

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Accounts of Walter Licht and Paula Licht

Claim Number: 501842/MBC

Award Amount: 80,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Walter Licht (“Account Owner Walter Licht”) and Paula Licht (“Account Owner Paula Licht”) (together the “Account Owners”) at the Zurich 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 the Account Owners as her maternal grandparents, Walter Licht and Paula Licht, née Beyer, who were born on 3 December 1886 and 12 February 1891, respectively, in Breslau, Germany (today Wroclaw, Poland). The Claimant stated that her grandparents, who were Jewish, resided at Scharnhorststrasse 18 in 1940, Hoefchenstrasse 4 in 1942, and Gartenstrasse 10 in 1943, all in Breslau; and that her grandfather owned electric appliance and lamp shops. The Claimant indicated that her grandparents were deported to Auschwitz, where they perished in October 1944.

The Claimant explained that Walter and Paula Licht had two children: [REDACTED]; and [REDACTED] (the Claimant’s mother), who was born on 23 July 1922 in Germany, and died on 12 August 2005 in Haifa, Israel.

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”), the name Walter Licht [Poland] [4] and the name Paula Licht [Poland] [4] are each listed as holding four accounts. Upon careful review, the CRT has determined that Walter Licht and Paula Licht actually jointly held three accounts.

The Claimant submitted copies of documents, including: (1) two documents, issued by the Red Cross in Berlin, Germany, on 31 July 1940 and 29 January 1943, indicating that Walter Licht resided at Scharnhorststrasse 5 in Breslau, and that he forwarded a message to [REDACTED] in Nachlath-Yehuda, near Tel-Aviv, using the Red Cross message system; (2) her mother's death certificate, issued by the State of Israel on 8 September 2005, indicating that [REDACTED] died on 12 August 2005 in Haifa, Israel, that she was Jewish, that she was born on 23 July 1922, and that her parents' names were Walter and Paula; and (3) her own birth certificate, indicating that [REDACTED] was born on 15 February 1945 in Haifa, and that her parents were [REDACTED] and [REDACTED].

The Claimant indicated that she was born on 15 February 1945 in Palestine (today Israel).

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owners were Walter (Israel) Licht and *Frau* (Mrs.) Paula (Sara) Licht, both of whom resided in Breslau, Germany.² The Bank's record indicates that the Account Owners jointly held three demand deposit accounts, which were all held in United States Dollars. The Bank's record further indicates that the accounts were all opened on 31 January 1940, and that they were closed on 10 July 1940, 20 July 1948, and 31 August 1951, respectively. According to the Bank's record, the account that was closed on 20 July 1948 was a blocked account (*Sperr-Konto*).

The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant's grandparents' names and country of residence match the published names and country of residence of the Account Owners. The Claimant identified the Account Owners' city of residence and family relationship, which match unpublished information about the Account Owners contained in the Bank's record. In support of her claim, the Claimant submitted documents, including two Red Cross messages, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's record as the names and city of residence of the Account Owners.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named Walter Licht and Paula Licht, née Beyer, and indicates that their dates of birth were 3 December 1886 and 12 February 1891, respectively, and that they were deported from Breslau to Theresienstadt concentration camp on 2 April 1943, and subsequently to

² The CRT notes that Nazi authorities required the addition of the middle names 'Israel' and 'Sara' to the names of Jewish individuals to more readily identify those individuals as Jewish.

Auschwitz on 1 October 1944, all of which matches the information about the Account Owners provided by the Claimant. Furthermore, the CRT notes that the database also includes two pages of testimony submitted by the Claimant in 1999, which indicate that Walter Licht and Paula Licht resided in Breslau, and that they perished in Auschwitz, which also matches the information about the Account Owners provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the names Walter Licht and Paula Licht each appear only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”).

The CRT notes that the other claim to these accounts was disconfirmed because that claimant did not identify both of the Account Owners or the city of residence of the Account Owners. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that they resided in Nazi Germany during the Second World War, and that they perished in Auschwitz in 1944.

As noted above, persons named Walter Licht and Paula Licht were included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant’s grandparents. These documents include her mother’s death certificate, indicating that [REDACTED]’s parents’ names were Walter and Paula; and her own birth certificate, indicating that [REDACTED]’s parents were [REDACTED] and [REDACTED]. The CRT notes that the Claimant indicated that she has other surviving relatives, but that because they are not represented in the Claimant’s claim, the CRT will not treat their potential entitlement to the Account Owners’ accounts in this decision.

The Issue of Who Received the Proceeds

Given that the Account Owners resided in Nazi Germany and were subsequently deported to Auschwitz, where they perished in 1944; that at least one of the Account Owners’ accounts was officially blocked; that there is no record of the payment of the Account Owners’ accounts to them or their heirs; that two of the accounts were closed after the Account Owners’ deaths, although there is no indication in the Bank’s records that the Account Owners’ heirs closed the accounts; that the Account Owners’ 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 the Account Owners or their 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 Owners were her grandparents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held three demand deposit accounts. 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"). Thus, the combined 1945 average value for the three accounts at issue is SF 6,420.00. 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 80,250.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
13 February 2009