

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Robert Leonhard Winkler

**in re Account of Dr. Leonhard Winkler**

Claim Numbers: 216321/MBC

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of Robert Leonhard Winkler (the “Claimant”) to the accounts of Dr. Leonhard Winkler (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his father, Dr. Leonhard Anton Winkler, who was born on 22 January 1888 in Alzenau, Germany, and who was married to Ilse Elisabeth Johanna Winkler, née Richelsen, on 2 January 1928 in Hamburg, Germany, with whom he had five children. The Claimant stated that his father was a doctor in the public medical service of Speyer, Germany, until 1933, when his father was dismissed from his post because he was a political opponent of the new regime. The Claimant further stated that in 1935 the Nazi authorities took away his father’s passport, therefore making trips to Switzerland and access to his bank account impossible. The Claimant stated that his father resided at Schwerdtstrasse 29 in Speyer, until about 1937, and then, for about one year, at Schweinheimer Höhe in Aschaffenburg, Germany. According to the Claimant, in approximately 1938 the Gestapo declared his father to be mentally handicapped and subsequently confined him to a psychiatric institution, the nursing home *Heil-Pflegeanstalt* in Lohr am Main, Germany. The Claimant stated that his father remained in the nursing home even after the fall of the Nazi Regime, until he died on 1 August 1959 in Neustift/Stubaital, Austria.

In support of his claim, the Claimant submitted an inheritance certificate, dated 16 February 1962, indicating that upon his father’s death the Claimant was declared his father’s sole heir after his mother and siblings waived their rights. The Claimant indicated that he was born on 21 June 1932 in Speyer. The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Dr. Leonhard Winkler.

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

The Bank's records consist of a registry card and printouts from the Bank's database. According to these records, the Account Owner was Dr. Leonhard Winkler, a doctor in the public medical service (*Stadtarzt*), who resided in Speyer am Rhein, Germany. The Bank's records indicate that the Account Owner held a safe deposit box, numbered 768, which was closed on 14 December 1933. The Bank's records do not show to whom the account was paid, nor do these records indicate the value of this account. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name matches the published name of the Account Owner. The Claimant identified his father's title and precise job, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted documents, including an inheritance certificate dated 16 February 1962, indicating that upon his father's death the Claimant was declared his father's sole heir after his mother and siblings waived their rights.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Leonhard Winkler, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his 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 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 the Claimant 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 the Claimant. Finally, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

### 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 Gestapo declared the Account Owner to be mentally handicapped and confined him to a mental institution in 1938.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting a certificate of inheritance identifying him as the Account Owner's son and sole heir.

### The Issue of Who Received the Proceeds

Given that in 1933, the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Nazis targeted the Account Owner in 1933 as a political opponent and dismissed him from his post as a doctor in the public medical service of Speyer; that the Nazis also subsequently took away the Account Owner's passport, declared him to be mentally incompetent and confined him to a psychiatric institution; that as a targeted political opponent of the Nazis, any repatriation of his account to Germany would have resulted in the confiscation of the proceeds; that the Account Owner died in Germany in 1959 without having left Germany; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner or his heirs would not have been able to obtain information from the Bank about his 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>1</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on 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 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 Owner was his father, 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

In this case, the Account Owner held one safe deposit box 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 investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs. The current value of this amount 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 15,500.00 Swiss Francs.

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<sup>1</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

### **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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
19 November 2003