L36588, which was opened on 30 November 1929 and closed on 29 June 1933. Bank I's record does not show to whom these accounts were paid, nor does this record indicate the value of these accounts. There is no evidence in Bank I's record that Account Owner Alice Braun or her heirs closed these accounts and received the proceeds themselves.

## Bank II

Bank II's record consists of a customer card. According to this record, Account Owner *Bankgeschäft* was *Jakob Valk Jr.*, *Bankgeschäft* (bank) whose address was Alstertor 21, Hamburg, Germany. Bank II's record indicates that Account Owner *Bankgeschäft* held one custody account numbered 8316 that was originally account numbered 37301. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or "ICEP investigation") reported that the account of Account Owner *Bankgeschäft* was charged a fee on 10 January 1934. Bank II's record indicates that the account was closed on 13 June 1938, but does not show to whom it was paid, nor does this record indicate the value of this account. There is no evidence in Bank II's record that Account Owner *Bankgeschäft*, its owner, or their heirs closed the account and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owners

##### *Account Owner Valk*

The Claimant has plausibly identified Account Owner Valk. The Claimant's grandfather's name matches the published name of Account Owner Valk. The Claimant identified her grandfather's place of residence, which matches unpublished information about Account Owner Valk contained in Bank I's record.

In support of her claim, the Claimant submitted numerous documents, including her grandfather's birth and marriage certificates, providing independent verification that the person who is claimed to be Account Owner Valk had the same name and resided in the same city as the name and city of residence of Account Owner Valk.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Jacob Valk, and indicates that he was a banker who resided in Hamburg, which matches the information about Account Owner Valk provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her grandfather, Jacob Valk, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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 this account were disconfirmed because these claimants provided a different city or country of residence than the city and country of residence of Account Owner Valk.

#### *Account Owner Bankgeschäft*

The Claimant has plausibly identified Account Owner *Bankgeschäft*. The name of her grandfather's bank matches the published name of Account Owner *Bankgeschäft*. The CRT notes that the name of Account Owner *Bankgeschäft* was incorrectly listed as Jakob Valk, Jr., an individual, on the list published in February 2001 of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). The Claimant correctly indicated that Account Owner *Bankgeschäft* was a legal entity and that it was a bank, which match unpublished information contained in Bank II's record. The Claimant also identified her grandfather's bank's place of business, which matches published information about Account Owner *Bankgeschäft* contained in Bank II's record.

In support of her claim the Claimant submitted documents, including a letter from *M. M. Warbukrg & Co.* and her grandfather's Hamburg Securities Exchange identification card, providing independent verification that her grandfather's banking firm had the same name and place of business as the name and place of business of Account Owner *Bankgeschäft*.

The CRT notes that other claims to this account were disconfirmed because those claimants did not identify Account Owner *Bankgeschäft* as a company, and because those claimants provided a different city or country of residence, than the city and country of the location of Account Owner *Bankgeschäft*.

#### *Account Owner Braun*

The Claimant has plausibly identified Account Owner Braun. The Claimant's aunt's name matches the published name of Account Owner Braun. The Claimant indicated that her aunt's family traveled to Berlin, that her siblings studied in that city, and that Alice Braun was her aunt's married name, which is consistent with Account Owner Braun's unpublished place of residence and title. In support of her claim, the Claimant submitted documents, including copies of her aunt's birth certificate, her marriage certificate, and passport, providing independent verification that the person who is claimed to be Account Owner Braun had the same name as the name of Account Owner Braun.

The CRT notes that the other claims to the accounts of Account Owner Braun were disconfirmed because those claimants provided a different title, or did not establish a connection to the city or country of residence listed in the bank's document as the title and city or country of residence of Account Owner Braun.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Valk, who was the owner of Account Owner *Bankgeschäft*, and Account Owner Braun were Victims of Nazi Persecution. The Claimant stated that Account Owners Valk and Braun were Jewish; that they fled from Germany to the Netherlands and the United States, respectively; and that Jacob Valk was forced to live in hiding in the Netherlands during the Second World War. As noted above, a person named Jacob Valk was included in the CRT's database of victims. The Claimant further indicated that Account Owner *Bankgeschäft* was aryanized in 1938.

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

The Claimant has plausibly demonstrated that she is related to Account Owners Valk and Braun by submitting specific information and documents, demonstrating that they were her maternal grandfather and aunt, respectively. These documents include the Claimant's birth certificate, indicating that she is the daughter of [REDACTED], née [REDACTED], and Alice Valk's birth certificate, which states that Jacob Valk was her father. The Claimant submitted Jacob and [REDACTED]'s last will and testament, listing [REDACTED] as their daughter; a copy of Jacob Valk's obituary that identifies Alice Braun as surviving him; a copy of [REDACTED] and Alice Braun's marriage certificate; and the death certificate of [REDACTED], which states that his parents were [REDACTED] and Alice Braun, née Valk. There is no information to indicate that Account Owners Valk and Braun have surviving heirs other than the Claimant and the relatives whom she is representing.

The Claimant has plausibly demonstrated that Account Owner *Bankgeschäft* was a bank owned by her grandfather by submitting documents including her grandfather's Hamburg Stock Exchange membership card and a 1938 letter from *M.M. Warburg & Co.*, which states that Jacob Valk was the proprietor of the banking firm *Jacob Valk Jr.* There is no information to indicate that Account Owner *Bankgeschäft* has owners or successors in interest other than the Claimant and the relatives whom she is representing.

### The Issue of Who Received the Proceeds

With respect to the account of Account Owner Valk closed on 10 April 1933 and the accounts of Account Owner Braun closed on 29 June 1933 and 10 November 1934, 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 Account Owners Valk and Braun remained in Germany until 1938; that they would not have been able to repatriate their accounts to Germany without losing ultimate control over their proceeds; that Account Owner Valk died on 30 May 1945; that there is no record of payment of Account Owners Valk's and Braun's accounts to them; that Account Owners Valk and Braun and their heirs would not have been able to obtain information about their accounts after the Second World War 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 Appendix A) and Appendix C,<sup>5</sup> the CRT concludes that it is plausible that the accounts’ proceeds were not paid to Account Owners Jacob Valk and Alice Braun or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not the Account Owners or their heirs received the proceeds of their accounts.

With respect to the account of Account Owner *Bankgeschäft* closed on 13 June 1938, given that Account Owner *Bankgeschäft* was a bank owned by Jacob Valk, a Jewish national who lived in Germany; that Jacob Valk fled Germany in 1938 and died on 30 May 1945; that Account Owner *Bankgeschäft* was dissolved in 1938; that there is no record of the payment of the account to Account Owner *Bankgeschäft* or to its owner; that the owner of Account Owner *Bankgeschäft* and his heirs would have been unable to obtain information about the account after the Second World War from Bank II 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 (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner *Bankgeschäft*, to its owner, Jacob Valk, or to his heirs.

#### 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 Owners were her grandfather, his bank, and her aunt, and those relationships justify an Award. Third, the CRT has determined that it is plausible that Account Owners or their heirs did not receive the proceeds of the claimed accounts.

#### Amount of the Award

In this case, Account Owner Valk held one custody account; Account Owner *Bankgeschäft* held one custody account; and Account Owner Braun held one custody account and one demand deposit 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”) and the average value of a demand deposit account was SF 2,140.00. The total 1945 average value of these accounts is SF 41,140.00. The current value of these amounts 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 514,250.00.

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<sup>5</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

### 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. According to Article 23(3) of the Rules, if the Account Owner is a legal entity, the Award will be made in favor of those Claimants who establish a right of ownership to the assets of the entity. In this case, the Claimant, who is the granddaughter of Account Owner Valk, is representing her cousin, [REDACTED 2], who is the daughter of Account Owner Braun, and the children of [REDACTED], [REDACTED 3] and [REDACTED 4]. Accordingly, with respect to the accounts belonging to Account Owner Valk and Account Owner *Bankgeschäft*, the Claimant is entitled to one-half of the award amount; [REDACTED 2] is entitled to one-fourth of the award amount; and [REDACTED 3] and [REDACTED 4] are each entitled to one-eighth of the award amount.

With respect to the accounts of Account Owner Braun, [REDACTED 2], as child of Account Owner Braun, is entitled to one-half of the award amount, and [REDACTED 3] and [REDACTED 4], as the children of Account Owner Braun's son [REDACTED], are entitled to one-fourth of the award amount each. The Claimant, who is a descendent of Account Owner Braun's parents, is not entitled to share in the award amount to Account Owner Braun's accounts.

In summary, the Claimant is entitled to SF 162,500.00; [REDACTED 2] is entitled to SF 175,875.00; and [REDACTED 3] and [REDACTED 4] are each entitled to SF 87,937.50.

### **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  
15 July 2005