

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1],  
acting on behalf of himself and [REDACTED]

and

to Claimant [REDACTED 2]

## **in re Account of Ernst Victor**

Claim Numbers: 213981/MBC; 213982/MBC; 214900/MBC; 214901/MBC

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] ("Claimant [REDACTED 1]"), acting on behalf of himself and his brother [REDACTED] ("[REDACTED]"), and of [REDACTED 2] ("Claimant [REDACTED 2] ") (collectively, the "Claimants") to the Account of Ernst Victor (the "Account Owner") at the [REDACTED] (the "Bank"). On 28 January 2002, the Court approved the Award of the Account Owner's custody account at the Bank closed 9 December 1936.<sup>1</sup> The CRT did not reach a decision regarding the demand deposit account closed 20 June 1935, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of this account. This Award is the result of the further consideration of whether the account Owner received the proceeds of the demand deposit account.

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**

Each Claimant submitted a Claim Form indicating that the Account Owner was his or her maternal grandfather, Ernst Georg Robert Victor, who was born on 1 October 1875 in Saargmuend, Germany, and was married to [REDACTED], née [REDACTED] on 7 December 1920 in Hannover, Germany. The couple had two children, [REDACTED], née Victor, (mother of Claimant [REDACTED 1] and [REDACTED]) and [REDACTED] (father of Claimant

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<sup>1</sup> See In re Account of Ernst Victor (approved on January 28, 2002).

[REDACTED 2]). The Claimants both stated that their grandfather had the designation "Dipl. Ing.," and that he lived in Rosenhagenstrasse 22, Hamburg, Germany, which is in the Bahrenfeld area of the Altona district of Hamburg. Both Claimants stated that their grandfather, who was Jewish, was forced by the Nazis to sell the family company, Regenhardt AG, in 1936. He sought asylum in Zürich in 1938, and, after asylum was denied, committed suicide in December 1938, hoping to save his non-Jewish wife and children from further persecution. Each Claimant also submitted an additional Claim Form indicating that [REDACTED], their great grandmother's brother and the uncle of the Account Owner, had an account. He was Jewish, was born in Danzig in 1853 and died in Florence in 1937. He was removed from his position at the German Art History Institute in 1933.

Claimant [REDACTED 1] submitted a detailed family tree; a copy of his mother, [REDACTED]'s birth certificate, indicating that Ernst Victor was her father; and his own wedding certificate, indicating that [REDACTED] was his mother. Claimant [REDACTED 1] indicated that he was born on 6 June 1958 in Bogota, Colombia. Claimant [REDACTED 1] is representing [REDACTED], his brother, who was born on 27 December 1956 in Bogota, Colombia.

Claimant [REDACTED 2] submitted a detailed family tree as well as Ernst Victor's birth and death certificates. Claimant [REDACTED 2] indicated that she was born on 5 May 1960 in Frankfurt, Germany.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Ernst Victor who resided in Bahrenfeld, Altona, Germany. The Bank's record indicates that the Account Owner held a demand deposit account. The account was opened on 18 June 1929 and closed on 20 June 1935. The Bank's record also indicates that the Account Owner had the designation "Dipl. Ing." There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves. The Bank's record does not show to whom the account was paid, nor does this record indicate the value of this account.

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

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same account 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 four claims of the Claimants in one proceeding.

### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their grandfather's name matches the published name of the Account Owner. The Claimants identified their grandfather's professional title and address, which are consistent with unpublished information about the Account Owner contained in the Bank's records. Claimant [REDACTED 1] submitted a detailed family tree; a copy of his mother's [REDACTED]'s birth certificate, indicating that Ernst Victor was her father; and his own wedding certificate, indicating that [REDACTED] was his mother. Claimant [REDACTED 2] submitted a detailed family tree as well as Ernst Victor's birth and death certificates. The CRT notes that there are no other claims to this account.

### 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 Claimants stated that the Account Owner was Jewish and was suspended from his position as Chair of the Chemical Engineers Association in Northern Germany by the Nazi regime, because of his religion. He and other family members were forced to sell a company, which the family owned. He committed suicide in 1938 in an attempt to protect his wife and children, who were not Jewish, from persecution by the Nazis.

### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner, Ernst Victor, by submitting documents demonstrating that he was their grandfather. Claimant [REDACTED 1] provided documents which show that he is the son of [REDACTED], née [REDACTED], the Account Owner's daughter. Claimant [REDACTED 2] provided documents showing that she is the daughter of [REDACTED], the Account Owner's son.

### The Issue of Who Received the Proceeds

In evaluating whether the Account Owner or his heirs received the proceeds of the demand deposit, the CRT took into account the facts of the opening of the Account Owner's demand deposit in 1929 and its closing in 1935, and considered that: the Nazis had embarked on a campaign in 1933 to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks, the Account Owner remained in Germany until he died and thus would not have been able to repatriate his account to Germany without its confiscation, and the Account Owner took his own life in 1938 due to Nazi persecution of his family. Based on these factors, indicating a practical inability to receive the proceeds of his demand deposit during the period in which the Account Owner lived and died in Germany, and the application of relevant Presumptions (a) and (j),<sup>2</sup> which assume such a result in this context, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on

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<sup>2</sup> These Presumptions are provided for in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), as set forth in the attached Appendix A and in Appendix C to the Rules. Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

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 Claimants. First, the claim is admissible with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their grandfather, and those relationships justify 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

In this case, the Account Owner held a demand deposit account.<sup>3</sup> 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 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 "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

### Division of the Award

According to Article 23(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. In this case, the Account Owner had two children, [REDACTED], née [REDACTED] and [REDACTED]; thus, the Award is first divided into two halves. As the only descendant of [REDACTED] who has filed a claim, Claimant [REDACTED 2] is entitled to one-half of the award. Claimant [REDACTED 1] is representing his brother, [REDACTED], in these proceedings. Therefore, Claimant [REDACTED 1] and [REDACTED] are entitled to the other half of the Award, or one-quarter each of the total award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claim 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).

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<sup>3</sup> As stated above, the Court approved the Award of a custody account at the Bank on 28 January 2002.

**Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
June 3, 2003