

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Charlotte Friedrich

and to Claimant [REDACTED 2]

in re Account of Walter Kaufmann

Claim Numbers: 206514/AX;¹ 224064/AX²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published account of A. Kaufmann,³ and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Walter Kaufmann. This Award is to the published account of Walter Kaufmann (the “Account Owner”) at the Lucerne 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 her paternal grandfather, Walter Kaufmann, who was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 1] indicated that her grandfather, who was Jewish, resided in Freiburg, Germany, and that he had four children. Claimant [REDACTED 1] further indicated that her grandfather was a physicist in Germany who worked on a missile project for the government, and that he therefore was able to avoid severe forms of persecution, but that all four of his children were deported to concentration camps by the Nazis, including Claimant [REDACTED 1]’s father, [REDACTED], who perished in Theresienstadt. Claimant [REDACTED 1] indicated

¹ Claimant [REDACTED 2] submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 206512 and 206513, respectively. The CRT will treat the claims to these accounts in separate decisions.

² Claimant [REDACTED 1] submitted an additional claim to an account belonging to herself, which is registered under the Claim Number 212789. The CRT will treat the claim to this account in a separate decision.

³ The CRT will treat the claim to this account in a separate decision.

that her grandfather died in 1945 in Germany. In support of her claim, Claimant [REDACTED 1] submitted the birth and death certificates of her father, [REDACTED], indicating that his father was Walter Kaufmann, and inheritance documents for [REDACTED], both indicating that Claimant [REDACTED 1] was [REDACTED]'s daughter. Claimant [REDACTED 1] indicated that she was born on 22 August 1937 in Essen, Germany.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as himself. Claimant [REDACTED 2], who is Jewish, indicated that he was born on 19 January 1924 in Berlin, Germany. Claimant [REDACTED 2] indicated that he resided in Duisburg, Germany for 11 years, and that he fled Germany to England in the late 1930s, and then emigrated to Australia. Claimant [REDACTED 2] further indicated that his adoptive parents opened a Swiss bank account on his behalf. In support of his claim, Claimant [REDACTED 2] submitted his birth certificate and documents from a court in Germany, indicating that he was born [REDACTED 2] and that his name was officially changed to [REDACTED 2] upon his adoption at the age of four; and his German passport indicating that his name is [REDACTED 2].

Claimant [REDACTED 2] previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by himself.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Walter Kaufmann. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records indicate that the account was transferred to a suspense account for dormant assets on 17 May 1984. The amount in the account on the date of its transfer was 7.70 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

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 Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1]’s grandfather’s name matches 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 1] submitted her father’s birth and death certificates, indicating that his father was Walter Kaufmann, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank’s records as the name of the Account Owner.

Claimant [REDACTED 2]

Claimant [REDACTED 2]’s name matches 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 his claim, the Claimant submitted documents, including his birth certificate and papers from a court in Germany, indicating that he was born [REDACTED 2], and that his name was officially changed from [REDACTED 2] to [REDACTED 2] upon his adoption at the age of four, and his German passport indicating that his name is [REDACTED 2], providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank’s records as the name of the Account Owner.

The CRT notes that Claimant [REDACTED 2] filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by himself, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that Claimant [REDACTED 2] has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears his name, but indicates that Claimant [REDACTED 2] had reason to believe that he owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2].

The CRT notes that Claimant [REDACTED 1]’s relative and Claimant [REDACTED 2] 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 the information provided by each claimant supports and in no way contradicts any information 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 there are no other claims to this account, the CRT finds that Claimant [REDACTED 2] and Claimant [REDACTED 1] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1]

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish and lived in Nazi Germany. Claimant [REDACTED 1] stated that the Account Owner himself was spared from the most severe form of persecution because of his value as a physicist to the Nazi regime. However, according to Claimant [REDACTED 1], the Account Owner's children were deported to concentration camps, and one of the Account Owner's children, Claimant [REDACTED 1]'s father, [REDACTED], perished in Theresienstadt.

Claimant [REDACTED 2]

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that he is Jewish, and that he lived in Nazi Germany until the late 1930s, when he fled to England.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that she is the Account Owner's granddaughter. These documents include the birth and death certificates of her father, [REDACTED], indicating that his father was Walter Kaufmann, and inheritance documents for [REDACTED], indicating that Claimant [REDACTED 1] was [REDACTED]'s daughter.

Claimant [REDACTED 2]

Claimant [REDACTED 2] has plausibly demonstrated that he is the Account Owner by submitting specific information and documents. These documents include his birth certificate and documents from a court in Germany, indicating that he was born [REDACTED 2], and that his name was officially changed from [REDACTED 2] to [REDACTED 2] upon his adoption at the age of four, and his German passport indicating that his name is [REDACTED 2].

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim

is admissible in accordance with the criteria contained in Article 18 of the Rules. Claimant [REDACTED 2] has plausibly demonstrated that he is the Account Owner, and Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her grandfather, and those relationships justify an Award. Third, the CRT has determined 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 17 May 1984 was SF 7.70. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 625.00, which reflects standardized bank fees charged to the account between January 1945 and May 1984. Consequently, the adjusted balance of the account at issue is SF 632.70. According to Article 29 of the Rules, if the amount in a 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] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is entitled to one-half of the 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
18 November 2004