

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Denis Delcros

in re Accounts of Alfred Süßmann, Mina Süßmann and Max Süßmann

Claim Numbers: 218957/MW; 218958/MW; 218959/MW

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the published accounts of Alfred Süßmann (“Account Owner Alfred Süßmann”), Mina Süßmann (“Account Owner Mina Süßmann”), and Max Süßmann (“Account Owner Max Süßmann”) (together the “Account Owners”) 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted Claim Forms identifying Account Owner Alfred Süßmann as his paternal great-great-uncle, Account Owner Mina Süßmann as his paternal great-grandmother, and Account Owner Max Süßmann as his paternal great-grandfather. The Claimant stated that Mina Süßmann and Alfred Süßmann were born on 19 February 1862 and 5 June 1867, respectively, in Tauberbischofsheim, Germany, and that their parents were Leopold Süßmann and [REDACTED]. The Claimant further stated that Max Süßmann was born on 7 March 1850 in Tauberbischofsheim. The Claimant indicated that from 1899 to 1921, Max Süßmann, who was Jewish, was a banker and landlord, and lived with his wife at 96 rue de Miromesnil in Paris VIII, France. The Claimant stated that his father, [REDACTED], was born on 17 June 1903 to [REDACTED] and [REDACTED], and was an only child. The Claimant further stated that his great-grandmother, Mina Süßmann, died on 9 June 1936 in Paris, and that his great-grandfather, Max Süßmann, died on 19 March 1921 in Paris.

The Claimant indicated that his great-great-uncle, Alfred Süßmann, and his wife, [REDACTED], resided at 86 boulevard Malsherbes, in Paris VIII and had a daughter named [REDACTED]. The Claimant explained that [REDACTED] was married to [REDACTED] in Drancy, France, with whom she had two children named [REDACTED] and [REDACTED].

The Claimant further stated that Alfred Süßmann, who was Jewish, worked as a banker and lived at 64 avenue Malakoff in ¹Paris XVI from 1904 until his death on 13 December 1921. The Claimant stated that on 28 October 1943, Alfred Süßmann's wife, daughter, and grandchildren were deported on Transport Number 61 to Auschwitz, where they all perished in November 1943. The Claimant stated that there are no other surviving heirs of his great-great-uncle.

In support of his claim, the Claimant submitted, *inter alia*, the death certificate of Max Süßmann, issued in Paris, which indicates that he died on 19 March 1921 in Paris, and that his wife was Mina Süßmann; the death certificate of Alfred Süßmann, issued in Paris, which indicates that he died on 13 December 1921 in Paris, and that his parents were [REDACTED] and [REDACTED]; the death certificate of Mina Süßmann, issued in Paris, which indicates that she died on 9 June 1936 in Paris, that her husband was Max Süßmann, who pre-deceased her, and that her parents were [REDACTED] and [REDACTED]; the death certificate of [REDACTED], the Claimant's paternal grandmother, which indicates that her parents were Max and Mina Süßmann; the death certificate of [REDACTED], the Claimant's father, which indicates that his parents were [REDACTED] and [REDACTED]; and the Claimant's birth certificate, which indicates that his father was [REDACTED]. The Claimant stated that he was born on 24 March 1939 in Paris, and that he is an only child.

Information Available in the Bank's Records

The Bank's records consist of two customer cards and a printout from the Bank's database. According to these records, the Account Owners were Alfred Süßmann, Mina Süßmann and Max Süßmann. The Bank's records indicate that Account Owner Mina Süßmann and Account Owner Max Süßmann, who were the original Account Owners, were married, and that the Bank documented Account Owner Max Süßmann's death, which occurred between January 1920 and March 1921. These records further indicate that Account Owner Max Süßmann was a Swiss citizen. The Bank's records show that Account Owners Max and Mina Süßmann resided at 96 rue de Miromesnil in Paris, France. According to the Bank's records, Account Owner Max Süßmann and Account Owner Mina Süßmann originally held one custody account, numbered 1470, that was opened on 19 January 1920.

The Bank's records indicate that a new customer card was issued in March 1921, following the death of Account Owner Max Süßmann. According to these records, Account Owner Mina Süßmann resided at 10 rue Chauchat in Paris IX at that time. The records indicate that after the death of Account Owner Max Süßmann, Account Owner Mina Süßmann and her brother, Account Owner Alfred Süßmann jointly held a demand deposit account in Swiss Francs, and a demand deposit account in Reichsmark, both of which were registered under number 1470. Those accounts were successor accounts of the custody account held jointly by Account Owner

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"), Alfred Süßmann, Mina Süßmann and Max Süßmann are each indicated as having three accounts. Upon careful review, the CRT has concluded that the Bank's records indicate that Mina Süßmann and Max Süßmann jointly held one account, and that Alfred Süßmann and Mina Süßmann jointly owned two accounts.

Max Süßmann and Account Owner Mina Süßmann.

The Bank's records do not show when the demand deposit accounts were closed, or to whom they were paid, nor do these records indicate the value of the accounts. 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") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

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

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His relatives' names and city of residence match the published names and city of residence of the Account Owners. The Claimant identified his great-grandparent's street address in Paris VIII, which matches unpublished information about Account Owner Max and Mina Süßmann contained in the Bank's records. The Claimant further identified the relationship between Mina and Alfred Süßmann, which matches unpublished information about Account Owner Alfred and Mina Süßmann contained in the Bank's records. The CRT notes that while the Account Owners' names were published separately on the February 2001 list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), the Claimant identified the Account Owners as being related, which matches unpublished information contained in the Bank's records. The CRT further notes that the Claimant indicated that his great-grandfather, Max Süßmann died, in March 1921, which is consistent with unpublished information about Account Owner Max Süßmann contained in the Bank's records.

In support of his claim, the Claimant submitted the death certificate of Max Süßmann, issued in Paris, which indicates that he died on 19 March 1921 in Paris, and that his wife was Mina Süßmann; the death certificate of Alfred Süßmann, issued in Paris, which indicates that he died on 13 December 1921 in Paris, and that his parents were [REDACTED] and [REDACTED]; and the death certificate of Mina Süßmann, issued in Paris, which indicates that she died on 9 June 1936 in Paris, that her husband was Max Süßmann, who was deceased at the time of her death, and that her parents were [REDACTED] and [REDACTED]. These documents provide independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Bank's records as the names and city of

residence of the Account Owners. Additionally, the CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different spouse's name or different city and country of residence than the spouse or city and country of residence of Account Owners Max Süßmann and Mina Süßmann.

Status of the Account Owners as Victims of Nazi Persecution

The CRT notes that while the Account Owners were not Victims of Nazi Persecution, the Account Owner's heirs were Victims of Nazi Persecution. The Claimant stated that Account Owner Alfred Süßmann's wife, daughter and grandchildren were deported to Auschwitz, where they perished in November 1943. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named Gerard Dreyfus and Jacqueline Dreyfus, who both lived in Paris, which matches the information about Account Owner Alfred Süßmann's grandchildren provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Alfred Süßmann was his paternal great-great-uncle, and that Account Owners Max and Mina Süßmann were his paternal great-grandparents. These documents include the death certificate of Alfred Süßmann, which indicates that his parents were [REDACTED] and [REDACTED]; the death certificate of Mina Süßmann, which indicates that her husband was Max Süßmann, and that her parents were [REDACTED] and [REDACTED]; the death certificate of [REDACTED], the Claimant's paternal grandmother, which indicates that her parents were Max and Mina Süßmann; the death certificate of [REDACTED], the Claimant's father, which indicates that his parents were [REDACTED] and [REDACTED]; and the Claimant's birth certificate, which indicates that his father was [REDACTED]. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

With regard to the custody account held jointly by Account Owner Max Süßmann and Account Owner Mina Süßmann, the CRT notes that the assets from the account were transferred to the demand deposit accounts held by Account Owner Mina Süßmann and Account Owner Alfred Süßmann after Account Owner Max Süßmann's death.

With regard to the two demand deposit accounts held jointly by Account Owner Mina Süßmann and Account Owner Alfred Süßmann, given that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of 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 (see Appendix A), the CRT concludes that it is plausible

that the account proceeds were not paid to the Account Owners' 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners Max and Mina Süssmann were his paternal great-grandparents, and that Account Owner Alfred Süssmann was his paternal great-great uncle, and those relationships justify an Award. Third, the CRT has determined that it is plausible that the neither the Account Owners nor their heirs received the proceeds of the two demand deposit accounts.

Amount of the Award

In this case, the Award is for two 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). Thus, the total 1945 average value of the accounts at issue is SF 4,280.00. 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 53,500.00.

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 his claims to determine whether there are additional Swiss bank accounts to which he 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