

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED],
represented by Salomon J. Augapfel

in re Account of Dr. Paul Arnsberg

Claim Number: 218509/GP

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Paul Arnsberg (the “Account Owner”) at the Basle 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her late husband, Dr. Paul Arnsberg, who was born on 26 December 1890 in Frankfurt am Main, Germany, and was married to the Claimant on 20 February 1934 in Tel Aviv, Palestine (now Israel). The Claimant indicated that her husband, who was Jewish, was a doctor of law, a journalist, and a publisher and had qualified for a senior civil service post (Assessor). The Claimant stated that her late husband lived at Wolfgangstrasse 30, in Frankfurt, Germany, until 1933. The Claimant submitted a letter from the Higher Regional Court in Frankfurt, where the Account Owner served as a law intern (Referendar) in 1933. In this letter, the Claimant’s late husband was advised that his request for leave abroad had been denied until rules relating to Jewish personnel in the judiciary had been received. The letter indicated that until such time, the Claimant’s late husband was not to report to work nor enter the Court buildings. The Claimant stated that subsequent to these events, she and her husband-to-be emigrated to Tel Aviv in 1933, where her husband worked as a self-employed distributor of books and newspapers, and where they married and had four children. The Claimant stated that she and her husband returned to Frankfurt in 1958 and that her husband died on 10 December 1978.

The Claimant submitted a copy of her husband’s birth certificate, identifying him as Paul Arnsberg and stating that he was born in Frankfurt am Main; a copy of a letter from the Higher Regional Court in Frankfurt to her husband dated 18 April 1933, identifying him as Dr. Paul

Arnsberg and informing him that a response to his request for vacation was being delayed pending the formulation of rules relating to Jewish interns and barring him from coming to work or attending court in the meantime; a copy of her marriage certificate, identifying her as [REDACTED], née [REDACTED], and her husband as Paul Arnsberg; a transcript of the joint oral last will and testament of the Claimant and her husband, dated 27 February 1970, identifying the Claimant as *Frau* (Mrs.) [REDACTED], neé [REDACTED], and her husband as Dr. Paul Arnsberg, *Landgerichtsrat* (court judge), and declaring each spouse as the sole heir of the other; a copy of the death certificate of her husband, indicating that his name was Paul Arnsberg and that he held a doctor title; and a copy of her birth certificate, identifying her as [REDACTED]. The Claimant indicated that she was born on 2 June 1908 in Berlin, Germany.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Paul Arnsberg, who resided in Frankfurt am Main, Germany. The Bank's record indicates that the Account Owner held a demand deposit account.

The Bank's record indicates that the account was closed on 3 January 1935. The Bank's record does not show the value of this account on the date of its closure. 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 CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's husband's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the Account Owner's title and city of residence, which match unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including a copy of the birth certificate of her husband, identifying him as Paul Arnsberg and stating that he was born in Frankfurt am Main; a copy of her marriage certificate, identifying her husband as Paul Arnsberg; a copy of the death certificate of her husband, indicating that his name was Paul Arnsberg and that he held a doctor title; a transcript of the joint oral last will and testament of the Claimant and her husband, identifying him as Dr. Paul Arnsberg; and a letter, dated April 1933, from the Higher Regional Court in Frankfurt to her husband, identifying him as Dr. Paul Arnsberg, all 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. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim or Target 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 and resided in Germany in 1933. The Claimant also submitted a letter from the Higher Regional Court in Frankfurt, dated 18 April 1933, informing her husband that his request for leave abroad was turned down pending the formulation of rules relating to Jewish interns and barring him from coming to work or entering the Court buildings in the meantime. The Claimant also indicated that she and her husband-to-be left Germany for Palestine subsequent to these events.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was the Claimant's husband. These documents include a copy of her birth certificate, identifying her as [REDACTED]; a copy of her marriage certificate, identifying her as [REDACTED], née [REDACTED], and her husband as Paul Arnsberg; a transcript of the joint oral last will and testament of the Claimant and her husband, identifying the Claimant as *Frau* (Mrs.) [REDACTED], née [REDACTED], and her husband as Dr. Paul Arnsberg; and a copy of the death certificate of her husband, indicating that his name was Dr. Paul Arnsberg and that he was married to [REDACTED], née [REDACTED].

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 3 January 1935, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, 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, even for the stated purpose of obtaining indemnification from the German authorities, 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 there is a sufficient probability 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 her husband, and that

relationship justifies 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 demand deposit 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 the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (SF). 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 SF 26,750.00.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
8 August 2004