

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Ingolf Rosemann

and to Claimant [REDACTED 2]
represented by Hartmut Bretschneider-Altgenug

and to Claimant [REDACTED 3]
also acting on behalf of [REDACTED 4] and [REDACTED 5]

in re Account of Else Manes

Claim Numbers: 219629/WT; 220954/WT; 300161/WT¹

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of Else Manes, the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of Hans Raumann,² and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Else Manes. This Award is to the published account of Else Manes (the “Account Owner”) 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as Else Manes, née Aber, who was married to [REDACTED], who was born on 12 August 1876.

¹ [REDACTED 3] (“Claimant [REDACTED 3]”) submitted two Claim Forms, which are registered under the Claim Numbers 300161 and 224599. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated claim number 300161.

² The CRT did not locate an account belonging to Hans Raumann in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”) which identified accounts probably or possibly belonging to victims of Nazi persecution, as defined in the Rules Governing the Claims Resolution Process (the “Rules”).

Claimant [REDACTED 1] indicated that Else Manes and her husband resided in Berlin, Germany, and had two daughters, [REDACTED] and [REDACTED]. Claimant [REDACTED 1] further indicated that Else Manes, who was Jewish, survived the Second World War and died on 19 May 1972. Claimant [REDACTED 1] submitted a copy of a contract, dated 1 April 1993, indicating that [REDACTED 2], who was the sole heir of his mother, [REDACTED], who was in turn entitled to one-third of the estate of [REDACTED] and one-half of the estate of Elsa Manes, née Aber, ceded any claims he held to the estates of [REDACTED], [REDACTED] and Elsa Manes to [REDACTED 1] (Claimant [REDACTED 1]).

In a letter to the CRT dated 15 October 2002 Claimant [REDACTED 1]'s legal representative submitted copies of additional documents on her behalf, including: (1) [REDACTED]' inheritance certificate, issued by the District Court in Wiesbaden, Germany, on 11 December 1992, indicating that he died on 24 December 1957 and that his three heirs in equal shares were his wife, Elsa Manes, née Aber, who was born on 17 December 1884 and died on 19 May 1972, and his daughters, [REDACTED] and [REDACTED], née [REDACTED]; (2) Elsa Manes, née Aber's inheritance certificate, issued by the District Court in Wiesbaden on 11 December 1972, indicating that her heirs in equal shares were her two daughters: [REDACTED] and [REDACTED], née [REDACTED]; and (3) [REDACTED]' inheritance certificate, issued by the District Court of Wiesbaden on 28 October 1975, indicating that she died on 26 December 1974 in London, Great Britain and that her sole heir was her son, [REDACTED 2](Claimant [REDACTED 2]) who was born on 16 June 1929.

Claimant [REDACTED 1] indicated that she was born on 22 July 1952 in Hamburg, Germany.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his maternal grandmother, Elsa (Else) Manes who was married to [REDACTED]. Claimant [REDACTED 2] indicated that his grandparents, who were Jewish, lived in Berlin and that his grandfather owned several businesses, including *Geb Brüder Manes OHG*, *Manes GmbH*, and *Rema GmbH*, which were looted by the Nazi regime. According to Claimant [REDACTED 2], his grandfather died on 24 December 1957 in Wiesbaden, leaving as his heirs his wife, Elsa Manes, and his daughters, [REDACTED] and [REDACTED]. Claimant [REDACTED 2] indicated that he was born on 16 June 1929 in Berlin.

Claimant [REDACTED 2] previously submitted an Initial Questionnaire ("IQ") to the Court in 1999, asserting his entitlement to a Swiss bank account owned by his maternal grandfather, Theodor Manes.³

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner, Else Manes, née Aber, as the mother of his family friend, [REDACTED], née [REDACTED], in relation to whose estate he is the executor. Claimant [REDACTED 3] indicated that Else Manes, who was

³ As noted above, the CRT will treat the claim to this account in a separate determination.

Jewish, was born on 17 December 1885 in Breslau, Germany (now Wroclaw, Poland) as the daughter of [REDACTED] and [REDACTED]. Claimant [REDACTED 3] further indicated that Else Manes was married to [REDACTED], who was born on 12 August 1876. Claimant [REDACTED 3] indicated that Else Manes lived in Germany in the cities of Nuremberg, Berlin and Wiesbaden. According to Claimant [REDACTED 3], Else Manes died in London on 4 May 1972, leaving her two daughters, [REDACTED] and [REDACTED], as her heirs. Claimant [REDACTED 3] indicated that [REDACTED] died on 26 December 1974 in London. Furthermore, Claimant [REDACTED 3] indicated that [REDACTED] died on 2 January 1975 in London, and that her heirs were Claimant [REDACTED 3]'s sons, [REDACTED 4] and [REDACTED 5].

In support of his claim, Claimant [REDACTED 3] submitted copies of documents, including: (1) Elsa Manes' death certificate issued by the General Register Office of London, indicating that Elsa Manes, née Aber, was born on 17 December 1885 in Germany, was the widow of [REDACTED], and died on 19 May 1972 in London; (2) Elsa Manes' certificate of inheritance issued by the District Court in Wiesbaden in 1972, also submitted by Claimant [REDACTED 1] and described in detail above; (3) a further inheritance certificate relating to the estate of Elsa Manes, née Aber, issued by the District Court of Wiesbaden on 5 May 1989, indicating that the two heirs of Elsa Manes, who died on 19 May 1972, were [REDACTED], who died on 26 December 1974 and [REDACTED], née [REDACTED], who died on 1 January 1975; (4) Eva Lion's last will and testament, dated 26 January 1974, indicating that she left her estate to [REDACTED 4] and [REDACTED 5], to be held in trust until they reached the age of eighteen;⁴ (5) [REDACTED]'s certificate of inheritance issued by the District Court in Berlin on 26 January 1994, indicating that [REDACTED] died on 2 January 1975 in London and that her two heirs in equal shares were [REDACTED 5] and [REDACTED 4]; and (6) an Order from the Chancery Division of the High Court of Justice, dated 21 August 1995, appointing [REDACTED 3] as personal representative of [REDACTED], deceased, in relation to the administration of her estate.

Claimant [REDACTED 3] indicated that he was born on 13 June 1934 in Jerusalem, Israel. Claimant [REDACTED 3] is representing his son, [REDACTED 4], who was born on 8 June 1959 in Jerusalem and his son, [REDACTED 5], who was born on 29 April 1963, also in Jerusalem.

Information Available in the Bank's Records

The Bank's records consist of a copy of a contract for the rental of a safe deposit box and printouts from the Bank's database. According to these records, the Account Owner was Mrs. (*Frau*) Else Manes, who resided at Parkstrasse 28 in Berlin-Dahlem, Germany. The Bank's records indicate that the Account Owner held one safe deposit box, numbered 1705, which was opened on 7 April 1933.

⁴ The CRT notes that [REDACTED]'s will also makes provision for her sister, [REDACTED], but only if the latter survived [REDACTED] by at least one month. In fact, [REDACTED] died a few days before her sister, meaning that this section of the will did not come into effect.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account (“Voluntary Assistance”). The Bank provided the CRT with one additional document, namely a customer card, which indicates that the account was closed on 16 October 1933.

The value of the contents of the safe deposit box on the date of its closure is unknown. There is no evidence in the Bank’s records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of 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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants identified the name, city and country of residence of the claimed Account Owner, which match the published name, city and country of residence of the Account Owner.⁵ The Claimants also each identified Manes as the married name of the claimed Account Owner which is consistent with the Account Owner’s unpublished title of “*Frau*.”

In support of their claims, the Claimant [REDACTED 1] and Claimant [REDACTED 2] submitted various documents, including Elsa Manes’s death certificate and inheritance certificates in relation to the estate of Elsa Manes and her husband, [REDACTED], which provide 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.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED] and indicates that his date of birth was 12 August 1876, which matches the information about the Account Owner’s spouse provided by the Claimant [REDACTED 1] and Claimant [REDACTED 3]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Else Manes appears only once 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”).

⁵ The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 3] provided documents indicating that the spelling of the claimed Account Owner’s name was “Elsa” whereas the Bank’s records indicate that the spelling was “Else.” The CRT notes that Else and Elsa are variations of the same name and that this variation does not adversely affect the plausibility of the Claimants’ identification of the Account Owner.

The CRT further notes that Claimant [REDACTED 2] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Theodor Manes, the Account Owner's husband, prior to the publication in February 2001 of 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 the same name as his relative, but rather on a direct relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 2] had reason to believe that his grandparents 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 there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish and that she resided in Nazi Germany. As noted above, a person named [REDACTED] was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] is not related to the Account Owner but she submitted a copy of a contract between herself and [REDACTED 2] (Claimant [REDACTED 2]), which purports to cede any rights Claimant [REDACTED 2] has to the estate of Else Manes to Claimant [REDACTED 1].

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s maternal grandmother. The CRT notes that Claimant [REDACTED 2] identified unpublished information about the Account Owner as contained in the Bank's records and that he filed an IQ with the Court in 1999, identifying the Account Owner's husband as his maternal grandfather, prior to the publication in February 2001 of the ICEP List. The CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he asserted in his Claim Form.

Claimant [REDACTED 3] has plausibly demonstrated that the represented parties are among the heirs of the Account Owner by submitting specific information and documents, demonstrating that he is the personal representative of [REDACTED], the Account Owner's daughter and one of her heirs, and that the represented parties are the sole beneficiaries under [REDACTED]'s will. These documents include certificates of inheritance relating to Else Manes' estate, indicating that her two heirs were her daughters, [REDACTED] and [REDACTED], née [REDACTED]; [REDACTED]'s last will and testament and certificate of inheritance, indicating that her two heirs in equal shares are represented parties [REDACTED 5] and [REDACTED 4];

and an Order from the Chancery Division of the High Court of Justice, appointing [REDACTED 3] as the personal representative of Eva Lion's estate.

There is no indication to indicate that the Account Owner has other surviving heirs, other than the parties whom Claimant [REDACTED 3] is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was opened on 7 April 1933 and closed on 16 October 1933.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany throughout the Second World War, and would not have been able to repatriate her account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her account 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 the Rules (see Appendices A and C), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 Claimant [REDACTED 2] and the parties represented by Claimant [REDACTED 3], namely [REDACTED 4] and [REDACTED 5]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his maternal grandmother, and Claimant [REDACTED 3] has plausibly demonstrated that [REDACTED 4] and [REDACTED 5] are the heirs of one of the Account Owner's daughters, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 2], as the Account Owner's grandson, and [REDACTED 4] and [REDACTED 5], as the heirs of one of the Account Owner's daughters, have a better entitlement to the account than Claimant [REDACTED 3], who is the administrator of the estate of one of the Account Owner's daughters and Claimant [REDACTED 1], whose only connection to the Account Owner is based on a contract with the Account Owner's grandson.

Amount of the Award

In this case, the Account Owner held one numbered safe deposit box. 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 ICEP (the “ICEP Investigation”), in 1945 the average value of the contents of a safe deposit box was 1,240.00 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 15,500.00.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner’s will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. Article 23(2)(b) of the Rules further provides that, if none of the named beneficiaries has filed a claim, the CRT shall make an award to any claimant who has submitted an unbroken chain of wills or other inheritance documents, starting with the will of, or other inheritance documents pertaining to the Account Owner. In this case the Claimants have submitted inheritance certificates relating to the estate of the Account Owner, indicating that her heirs were her two daughters, [REDACTED] and [REDACTED], née [REDACTED]; [REDACTED]’ inheritance certificate, indicating that her sole heir was her son, Claimant [REDACTED 2]; and [REDACTED]’s last will and testament and certificate of inheritance, indicating that her two heirs in equal shares are the represented parties [REDACTED 5] and [REDACTED 4].

Accordingly, Claimant [REDACTED 2] is entitled to one-half of the total award amount and represented parties [REDACTED 5] and [REDACTED 4] are entitled to share the other half of the total award amount or one-quarter each of the total award amount. As noted above, Claimant [REDACTED 1] and Claimant [REDACTED 3] are not entitled to share in the award.

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 December 2007