

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1],  
represented by [REDACTED 2]

to Claimant [REDACTED 3]

and to Claimant [REDACTED 4]

## **in re Account of G. Vogel**

Claim Numbers: 200934/MBC; 707234/MBC;<sup>1</sup> 203107/MBC; 781313/MBC<sup>2</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”) to the accounts of Solomon (Sami) Sebastian Vogel and *Lomas Lemco SAR*;<sup>3</sup> the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) to the account of Friedrich (Fritz) Vogel;<sup>4</sup> and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the account of Georg (Jiri) Vogel.<sup>5</sup> This Award is to the unpublished account of G. Vogel (the “Account Owner”) at the [REDACTED] (the “Bank”).

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<sup>1</sup> In 1999, Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) submitted an Initial Questionnaire (“IQ”), numbered FRE-0004189, 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 707234.

<sup>2</sup> Claimant [REDACTED 4] (“Claimant [REDACTED 4]”) did not submit a Claim Form to the CRT. However, in 1999, he submitted an IQ, numbered ENG-0439112, to the Court. In accordance with the procedure described in the previous footnote, the IQ has been assigned claim number 781313.

<sup>3</sup> The CRT did not locate an account belonging to Salomon (Sebastian) Vogel or the company *Lomas Lemco SAR* in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

<sup>4</sup> In a separate decision, the CRT awarded the account of Fritz Vogel to [REDACTED 3] (“Claimant [REDACTED 3]”). See *In re Account of Fritz Vogel* (approved on 11 March 2003).

<sup>5</sup> The CRT notes that on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the names Georg Vogel and J. Vogel also appear. Upon careful review, the CRT has determined that neither of these individuals are the same person identified by Claimant [REDACTED 4] or the person addressed in the current decision and that, consequently, Claimant [REDACTED 4] did not identify these other account owners as his relative.

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**

#### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form and an Initial Questionnaire (“IQ”) identifying the Account Owner as her mother, Gilberte (Gilberte, Gilbert) Vogel, née Breyer, who was born on 29 August 1913 in Bucharest, Romania, and was married to [REDACTED] on 12 March 1931 in Bucharest. Claimant [REDACTED 1] indicated that her parents, who were Jewish, resided in Bucharest, where her father was a lawyer and the founder and representative of a lumber company called *Loma Lemco SAR*, which had ties to Geneva, Switzerland. Claimant [REDACTED 1] further indicated that her father was unable to practice as a lawyer after the Nazi alliance with Romania in 1940 and that all of her family’s assets were confiscated. According to Claimant [REDACTED 1], her father was a refugee in Moreni, Romania, from 1942 to 1944. Finally, Claimant [REDACTED 1] indicated that her family emigrated to France after the Second World War, in approximately 1948, and that her father died in 1962 in Vaucresson, France, and her mother died in 1988 in Versailles, France.

In support of her claim, Claimant [REDACTED 1] submitted copies of various documents, including: 1) her parents’ marriage certificate, indicating that Gilberte Breyer was born on 29 August 1913 in Bucharest and that she was married to [REDACTED] on 12 March 1931 in Bucharest; 2) her father’s Romanian passport, dated 17 December 1940, indicating that [REDACTED] resided in Bucharest, that his spouse was Gilbert Vogel, and that his children were [REDACTED] and [REDACTED 1]; and 3) her mother’s will, dated 31 March 1988, indicating that Gilberte Breyer was born on 29 August 1913 in Bucharest, that she was the widow of [REDACTED], that she resided in Paris, that her heirs were her two daughters in equal shares, and that her grandchildren ([REDACTED 2], [REDACTED], [REDACTED], and [REDACTED]) were also entitled to certain assets from her estate.

Claimant [REDACTED 1] indicated that she was born on 5 May 1936 in Bucharest.

#### Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his mother, Gertrud Vogel, née Weil, who was married to [REDACTED] in 1921 in Frankfurt am Main, Germany. Claimant [REDACTED 3] indicated that his family, which was Jewish, resided in Frankfurt am Main, where his father owned a sporting goods factory. Claimant [REDACTED 3] further indicated that, between 1937 and 1939, he attended schools in Chateau-d’Oex and Villars sur Ollon in Switzerland and that his tuition and fees were paid from one or more Swiss bank accounts. Following the night of the *Kristallnacht* (Night of Broken Glass) pogrom of November 1938, Claimant [REDACTED 3] indicated that his parents paid a great deal of money to escape from Germany and to join Claimant [REDACTED 3] in Switzerland.

According to Claimant [REDACTED 3], he and his family later fled to the United States and that many of their assets, which were sent to the United States via the Netherlands, were looted upon the Nazi occupation of the Netherlands in 1940, while awaiting shipment to the United States. Finally, Claimant [REDACTED 3] indicated that his father died in 1943 in New York, the United States, and that his mother also died in the United States.

In support of his claim, Claimant [REDACTED 3] submitted a copy of his German passport, dated 1938, indicating that his name is [REDACTED 3], that he was born on 30 June 1923 in Frankfurt am Main, that he is Jewish, that he was a student, and that he resided at Chateau-d'Oex. Claimant [REDACTED 3] indicated that he was born on 30 June 1923 in Frankfurt am Main. Claimant [REDACTED 3] previously submitted an IQ to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Friedrich (Fritz) Vogel.<sup>6</sup>

#### Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an IQ identifying the Account Owner as his father, Georg (Jiri) Vogel, who was born on 22 May 1904. Claimant [REDACTED 4] indicated that his father, who was Jewish, resided in Prague, Czechoslovakia (now the Czech Republic), where he owned a heating and plumbing contracting company. Claimant [REDACTED 4] indicated that all of his family's assets, including his father's business, bank accounts, and household goods, were looted during the Nazi occupation of Prague. According to Claimant [REDACTED 4], he and his parents were deported to Theresienstadt on 22 November 1941 and were imprisoned in Theresienstadt until their liberation on 9 May 1945. Finally, Claimant [REDACTED 4] indicated that his father died in Prague in 1994.

Claimant [REDACTED 4] indicated that he was born on 12 August 1937 in Prague.

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

The Bank's records consist of a list of suspended accounts and a printout from the Bank's database. According to these records, the Account Owner was G. Vogel. The Bank's records do not indicate the Account Owner's domicile.

The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which was suspended by the Bank on 30 June 1937, when it held a balance of 16.00 Swiss Francs ("SF"). The account remains suspended.

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<sup>6</sup> As indicated in footnote 4, the CRT awarded the account of Fritz Vogel to Claimant [REDACTED 3] in a separate decision.

## **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 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' relatives' names match the unpublished initial and surname of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his or her first initial and surname.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her parents' marriage certificate, her father's passport, and her mother's will, providing independent verification that the person who is claimed to be the Account Owner had the same initial and surname recorded in the Bank's records as the initial and surname of the Account Owner.

In his claim form, Claimant [REDACTED 3] stated that his mother's name was Gertrud Vogel, and her first initial and last name matches the unpublished first initial and last name of the Account Owner. In support of his claim, Claimant [REDACTED 3] submitted a copy of his German passport, dated 1938, indicating that his name is [REDACTED 3], that he was born on 30 June 1923 in Frankfurt am Main, that he is Jewish, that he was a student, and that he resided at Chateau-d'Oex. This document provides independent verification that Claimant [REDACTED 3]'s surname is the same surname as that recorded in the Bank's records as the surname of the Account Owner.

With respect to Claimant [REDACTED 4]'s identification of the Account Owner, the CRT notes that the name G. Vogel was not published but that the name Georg Vogel, which matches the first initial and surname of the Account Owner, was published in February 2001 on the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). The CRT further notes that Claimant [REDACTED 4] filed his IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by the Account Owner, prior to the publication of the name Georg Vogel on the ICEP List. This indicates that Claimant [REDACTED 4] has based his claim not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 4] had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 4].

The CRT notes that Claimant [REDACTED 1]' relative, Claimant [REDACTED 3]'s relative, and Claimant [REDACTED 4]'s relative are not the same person. However, given that the

Claimants have identified all unpublished information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 3], and Claimant [REDACTED 4] have each plausibly identified the Account Owner.

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

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants each stated that their relative was Jewish.

Claimant [REDACTED 1] further stated that the Account Owner resided in Nazi-allied Romania during the Second World War, and that all of her family's assets were looted by the Nazis. Claimant [REDACTED 1] further stated that the Account Owner's spouse was unable to practice his profession after the Nazi alliance with Romania and that he was a refugee from 1942 to 1944.

[REDACTED 3] indicated that the Account Owner resided in Nazi Germany, that she fled to Switzerland in 1939 following *Kristallnacht*, and that she later emigrated to the United States. Claimant [REDACTED 3] also submitted his own German passport from 1938, indicating that he is Jewish.

Finally, Claimant [REDACTED 4] stated that the Account Owner was imprisoned in Theresienstadt from 1941 to 1945.

#### The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and a document demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother. The relevant document is her father's Romanian passport, indicating that he and Gilberte Vogel had a daughter [REDACTED 1], who was born in 1936. The CRT notes that Claimant [REDACTED 1] indicated that she has surviving relatives, including her sister, [REDACTED], but they are not represented in Claimant [REDACTED 1]'s claim; therefore, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

Claimant [REDACTED 3] and Claimant [REDACTED 4] have also plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 3]'s mother and Claimant [REDACTED 4]'s father. The CRT further notes that both Claimant [REDACTED 3] and Claimant [REDACTED 4] identified the Account Owner's unpublished initial and surname as contained in the Bank's records.

The CRT further notes that Claimant [REDACTED 4] filed his IQ with the Court in 1999, identifying the relationship between the Account Owner and himself, prior to the publication in February 2001 of the name Georg Vogel on the ICEP List.

Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 3] and Claimant [REDACTED 4] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] and Claimant [REDACTED 4] are related to the Account Owner, as they have asserted in their Claim Forms. There is no information to indicate that the persons plausibly identified by Claimant [REDACTED 4] and Claimant [REDACTED 3] as the Account Owner have other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was suspended by the Bank on 30 June 1937, and that it remains suspended today.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her mother; Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was his mother; and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was his father, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his or her heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 30 June 1937 was SF 16.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 49,375.00.

#### Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 3], and Claimant [REDACTED 4] are each entitled to one-third of the 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 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  
12 October 2007