

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Anna Reiter

Claim Number: 224217/OW

Award Amount: 206,681.25 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Anna Reiter (the “Account Owner”) at 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 paternal aunt, Anna Reiter, the daughter of [REDACTED], née [REDACTED]. The Claimant indicated that her aunt was Jewish, but did not know whether her aunt was married or had children. The Claimant further stated that her father, [REDACTED], was born on 4 June 1900 in Stanislawow, Poland (now Ukraine) and that their family was wealthy and lived in Stettin (now Szczecin, Poland) and other cities in Germany. Additionally, the Claimant stated that, to the best of her knowledge, her entire family, aside from her parents, perished in the Holocaust, so that she has no personal knowledge of them. The Claimant stated, however, that her father mentioned his sister Anna frequently and she had the impression that she had been his favorite sibling.

In support of her claim, the Claimant submitted documents, including her father’s marriage certificate, dated 10 June 1966 in Berlin-Charlottenburg, indicating that [REDACTED], who was born on 4 June 1900 in Stanislau, Poland, was married to [REDACTED], in Cherson, Russia; the Claimant’s father’s death certificate, issued in Berlin in 1966, indicating that [REDACTED], who was born in Stanislau, Poland, on 4 June 1900, died in Berlin on 13 November 1966; and a copy of the Claimant’s own birth certificate, dated 11 February 1988 in Berlin, indicating that her father was [REDACTED] and that she was born on 23 December 1947 in Berlin-Zehlendorf.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED].¹

Information Available in the Bank's Record

The Bank's record consists of a list of securities held in a custody account. According to this record, the Account Owner was *Frl. (Miss) Anna Reiter* who resided in Graben. 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 Owner's city of residence was located in Germany. The Bank's record indicates that the Account Owner held a custody account, numbered F 5075, containing the following bonds:

1. 5% [REDACTED] bonds deposited on 31 July 1931 with a nominal value of 2,000.00 Swiss Francs ("SF"), of which bonds with a nominal value of SF 500.00 were sold on 5 October 1934, and the remaining bonds were sold on 6 November 1934;
2. 4.75% [REDACTED] bonds deposited on 31 July 1931 with a nominal value of SF 1,000.00, which were sold on 21 October 1931;
3. 5% *Eidgen. Anleihe 1925* bonds deposited on 31 July 1931 with a nominal value of SF 2,000.00, which were sold on 5 December 1936;
4. 4% *Kanton Basel Stadt 1931* bonds deposited on 31 July 1931 with a nominal value of SF 4,000.00, which were sold on 5 December 1936;
5. 4% *The Central Pacific Railway 1899/1949* bonds deposited on 31 July 1931 with a nominal value of 1,000.00 United States Dollars ("US \$"), which were sold on 5 December 1936; and
6. 4% *Stadt Kopenhagen 1910* bonds deposited on 31 July 1931 with a nominal value of 200.00 Pound Sterling ("£"), which were sold on 5 December 1936.

The Bank's record indicates that the account was closed on 5 December 1936.

There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

¹ The Claimant submitted an ATAG Ernst & Young claim form, numbered: 1305/0398/WI/LD, in 1998, asserting her entitlement to the account of [REDACTED] and [REDACTED] of Hanover, Germany, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland ("CRT I"), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. The CRT notes that the Claimant received an award for this account from CRT I on 4 December 2000.

The CRT's Analysis

Identification of the Account Owner

The Claimant's aunt's name and country of residence match the published name and country of residence of the Account Owner. The CRT notes that the Claimant indicated that her aunt's family resided in Stettin, while the Bank's record indicates that the Account Owner resided in Graben, Germany. In addition, the CRT notes that there are three towns in Germany by the name of Graben, the closest to Stettin being approximately 250 kilometers away. However, the CRT notes that the Claimant indicated that her family also resided in other parts of Germany, and therefore finds it plausible that her family members may have resided in or near or otherwise had connections to any of the three towns named Graben in Germany.

The CRT notes that the name Anna Reiter 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 notes that the other claim to this account was disconfirmed because that Claimant provided a different maiden name and different country of residence than the maiden name and country of residence of the Account Owner. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 and her relatives perished in the Holocaust.

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 demonstrating that the Account Owner was the Claimant's aunt. The CRT notes that the Claimant submitted copies of her father's marriage and death certificates, which provide independent verification that the Claimant's relatives had the same family name and resided in the same country as the Account Owner. Finally, 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 the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the 4.75% [REDACTED] bonds with a nominal value of SF 1,000.00 as of 31 July 1931 were sold on 21 October 1931 prior to the Nazis' rise to power in January 1933. The CRT therefore concludes that the Account Owner received the proceeds from the sale of these bonds.

The CRT notes that some of the 5% [REDACTED] bonds were sold on 5 October 1934 and the rest was sold in November 1934, and that the Account Owner's remaining securities were sold on 5 December 1936.

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 there is no evidence that the Account Owner fled Germany prior to 5 December 1936 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's 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 (a), (h) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,² 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 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 paternal aunt, and that relationship justifies 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.

Amount of the Award

In this case, the Account Owner held one custody account. The Bank's record indicates that the Account Owner held the following securities at the Bank, in addition to the 4.75% [REDACTED] bonds, which, as noted above, the CRT has determined were sold and the proceeds received by the Account Owner on 21 October 1931:

1. 5% [REDACTED] bond with a nominal value of SF 2,000.00 as of 31 July 1931. The Bank's record indicates that in 5 October 1934, bonds with a nominal value of SF 500.00 were liquidated from the total amount of the 5% [REDACTED] bonds held in the account. The remaining amount of 5% [REDACTED] bonds was liquidated in November 1934;

² Appendix C appears on the CRT II website -- www.crt-ii.org.

2. *5% Eidgen. Anleihe 1925* bonds with a nominal value of SF 2,000.00 as of 31 July 1931, which had a market value of SF 2,042.00 on 30 December 1936, which is the closest known market value to the date of their sale on 5 December 1936;³
3. *4% Kanton Basel Stadt 1931* bonds with a nominal value of SF 4,000.00 on 5 December 1936;
4. *4% The Central Pacific Railway 1899/1949* bonds with a nominal value of US \$1,000.00 as of 31 July 1931, and a market value of US \$1,125.00 on 5 December 1936, which was equivalent to SF 3,442.50 on the date of their sale on 5 December 1936;⁴ and
5. *4% Stadt Kopenhagen 1910* bonds with a nominal value of £200.00, which was the equivalent of SF 5,050.00, which had a market value of £182.50 on 30 December 1936, which is the closest known market value to the date of their sale on 5 December 1936, and which was equivalent to SF 4,608.13.⁵

Thus, the combined value of the bonds held in the custody account that were sold between 5 October 1934 and the date of the account closure on 5 December 1936 was SF 16,534.50. The current value of the amount of the award is determined by multiplying the total value of the account 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 206,681.25.

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).

³ According to the Guidelines for the Valuation of Securities, circulated to the CRT by Special Master Helen B. Junz, as a general rule, for bonds not in default, the market value shall be awarded if that value was at or above the nominal value just prior to or on the date the account owner is deemed to have lost control over the account. If the market value was below the nominal value on the relevant date, the latter shall be awarded. In all these cases, it is presumed that the account owner no longer could manage the account, and thus would have been unable to obtain full payment before maturity or to realize a capital gain if he/she so wished. In this case, the market values for the *Eidgen. Anleihe 1925* bonds and for the *Stadt Kopenhagen 1910* bonds were obtained from the 31 December 1936 issue of the *Kursblatt der Zürcher Effektenbörse*. The market value for the 4% Central Pacific Railway 1899/1949 bonds was obtained from the Wall Street Journal of 7 December 1936.

⁴ The CRT uses official exchange rates when making currency conversions.

⁵ In this case, the CRT uses the exchange rate used by the Zurich Stock Exchange on the relevant date for converting values of securities denominated in Pound Sterling.

Certification of the Award

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

Claims Resolution Tribunal
31 December 2005