

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Käthe Bing

Claim Number: 150146/HB

Award Amount: 64,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Käthe Bing (the “Account Owner”), over which Ludwig Bing (the “Power of Attorney Holder”) held power of attorney, at the Zurich 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 mother, Käthe Bing, née Horwitz, who was born on 21 September 1896 in Hamburg, Germany, and identifying the Power of Attorney Holder as her father, Ludwig Eliezer Bing, who was born on 23 November 1884. According to the Claimant, her parents, who were Jewish, were married on 21 March 1920 in Hamburg, and had four children: [REDACTED], [REDACTED], [REDACTED], and [REDACTED] (the Claimant). The Claimant indicated that her mother worked in her father’s business and as a housewife. The Claimant further indicated that her parents resided at Schlüterstrasse 2 and 4 in Hamburg from 1920 until 1933, when they fled to Antwerp, Belgium, due to Nazi persecution, and then remained in Antwerp until 1934, when they fled to Palestine (now Israel), where they remained until 1950, when they emigrated to the United States. The Claimant stated that her parents had held Swiss bank accounts prior to the Second World War, and that they likely transferred the family’s fortune from Germany to Swiss banks for safekeeping. The Claimant further stated that her mother died on 26 July 1984 in the United States, that her father died on 22 December 1953 in the United States, and that her siblings are no longer alive.

The Claimant submitted copies of documents in support of her claim, including: (1) her own birth certificate, indicating that [REDACTED] was born on 5 July 1931 in Hamburg, and that her parents, Eliezer Ludwig Bing and Käthe Bing, née Horwitz, resided at Schlüterstrasse 4 in

Hamburg; (2) her father's application for Palestinian citizenship, dated 24 April 1938 in Tel Aviv, Palestine (now Israel), indicating that he was born on 20 November 1884 in Hamburg, was married to Käthe Horwitz, and had four children: [REDACTED], [REDACTED], [REDACTED] and [REDACTED], who were born on 30 December 1920, 31 December 1921, 5 March 1926 and 5 July 1931, respectively; and (3) her own identification card, issued on 14 April 1992 in Tel Aviv, indicating that [REDACTED]'s father was Ludwig, that her mother was Käthe, that she was born in Germany, and that she is Jewish. The Claimant indicated that she was born on 5 July 1931 in Hamburg.

Information Available in the Bank's Records

The Bank's records consist of a customer card, a power of attorney form, a registry card, a list of numbered accounts, and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Käthe Bing, née Horwitz, and the Power of Attorney Holder was *Herr* (Mr.) Ludwig Bing, both of whom resided at Avenue Prince Albert 23 in Antwerp, Belgium. The Bank's records further indicate that the Account Owner moved to Palestine prior to 17 November 1938. These records also include signature samples for the Account Owner and the Power of Attorney Holder. The Bank's records indicate that the Account Owner held one safe deposit box, numbered 36, rented on 14 February 1934, over which the Power of Attorney Holder held power of attorney, and one numbered account, the type of which is not indicated, held under designation 60309.

The Bank's records indicate that the Bank was informed that the Account Owner moved to Palestine. A note on the customer card indicates that the Bank attempted to find the Account Owner's address in Palestine through its banking contact in Palestine in November 1938. The Bank's records indicate that safe deposit box 36 was forcibly opened by the Bank on 10 February 1939, was found empty, and was then closed on that date.

Regarding the account of unknown type, the Bank's records include the remark "*a/Liquidation,*" ("to liquidation") and 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") determined that the account was closed to the Bank's profit and loss account on 31 January 1938. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder. The Claimant's parents' names and city and country of residence match the published name and city and country of residence of the Account Owner and the Power of Attorney Holder. The

Claimant identified an additional country of residence of the Account Owner, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including her own birth certificate, her father's application for Palestinian citizenship, and her own identification card, providing independent verification that the persons who are claimed to be the Account Owner and the Power of Attorney Holder had the same names and emigrated to the same country recorded in the Bank's records as the names and country of residence of the Account Owner and the Power of Attorney Holder. The Claimant also submitted a sample of her father's signature, which matches the Power of Attorney Holder's signature sample contained in the Bank's records.

The CRT notes that the name Käthe Bing appears only once 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 CRT further notes that there are no other claims to these accounts.

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, and that she fled from Nazi Germany to Belgium, and then to Palestine, due to Nazi persecution.

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 mother. These documents include her own birth certificate, indicating that [REDACTED]'s mother was Käthe Bing, née Horwitz; her father's application for Palestinian citizenship, indicating that he was married to Käthe Bing, née Horwitz, and had a daughter named [REDACTED]; and her own identification card, indicating that [REDACTED]'s mother was named Käthe. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Based upon the Bank's records, the ICEP auditors indicated that the account of unknown type was closed to the Bank's profit and loss account in 1938. The Bank's records indicate that the safe deposit box was forcibly opened by the Bank and closed on 10 February 1939.

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 mother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the account of unknown type, and that it is plausible that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the safe deposit box.

Amount of the Award

In this case, the Account Owner held one safe deposit box and one account of unknown type. Regarding the safe deposit box, the Bank found it empty. According to Article 29 of the Rules, if the amount in a safe deposit box was less than 1,240.00 Swiss Francs (“SF”), and in the absence of plausible evidence to the contrary, the amount in the box shall be determined to be SF 1,240.00. With regard to the account of unknown type, 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 ICEP Investigation, in 1945 the average value of an account of unknown type was SF 3,950.00. The combined 1945 average value of the two accounts at issue is therefore SF 5,190.00. 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 64,875.00.

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
27 February 2007