

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]

to Claimant [REDACTED 3]
represented by [REDACTED]

and to Claimant [REDACTED 4]

in re Account of Henri Wolf

Claim Numbers: 218288/AZ; 218289/AZ;¹ 220265/AZ;² 782255/AZ³

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”), and [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the published account of Henri Wolf (the “Account Owner”) at the Lausanne branch of 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his maternal uncle, [REDACTED], who was born on 22 January 1896 in Amsterdam, the

¹ Claimant [REDACTED 1] submitted two additional claims, which are registered under the Claim Numbers 218283 and 224125. The CRT will treat these claims in separate determinations.

² Claimant [REDACTED 2] submitted one additional claim, which is registered under the Claim Number 220266. The CRT will treat this claim in a separate determination.

³ Claimant [REDACTED 5] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0479107, 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 782255.

Netherlands, and who was married to [REDACTED], née [REDACTED], on 1 June 1920 in Amsterdam. Claimant [REDACTED 1] indicated that his mother, [REDACTED], née [REDACTED] and [REDACTED] were siblings. Claimant [REDACTED 1] indicated that his uncle, who was Jewish, was a jeweler and silversmith who was the part-owner of a jewelry store in the former Dutch colonies. According to Claimant [REDACTED 1], his uncle, along with his wife and their two children, perished in Auschwitz.

Claimant [REDACTED 1] submitted documents in support of his claim, including a copy of an official family book, issued by the authorities in Amsterdam, and a copy of his mother's death certificate, indicating that his mother's maiden name was [REDACTED]; and a copy of his maternal grandfather's brother's death certificate, indicating that [REDACTED] died in 1909.⁴ Claimant [REDACTED 1] also submitted a copy of a page from a memorial book, indicating that [REDACTED] perished in Auschwitz on 22 January 1945.

Claimant [REDACTED 1] indicated that he was born on 17 July 1946 in Amsterdam. Claimant [REDACTED 1] is representing his sister [REDACTED 2], who was born on 3 August 1942, also in Amsterdam.

Claimant [REDACTED 3]

Claimant [REDACTED 3] filed a Claim Form identifying the Account Owner as her father, [REDACTED], who was born in approximately 1900 in Krakow, Poland and was married to [REDACTED], née [REDACTED], in 1919. Claimant [REDACTED 3] indicated that her father, who was Jewish, owned and operated an oil refinery in Czop, Czechslovakia and that he had business interests with his brothers in Krakow. Claimant [REDACTED 3] indicated that she and her parents, along with her six siblings, were deported to Auschwitz in 1944. Claimant [REDACTED 3] further indicated that she and one of her sisters, who has since died, were the only survivors in her family.

In a telephone conversation with the CRT on 28 April 2006, Claimant [REDACTED 3]'s son, [REDACTED], explained that his grandfather occasionally used the name variation Henri, particularly during his frequent visits to the French-speaking part of Switzerland, and that he may have opened a Swiss bank account using this variation.

Claimant [REDACTED 3] submitted documents in support of her claim, including: 1) a copy of her United States certificate of naturalization, indicating that she was from Czechslovakia; 2) a copy of a sworn statement by her sister [REDACTED], dated in 1958, indicating that [REDACTED] was born on 6 March 1928 in Cap, Czechslovakia, that her parents were [REDACTED] and [REDACTED], née [REDACTED], that she was Jewish, and that [REDACTED 3] was her only surviving sibling; 3) an excerpt from her own sworn statement, dated in 1958, describing her experiences during the Holocaust; and 4) copies of questionnaires completed by Claimant [REDACTED 3] and her sister in relation to their claims for compensation to victims of Nazi persecution, dated in 1958 and 1959, in which [REDACTED 3]

⁴ The CRT notes that the name of Claimant [REDACTED 1]'s great-uncle, [REDACTED], also matches the name of the Account Owner, but the CRT concludes that is more plausible that the Account Owner was Henri Wolf, who was alive during the Relevant Period, rather than [REDACTED], who died in 1909.

indicated that her maiden name was [REDACTED], and Claimant [REDACTED 3]'s sister indicated that her father was [REDACTED], who was born in 1896 in Auschwitz, Poland. Claimant [REDACTED 3] also submitted excerpts from a published history of her family, indicating that her father was [REDACTED], who owned a petroleum refinery in Czop, and who perished in the Holocaust.

Claimant [REDACTED 3] indicated that she was born on 12 May 1921 in Czop.

Claimant [REDACTED 3] previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to an account owned by her father, [REDACTED].

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an Initial Questionnaire identifying the Account Owner as his father, [REDACTED], who was born on 1 October 1898. Claimant [REDACTED 4] indicated that his father, who was Jewish, lived in Amsterdam, the Netherlands, prior to the Second World War, and that he taught German, French, and English. Claimant [REDACTED 4] further indicated that his father was physically handicapped, and had to wear custom-made suits. According to Claimant [REDACTED 4], his father was deported to Westerbork in 1943 and his assets were looted by the Nazis. Claimant [REDACTED 4] further indicated that his father was subsequently deported to Bergen-Belsen, where he was taken daily to unheated barracks for periods of over 12 hours at a time and forced to pull apart shoes removed from murdered Jewish prisoners. Claimant [REDACTED 4] explained that prisoners were expected to meet an unrealistically high daily quota, and were regularly beaten if the quota was not met. Claimant [REDACTED 4] stated that his father was liberated in January 1945, that he was then interned in a refugee camp in Algeria, and that in November 1945 he emigrated to the United States, where he died in 1974.

Claimant [REDACTED 4] indicated that he was born on 20 January 1929.

Information Available in the Bank's Records

The Bank's records consist of excerpts from the Bank's ledgers. According to these records, the Account Owner was Henri Wolf. The Bank's records indicate that the Account Owner's domicile was not known to the Bank. The Bank's records further indicate that the Account Owner held an account, the type of which is not indicated. 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 the "ICEP Investigation") indicated that the Account Owner instructed the Bank to hold all correspondence relating to the account. The Bank's records indicate that the account had a balance of 55.00 Swiss Francs ("SF") as of 31 December 1951, and a balance of SF 52.50 in 1953. According to the Bank's records, the account was transferred to a suspense account for dormant assets on or prior to 31 December 1951, after remaining dormant for at least five years.

The Bank's records do not show when the account at issue was closed. The auditors who conducted the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

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 Owners

The Claimants' relatives' names each match the published name 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 name.

In support of her claim, Claimant [REDACTED 3] submitted documents, including copies of sworn statements and questionnaires, providing independent verification that the person claimed to be the Account Owner had the same surname recorded in the Bank's records as the surname of the Account Owner and that he had a first name which is a variation of the name recorded in the Bank's records as the first name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Henri Wolf, and indicates that his date of birth was 22 January 1896, that he lived in Amsterdam, and that he perished in Auschwitz on 21 January 1945, which matches the information about the Account Owner provided by Claimant [REDACTED 1].

The CRT notes that the name Henri Wolf appears only once on the February 2001 published 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").

The CRT notes that Claimant [REDACTED 3] and Claimant [REDACTED 4] filed Initial Questionnaires with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by the Account Owner, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 3] and Claimant [REDACTED 4] have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on direct family relationships that were known to them before the publication of the ICEP List. It also indicates that Claimant [REDACTED 3] and Claimant [REDACTED 4] had reason to believe that their relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 3] and 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 published 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 the other claim to this account was disconfirmed because that claimant provided a different name spelling than the name spelling of the Account Owner, the CRT finds that the Claimants 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. Claimant [REDACTED 1] and Claimant [REDACTED 3] stated that the Account Owner was Jewish, and Claimant [REDACTED 4] stated that the Account Owner was physically handicapped. Claimant [REDACTED 1] and Claimant [REDACTED 3] each indicated that the Account Owner perished in a concentration camp, and Claimant [REDACTED 4] indicated that the Account Owner was deported to a concentration camp, where he performed slave labor until the end of the Second World War.

As noted above, a person named Henri Wolf (corresponding to the individual identified by Claimant [REDACTED 1]) was included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED] 1 has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was his maternal uncle. The CRT notes that Claimant [REDACTED 1] submitted documents, including a family book, his mother's death certificate, and his maternal great-uncle's death certificate, which provide independent verification that Claimant [REDACTED 1]'s relatives bore the same family name as the Account Owner. The CRT further notes that Claimant [REDACTED 1] identified information which matches information contained in the Yad Vashem records. All of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the person Claimant [REDACTED 1] identified as the Account Owner has surviving heirs other than the party whom Claimant [REDACTED 1] is representing.

Claimant [REDACTED 3] has also plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was her father. These documents include a sworn statement and questionnaire by Claimant [REDACTED 3]'s sister, indicating that [REDACTED 3] was [REDACTED]'s daughter. There is no information to indicate that the person Claimant [REDACTED 3] identified as the Account Owner has other surviving heirs.

Claimant [REDACTED 4] has also plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was his father. The CRT further notes that Claimant [REDACTED 4] filed his Initial

Questionnaire in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 4], prior to the publication in February 2001 of the ICEP List; and that the information submitted by Claimant [REDACTED 4] is of the type that family members would possess and indicates that the Account Owner was well known to him as a family member. All of this information supports the plausibility that Claimant [REDACTED 4] is related to the Account Owner, as he has asserted in his Initial Questionnaire. There is no information to indicate that the person Claimant [REDACTED 4] identified as the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the persons identified as the Account Owner were deported to concentration camps, and that Claimant [REDACTED 1]'s uncle and Claimant [REDACTED 3]'s father perished during the Holocaust; that the account was dormant for at least five years prior to its transfer to a suspense account in 1951; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his 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 (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), 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 Claimants and represented party [REDACTED 2]. First, their claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her father, Claimant [REDACTED 4] has also plausibly demonstrated that the Account Owner was his father, and Claimant [REDACTED 1] has also plausibly demonstrated that the Account Owner was his uncle, and those relationships justify an Award. Third, 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 account of unknown type. The Bank's records indicate that the value of the account as of 31 December 1951 was SF 55.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 280.00, which reflects standardized bank fees and hold mail fees charged to the account between 1945 and 1951. Consequently, the adjusted balance of the account at issue is SF 335.00. 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, to produce a total award amount of 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.

With regard to Claimant [REDACTED 1]'s portion of the Award, Claimant [REDACTED 1] is representing his sister, [REDACTED 2]. According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have filed a claim, the Award shall be in favor of any descendants of the Account Owner's parents who have filed a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 1] and [REDACTED 2] are each entitled to one-half of their portion of the Award, or one-sixth 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 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
October 20, 2006