

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Gertraud Wemmers

Claim Number: 501195/AK

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Gertraud Wemmers (the “Account Owner”) 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 Owner as [REDACTED], née [REDACTED]. The Claimant stated that she was born on 1 March 1923 in Dresden, Germany. In a letter to the CRT, dated 1 December 2004, the Claimant stated that her mother, [REDACTED], who was half-Jewish, was afraid that her assets would be confiscated by the Nazis and may have therefore opened an account under her (the Claimant’s) name. The Claimant further indicated that she was not aware that a Swiss bank account had ever been opened under her name. The Claimant submitted her passport, identifying her as [REDACTED], née [REDACTED], and indicating her date and place of birth.

Information Available in the Bank’s Records

The Bank’s records consist of account registry cards, statements of account, registration forms, and correspondence from the Bank. According to these records, the Account Owner was Miss (*Fräulein*) Gertraud Wemmers, a German citizen who was born in Dresden, Germany, in 1923,

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 Account Owner’s name was published as Gertraud Wemmers. Upon careful review, the CRT has concluded that the Bank’s records evidence that the correct spelling of the Account Owner’s name is Gertraud Wemmers.

and who resided in Heidelberg, Germany, as of 1947. The Bank's records indicate that the Account Owner held a savings/passbook account, numbered [REDACTED], and that this account was open by 1924.

The Bank's records indicate that [REDACTED]², who resided at Seestrasse 270, Küsnacht, Zurich, Switzerland, was the Bank's contact person with respect to the Account Owner's account. According to a letter dated 4 September 1947, addressed to [REDACTED], who resided at the same address as [REDACTED] in Küsnacht, Zurich, the Bank asked the addressee to turn in the passbook of account 823150 for inspection. The Bank's records indicate that the Bank registered the account with the Swiss Compensation Office (*Schweizerische Verrechnungsstelle*) on 25 September 1947, at which time it had a balance of 483.80 Swiss Francs ("SF"). The Bank's records further indicate that the Swiss Compensation Office generally allowed for quarterly withdrawals of SF 150.00 on accounts until December 1947, for the purpose of sending so-called gift parcels (*Liebesgabenpakete*) to account owners residing in Germany. The Bank's records show that a total of SF 300.00 had been released to [REDACTED] in order to send to the Account Owner such gift parcels. In a letter dated 8 January 1948, the Bank informed [REDACTED] that the release of the quarterly allowances was no longer permitted by the Swiss Compensation Office. The Bank's records indicate that the passbook, numbered [REDACTED], had a balance of SF 170.80 on 28 January 1948, and that it was deposited in a custody account, numbered [REDACTED], whose owner was [REDACTED].

According to the records, the Bank informed [REDACTED] on 17 December 1949 that the savings/passbook account, numbered [REDACTED], was to be transferred by the Swiss Compensation Office to the account "Asset Freeze Germany" (*Zahlungssperre Deutschland*) at the [REDACTED]. The Bank asked [REDACTED] to return her deposit slip, and informed her that she could notify the Account Owner about the proceedings and the balance in her account. The Bank's records indicate that the savings/passbook account was transferred to the account Asset Freeze Germany at the [REDACTED] on 19 December 1949 with a balance of SF 159.70. The records indicate that, on 18 January 1950, the Bank notified [REDACTED] that this transfer had taken place and advised her to contact the Swiss Compensation Office if she had any queries relating to this account. On 4 February 1954 and 9 February 1957 the Bank sent letters to the Account Owner, c/o [REDACTED], Seestrasse, Zürich, informing her that her account had been released by the Swiss Compensation Office, that it had been transferred back to the Bank with a balance of SF 152.25, and that she was free to dispose of this amount. The Bank's records finally indicate that the savings/passbook account was classified as dormant and booked to a collective account, numbered [REDACTED], on 15 July 1997. The account remains open and dormant with a balance of SF 152.25.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's name and country of residence match the published name and country of residence of the Account Owner. The

² The names [REDACTED] and [REDACTED] are used interchangeably throughout the Bank's records.

Claimant identified the Account Owner's exact first name spelling, her city of residence, her year of birth and her citizenship, which matches unpublished information about the Account Owner contained in the Bank's records. In addition, the CRT notes that the fact that [REDACTED] is the Claimant's maiden name and that she was an infant at the time the account was opened is consistent with the unpublished information in the Bank's records that the Account Owner used the general title of "*Fräulein*." As noted above, the CRT notes that the Claimant was an infant at the time the account was open in 1924. However, the CRT determines that it is plausible that the account was opened in the Claimant's name by her parents or other relatives and therefore determines that this does not undermine the plausibility of the Claimant's identification of the Account Owner. In support of her claim, the Claimant submitted her passport, indicating that her maiden name was [REDACTED], and that she was born in Dresden in 1923, providing independent verification that the person who is claimed to be the Account Owner had the same name, was born in the same year and in the same city recorded in the Bank's records as the name, year and place of birth of the Account Owner. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Target of Nazi Persecution. The Claimant stated that her mother was half-Jewish, and that she was afraid that the Nazis would confiscate her assets.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is the Account Owner by submitting specific biographical information and her passport which indicates that her maiden name was [REDACTED].

The Issue of Who Received the Proceeds

The CRT notes that the account at issue was accessed by an authorized party in 1947, and that SF 300.00 were withdrawn by this person. However, given that the account was open in 1924, and that the Account Owner was born in 1923; that she stated that she never knew that an account had been opened under her name; that the Bank's records indicate that the account remains open and dormant; and given the application of Presumptions (g), (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 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 she is the Account Owner, and that 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 savings/passbook account. The Bank's records indicate that the value of the savings/passbook account as of 25 September 1947 was SF 483.80. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 45.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1947. Consequently, the adjusted balance of the account at issue is SF 528.80. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 10,375.00.

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 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).

Certification of the Award

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

Claims Resolution Tribunal
23 June 2006