

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2],

and to the Estate of Claimant [REDACTED 3]<sup>1</sup>  
represented by *Hoerner Bank AG*

## **in re Accounts of Henry Seligmann**

Claim Numbers: 219601/MW; 220167/MW<sup>2</sup>

Award Amount: 189,250.00 Swiss Francs

This Certified Denial is based upon the claims of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) to the published account of Milton Seligman,<sup>3</sup> and the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) (together the “Claimants”) to the published accounts of Henry Seligmann. This Award is the published accounts of Henry Seligmann (“the Account Owner”) at the [REDACTED] (the “Bank”).<sup>4</sup>

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

The Claimants submitted Claim Forms identifying the Account Owner as their father, Henry Wilhelm Seligman (Seligmann), who was born on 25 February 1909 in Frankfurt, Germany. Claimant [REDACTED 1] stated that his father, Henry Seligman, who was Jewish, lived with his parents in Frankfurt until 1928, and then went to Lausanne, Switzerland, to study physics. Claimant [REDACTED 1] explained that his father traveled frequently from Lausanne to Frankfurt in the 1930s. Claimant [REDACTED 1] further explained that his father completed

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<sup>1</sup> The CRT notes that Claimant [REDACTED 3] passed away in June 2002.

<sup>2</sup> Claimant [REDACTED 3] submitted two Claim Forms, which were registered under the Claim Numbers 220004 and 220167. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 220167.

<sup>3</sup> In a previous decision, the CRT awarded the account of Milton Seligman to Claimant [REDACTED 3]. See *In re Account of Milton Seligman*, (approved on 5 September 2002).

<sup>4</sup> 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”), Henry Seligmann is indicated as the owner of three accounts. Upon careful review, the CRT has concluded that the Bank’s record indicates that Henry Seligmann owned two accounts.

his studies in 1936 or in the beginning of 1937, and obtained a doctorate in physics. Claimant [REDACTED 1] stated that after completing his studies, his father returned to Frankfurt in 1937, and that subsequently he and his parents fled Germany to escape Nazi persecution. Claimant [REDACTED 1] indicated that his father resided in the United States during the Second World War, and that he moved to the United Kingdom in 1945. Claimant [REDACTED 1] indicated that his father died on 3 March 1996 in Vienna, Austria. In support of their claims, the Claimants submitted Claimant [REDACTED 1]'s birth certificate, which indicates that his father was Henry Seligman; an excerpt from the registry of citizens of Frankfurt, which indicates that Henry Seligman was the son of Milton Seligmann (Seligman), that the Seligman family resided in Frankfurt, and that Henry Seligman left Frankfurt for Lausanne in 1928; and Claimant [REDACTED 3]'s birth certificate, which indicates that her father was Milton Seligman, who lived in Frankfurt. Claimant [REDACTED 1] indicated that he was born on 2 February 1948 in Oxford, the United Kingdom. Claimant [REDACTED 1] represents his brother, Claimant [REDACTED 2], who was born on 14 December 1953 in Oxford. Claimant [REDACTED 3] indicated that she was born on 23 December 1904 in Frankfurt.

### **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was Henry Seligmann, who resided in Frankfurt am Main, Germany. The Bank's record indicates that the Account Owner held a custody account, numbered 23835, which was closed on 7 September 1933, and a demand deposit account, which was closed on 31 October 1933. The amounts in the accounts at the dates of their closure are not known. There is no evidence in the Bank's record that the Account Owner closed the account and received the proceeds himself.

### **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

The Claimants have plausibly identified the Account Owner. Their relative's name and country of residence match the published name and country of residence of the Account Owner. The Claimants identified their relative's city of residence, which matches unpublished information about the Account Owner's residence contained in the Bank's record. In support of their claims, the Claimants submitted documents, including Claimant [REDACTED 1]'s birth certificate, which indicates that his father was Henry Seligman; and an excerpt from the registry of citizens of Frankfurt, which indicates that the Seligman family resided in Frankfurt, and that Henry Seligman left Frankfurt for Lausanne in 1928. These documents provide independent

verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner. The CRT notes that there are no other claims to these accounts.

#### 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 he fled Germany in 1937 to escape Nazi persecution.

#### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents demonstrating that Claimant [REDACTED 3] was the Account Owner's sister, and that Claimant [REDACTED 1] was the Account Owner's son. These documents include Claimant [REDACTED 1]'s birth certificate, which indicates that his father was Henry Seligman; an excerpt from the registry of citizens of Frankfurt, which indicates that Henry Seligman was the son of Milton Seligmann (Seligman); and Claimant [REDACTED 3]'s birth certificate, which indicates that her father was Milton Seligman. There is no information to indicate that the Account Owner has surviving heirs other than Claimant [REDACTED 1]'s brother whom he is representing.

#### The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the custody account, numbered 23835, was closed on 7 September 1933, and the demand deposit account was closed on 31 October 1933, at which time, according to information provided by the Claimants, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed; that the Account Owner may have had relatives remaining in Germany and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety; that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner 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 Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant

[REDACTED 3]’s brother, and Claimant [REDACTED 1]’s father, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts. Further, the CRT notes that Claimant [REDACTED 1], as the Account Owner’s son, has a better entitlement to the accounts than Claimant [REDACTED 3], the Account Owner’s sister.

#### Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account. 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 custody account was 13,000.00 Swiss Francs (“SF”), and the average value of a demand deposit account was SF 2,140.00. 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 189,500.00

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] is representing Claimant [REDACTED 2], his brother. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total 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  
10 December 2004