

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] and [REDACTED 3]
represented by Harald Reichert

in re Account of Martin Geyer

Claim Number: 500386/TW

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published accounts of Martin Geyer (“Account Owner Martin Geyer”) and Emilie Geyer (“Account Owner Emilie Geyer”) (together the “Account Owners”). This Award is to the published account of Account Owner Martin Geyer at the Biel branch of the [REDACTED] (the “Bank”).¹

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 Account Owner Martin Geyer as her relative, Martin Geyer, who was born on 10 May 1885 in Louvain, Belgium. The Claimant explained that Martin Geyer was the cousin of her paternal grandfather, [REDACTED], who was married to Emilie Geyer, née Mayeur. The Claimant stated that Account Owner Martin Geyer and his siblings lived with their father, [REDACTED] [REDACTED] at rue de Diest, Louvain. The Claimant stated that the family owned a wholesale firm for watches, clocks and jewelry. In a telephone conversation with the CRT on 1 March 2005, the Claimant indicated that Martin Geyer went into hiding in Belgium during the Second World War. The Claimant stated that Martin Geyer died in Belgium in approximately 1961. The Claimant further indicated that Emilie Geyer died in 1933, and that, because the Claimant was very young at the time, she had

¹ The CRT notes that, 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”), Martin Geyer and Emilie Geyer are indicated as each having one account. Upon careful review, the CRT has concluded that the Bank’s records initially evidence the existence of a joint account held by Martin Geyer and Emilie Geyer, but show that the joint account was transferred to Martin Geyer’s personal account in 1935.

no knowledge of the cause of Emilie Geyer's death. Further, in a letter dated 25 October 2004, the Claimant's representative indicated that although the Geyer family was Protestant, Emilie Geyer, as well as several members of the Geyer family, including Martin Geyer's grandmother, [REDACTED], were Jewish. The Claimant's representative indicated that because of this, the family's property was confiscated during the Second World War.

In support of her claim, the Claimant submitted the following documents:

1. Martin Geyer's birth certificate indicating that he was born on 10 May 1885 in Louvain, to [REDACTED] and [REDACTED], née [REDACTED];
2. Martin Geyer's parents' marriage certificate, indicating that [REDACTED], a watchmaker residing in Louvain, was the son of [REDACTED] and [REDACTED], and that he married [REDACTED];
3. the birth and death certificates of her grandfather, [REDACTED], indicating that he was born on 24 July 1875 in Nuremberg, Germany, and that his parents were [REDACTED] and [REDACTED], née [REDACTED];
4. the birth and death certificates of the Claimant's father, [REDACTED], indicating that he was born on 6 November 1910 in Munich, Germany, to [REDACTED] and [REDACTED], née [REDACTED]; and
5. an extract from the birth register of Munich, indicating that the Claimant was born Edith Luise Geyer on 24 January 1933 in Munich.

The Claimant stated that she was born on 24 January 1933 in Munich. The Claimant is representing her brothers, [REDACTED 2] and [REDACTED 3], who were born in Munich on 15 May 1939 and 24 July 1941, respectively.

Information Available in the Bank's Records

The Bank's records consist of a joint account opening contract, correspondence between the Bank and Account Owner Martin Geyer and printouts from the Bank's database. According to these records, the Account Owners were *Monsieur* (Mr.) Martin Geyer and *Madame* (Mrs.) Emilie Geyer, née Mayeur, who resided in Louvain, Belgium. The records further indicate that Account Owner Martin Geyer was a wholesale watch seller. The Bank's records indicate that Account Owner Martin Geyer and Emilie Geyer held a demand deposit account that was opened by 20 October 1928 and closed on 5 January 1935. In a letter from Account Owner Martin Geyer to the Bank, dated 2 January 1935, and a letter from the Bank to Account Owner Martin Geyer, dated 5 January 1935, Account Owner Geyer requested, and the Bank confirmed, that the proceeds of the joint account held by Account Owners Martin Geyer and Emilie Geyer be transferred to Account Owner Martin Geyer's newly-opened personal account. The Bank's letter indicates that the balance held in Account Owner Martin Geyer's personal account at this time was 513.50 Swiss Francs ("SF"). According to the Bank's records, in 1935 Account Owner Martin Geyer resided at 32 Boulevard de Diest in Louvain.

The Bank's records do not show when Account Owner Martin Geyer's account was closed.

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”) 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. There is no evidence in the Bank’s records that Account Owner Martin Geyer or his heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Identification of Account Owner Martin Geyer

The Claimant has plausibly identified Account Owner Martin Geyer. The Claimant’s grandfather’s cousin’s name, city and country of residence match the published name, city and country of residence of Account Owner Martin Geyer. The Claimant’s grandfather’s cousin’s wife’s name, city and country of residence match the published name of Emilie Geyer. The Claimant identified Martin Geyer’s profession as well as his street address, which match unpublished information about Account Owner Martin Geyer contained in the Bank’s records.

In support of her claim, the Claimant submitted documents, including Martin Geyer’s birth certificate 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 records as the name and place of residence of Account Owner Martin Geyer.

The CRT notes that there are no other claims to this account.

Status of Account Owner Martin Geyer as a Victim of Nazi Persecution

The CRT notes that while Emilie Geyer was not a Victim of Nazi Persecution, the Claimant has made a plausible showing that Account Owner Martin Geyer was a Victim of Nazi Persecution. The Claimant stated that members of Account Owner Martin Geyer’s family were Jewish, and that as a result, his property was confiscated during the Second World War and he was forced to go into hiding.

The Claimant’s Relationship to Account Owner Martin Geyer

The Claimant has plausibly demonstrated that she is related to Account Owner Martin Geyer by submitting specific information, demonstrating that he was the Claimant’s grandfather’s cousin.

The CRT notes that the Claimant identified unpublished information about Account Owner Martin Geyer as contained in the Bank’s records. The CRT further notes that the Claimant submitted a copy of Account Owner Martin Geyer’s birth certificate. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of her father’s birth and

death certificates, and the marriage certificate of Martin Geyer's parents, which provides independent verification that the Claimant's relatives bore the same family name as Account Owner Martin Geyer, that they resided in the same town and that they had the same profession as Account Owner Martin Geyer. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Martin Geyer was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to Account Owner Martin Geyer, as she has asserted in her Claim Form. There is no information to indicate that Account Owner Martin Geyer has surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that Account Owner Martin Geyer's property was confiscated during the Second World War and that he was forced to go into hiding during the War; that there is no record of the payment of Account Owner Martin Geyer's account to him, nor any record of a date of closure of the account; that Account Owner Martin Meyer and his heirs would not have been able to obtain information about their accounts 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 Account Owner Martin Geyer 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 Account Owner Martin Geyer was her grandfather's cousin, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither Account Owner Martin Geyer nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, Account Owner Martin Geyer and Emilie Geyer jointly held one demand deposit account. By 5 January 1935, this joint account had been closed and the proceeds transferred to Account Owner Martin Geyer's account. The Bank's records indicate that the value of the demand deposit account as of 5 January 1935 was SF 513.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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. Consequently, the total award amount in this case is SF 26,750.00.

Division of the Award

According to Article 23(1)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim in equal shares by representation. In this case, the Claimant is representing her brothers, [REDACTED 2] and Heinrich Geyer. Accordingly, the Claimant and her brothers are each entitled to one-third 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 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
31 March 2005