

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Account of Helene Wohlgemuth

Claim Numbers: 402046/BE; 219229/BE¹

Award Amount: 1,879,084.38 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Helene Wohlgemuth (the “Account Owner”) at 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 Claimant

The Claimant submitted Claim Forms identifying the Account Owner as his paternal grandmother, Helene Wohlgemuth, née Stern, who was born on 28 August 1886 in Frankfurt am Main, Germany. The Claimant indicated that his grandmother, who was Jewish, was married to [REDACTED] on 30 October 1922 in Berlin, Germany. The Claimant stated that his grandparents had two children, [REDACTED], née [REDACTED] (the Claimant’s aunt), who was born on 10 July 1925 in Berlin and died on 26 November 1991 in London, the United Kingdom, and [REDACTED] (the Claimant’s father), who was born on 22 September 1923 in Berlin and died on 30 March 1990 in London. According to the Claimant, his grandmother was previously married to [REDACTED], who died in 1911, and with whom she had one child, [REDACTED], who was born on 28 April 1911 in Berlin and was deported on 31 December 1944 to a concentration camp, where he perished.

The Claimant stated that his grandmother was a housewife and that she resided in Knesebeckstrasse 68/9 in Berlin until 1939, when she was forced to move into a pension. The

¹ The Claimant submitted three Claim Forms, which were registered under the Claim Numbers 402046, 219229 and 216627. In separate decisions, the CRT awarded the accounts of Arthur Stern to the Claimant. *See In re Accounts of Arthur Stern* (approved on 15 September 2003) and *In re Accounts of Arthur Stern* (approved on 18 November 2004).

Claimant indicated that his grandmother was deported on 6 June 1943 to Theresienstadt, where she perished on 29 February 1944.

The Claimant submitted copies of documents in support of his claim, including:

- (1) A report issued on 20 January 1941 to the District Court of Charlottenburg, Berlin-Charlottenburg, concerning the custody of the siblings [REDACTED] and [REDACTED] (*Bericht an das Amtsgericht Berlin Charlottenburg in der Pflegschaftssache betr. die Geschwister [REDACTED] und [REDACTED]*), indicating that [REDACTED], who was married to Helene Wohlgemuth, née Stern, died on 6 August 1926 and that his estate went to his wife and their children [REDACTED] and [REDACTED]. This document also indicates that [REDACTED] and [REDACTED] fled to England on 31 August 1938 and 27 June 1939, respectively. In addition, this document refers to a custody account held at the Bank and owned by Helene Wohlgemuth, and indicates that on 31 December 1929 the account contained securities with a nominal value of 11,000.00 Swiss Francs (“SF”), 5,325.00 Pound Sterling (“£”), and 1,000.00 US Dollars (“US \$”);
- (2) A settlement agreement (*Auseinandersetzungvertrag*) signed on 29 November 1941 in Berlin, which indicates that the estate of [REDACTED] was divided between his wife and their children [REDACTED] and [REDACTED];
- (3) A decision issued on 1 November 1961 by the Compensation Office Berlin (*Entschädigungsamt*), indicating that [REDACTED], who was Jewish, received compensation for his property losses suffered during the Nazi Regime;
- (4) A decision issued on 24 February 1960 by the Compensation Office in Berlin, indicating that [REDACTED] received compensation for Helene Wohlgemuth’s property losses suffered during the Nazi Regime;
- (5) A letter from the Czech government confirming his grandmother’s death, indicating that Helene Wohlgemuth, who was born on 28 August 1886, perished in Theresienstadt on 29 February 1944;
- (6) His father’s certificate of birth issued in Berlin-Charlottenburg on 24 September 1923, indicating that [REDACTED] was born on 22 September 1923 in Berlin to Helene and [REDACTED];
- (7) His aunt’s certificate of birth, issued in Berlin-Charlottenburg on 24 August 1938, indicating that his [REDACTED] was born on 10 July 1925 in Berlin to Helene and [REDACTED]; and
- (8) The Claimant’s birth certificate, issued on 22 February 1960 in Hammersmith, England, indicating that [REDACTED]’s father was [REDACTED].

The Claimant indicated that he was born on 20 October 1959 in London, England. The Claimant is representing his two cousins (the daughters of [REDACTED]), [REDACTED 2], née [REDACTED], who was born on 4 July 1952 in London, and [REDACTED 3], who was born on 7 February 1957 in London.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Frau Helene Wohlgemuth, who resided in Berlin-Charlottenburg, Germany. The Bank's record indicates that the Account Owner held one custody account, numbered L30291, which was opened on 15 September 1927 and closed on 20 December 1938. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

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 two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandmother's name matches the published name of the Account Owner. The Claimant identified the Account Owner's district, city and country of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of his claim, the Claimant submitted copies of documents, including a report issued for the proceedings in the District Court of Charlottenburg, a settlement agreement signed in Berlin, a decision issued by the Compensation Office Berlin, and his father's and aunt's certificates of birth, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner. Furthermore, the CRT notes that the report issued for the proceedings in the District Court of Charlottenburg regarding the custody of [REDACTED] and [REDACTED] indicates that Helene Wohlgemuth held a custody account at the Bank.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Helene Wohlgemuth, and indicates that her date of birth was 28 August 1886 and place of birth was Frankfurt, Germany, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that there are no other claims to this account.

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 Account Owner was Jewish, that she resided in Nazi

Germany, and was deported to Theresienstadt, where she perished on 29 February 1944. In support of his claim, the Claimant submitted copies of documents, including a report issued to the District Court of Charlottenburg, indicating that Helene Wohlgemuth was Jewish, and that her children, [REDACTED] and [REDACTED], paid atonement tax (*Judenvermögensabgabe*) and flight tax (*Reichsfluchtsteuer*), as well as a letter from the Czech government confirming his grandmother's death, indicating that Helene Wohlgemuth, born 28 August 1886, perished in Theresienstadt on 29 February 1944.

As noted above, a person named Helene Wohlgemuth was included in the CRT's database of victims. The CRT further notes that the database includes the name of [REDACTED], Helene Wohlgemuth's son from her first marriage, and indicates that his date of birth was 28 April 1911, that he was from Berlin, and that he was deported in 1943 to Theresienstadt, where he perished in December 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandmother. These documents include copies of his father's certificate of birth, indicating that [REDACTED]'s mother was Helene Wohlgemuth, and the Claimant's birth certificate, indicating that his father was [REDACTED]. There is no information to indicate that the Account Owner has any surviving heirs other than the parties which the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account owner perished in the Holocaust; that there is no record of the payment of the Account Owner's account to her; that the Account Owner's heirs would not have been able to obtain information about her account after the Second World War from the Bank 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 (d), (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 the Account Owner or her 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 grandmother and the grandmother of represented party [REDACTED 2] and represented party [REDACTED 3], and these relationships justify an Award. Third, 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

In this case, the Account Owner held a custody account numbered L30291. The CRT notes that the Bank's record does not indicate the value of the account; however, the report issued on 20 January 1941 to the District Court of Charlottenburg refers to a custody account at the Bank in Helene Wohlgemuth's name, indicating that on 31 December 1929 the account contained securities with nominal values of SF 11,000.00, £ 5,325.00, which was equivalent to SF 134,136.75, and US \$1,000.00, which was equivalent to SF 5,190.00,² for a combined historic value of SF 150,326.75. The CRT notes that the documentation does not include a listing of the various securities, nor does it specify the market value of the securities contained in the account at issue. Absent this information, the CRT relies on the value referred to in the 20 January 1941 report, and determines the historic value of the account to be SF 150,326.75. The current value of the amount of the award is determined by multiplying the historic value 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 1,879,084.38.

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. In this case, the Claimant is representing his two cousins, the daughters of [REDACTED], [REDACTED 2] and [REDACTED 3]. Accordingly, the Claimant is entitled to one-half of the total award amount, and represented party [REDACTED 2] and represented party [REDACTED 3] are each entitled to one-fourth of the total award amount.

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 claims 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 July 2007

² The CRT uses official exchange rates when making currency conversions.