

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1],  
also acting on behalf of the Estate of [REDACTED 2]  
represented by Peter Konig

to the Estate of Claimant [REDACTED 3],  
also acting on behalf of the Estate of [REDACTED 4]<sup>1</sup> and [REDACTED 5]

to Claimants [REDACTED 6] and [REDACTED 7],

and to Claimant [REDACTED 8]  
represented by Erez Bernstein

**in re Accounts of August Löw Beer, Alice Löw Beer,  
Walter Löw Beer, Alice Bettina Löw Beer, Gusti Löw Beer,  
Georg Löw Beer, Herbert Löw Beer, Hugo Keller, Marie Keller, Leontine Pick, Camilla  
Silberstern, *Royaltex* and *Supertex***

Claim Numbers: 204618/HS; 210855/HS; 501873/HS; 601458/HS; 750051/HS; 735844/HS;  
783423/HS<sup>2, 3</sup>

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<sup>1</sup> The CRT has been informed that [REDACTED 2], Claimant [REDACTED 3], and [REDACTED 4] have all passed away.

<sup>2</sup> Claimant [REDACTED 3] submitted a claim, numbered B-00378, dated 17 September 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned claim number 601458.

In 1999, Claimant [REDACTED 1] submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-71-021-102-548, 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. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 1]’s ATAG form was forwarded to the CRT and has been assigned Claim Number 750051.

Claimant [REDACTED 6] and Claimant [REDACTED 7] did not submit Claim Forms to the CRT. However, in 1999, they jointly submitted an Initial Questionnaire (“IQ”), numbered POR-0004-187, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). That IQ was forwarded to the CRT and has been assigned claim number 735844. In 1999, Claimant [REDACTED 1] also submitted an IQ, numbered ENG-0529-081, to the Court in the United States. The IQ was forwarded to the CRT and has been assigned claim number 783423.

<sup>3</sup> In separate decisions, the account of Erik Löw Beer was awarded to Claimant [REDACTED 1], Claimant [REDACTED 3], and the parties they represent; the accounts of Emil and Friedrich Deri were awarded to Claimant [REDACTED 1], Claimant [REDACTED 3], Claimant [REDACTED 6], Claimant [REDACTED 7], Claimant [REDACTED 8], and the parties they represent; and the account of M. Stadler was awarded to Claimant

This Certified Denial is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 8] (“Claimant [REDACTED 8]”), [REDACTED 6] (“Claimant [REDACTED 6]”), [REDACTED 7] (“Claimant [REDACTED 7]”), and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published and unpublished accounts of August Löw Beer, Alice Löw Beer, Walter Löw Beer, Alice Bettina Löw Beer, Gusti Löw Beer, Georg Löw Beer, Hugo Keller, and Marie Keller (herein referred to by their individual names and together as the “Account Owners”),<sup>4</sup> and the firms *Royaltex* and *Supertex* at the [REDACTED] (“Bank 1”), the [REDACTED] (“Bank 2”), the [REDACTED] (“Bank 3”), and [REDACTED] (“Bank 4”) (together the “Banks”).<sup>5</sup>

All denials 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 banks have been redacted.

### **Information Provided by the Claimants**

The Claimants, who are cousins, submitted claim forms identifying the Account Owners as their relatives, who were all Jewish, and two companies owned by their relatives. The Claimants explained that August, Walter, and [REDACTED] and Marie Keller, née Löw Beer, were siblings. The Claimants stated that Walter Löw Beer was married to Alice Bettina Löw Beer; that August Löw Beer was married to Alice Löw Beer; that [REDACTED] was married to Gusti Löw Beer, and that Georg and Herbert Löw Beer were Gusti and [REDACTED]’s sons; and that Marie Keller, née Löw Beer was married to Hugo Keller. Claimant [REDACTED 1] identified August and Alice Löw Beer as her parents. Claimant [REDACTED 3] identified Walter and Alice Löw Beer as his parents. Claimant [REDACTED 8] (who is the niece of Claimant [REDACTED 3]) identified Walter and Alice Löw Beer as her paternal grandparents. Claimant

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[REDACTED 3] and the parties he represents. See *In re Account of Erik Löw Beer* (approved on 8 April 2004); *In re Accounts of Emil Deri and Friedrich Deri* (approved on 16 April 2010); and *In re Account of M. Stadler* (approved on 27 January 2003).

<sup>4</sup> The CRT notes that members of the Löw Beer family used a variety of spelling variations for their surname. In this decision, when referring to August Löw Beer, Alice Löw Beer, Walter Löw Beer, Alice Bettina Löw Beer, Gusti Löw Beer, and Georg Löw Beer, the CRT has adopted the most frequently used spelling “Löw Beer.” However, when referring to the Claimants and represented parties, the CRT follows the spelling used by that individual.

<sup>5</sup> The CRT notes that on the February 2001 published list of account determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the names August and Alice Bettina Löw Beer, Hugo and Marie Keller, Leontine Pick, and Camilla Silberstern are published together with information regarding the number of accounts held by these individuals. The CRT also notes that Bank 1 and the HCPO provided the CRT with a large amount of documents regarding many of the accounts addressed in this decision, and that the correct information regarding these accounts is as described in this decision, and not as described on the ICEP List. The CRT additionally notes that on the ICEP List the name Marie Keller appears three times, once with a city of residence of “Brünn, Germany” (Brno, Czechoslovakia), and two times with no city or country of residence indicated, and that the same name appears two times on the List of Account Owners Published in 2005 (the “2005 List”). Upon careful review, the CRT has determined that the Claimants plausibly identified Marie Keller of Brünn (Brno) as their relative, but that she is not the same person as the other persons named Marie Keller who appear on the ICEP List and the 2005 List, and, consequently, the Claimants did not identify these other account owners as their relative.

[REDACTED 6] and Claimant [REDACTED 7] identified [REDACTED] and Gusti Löw Beer as their paternal grandparents and Georg Löw Beer as their father.

According to the information submitted by the Claimants, Walter Löw Beer, who was born on 9 May 1881 in Brno, Czechoslovakia (today the Czech Republic), was married to Alice Bettina Löw Beer, who was born on 17 June 1897 in Szombathely, Hungary. The Claimants stated that Walter and Alice Bettina Löw Beer resided primarily in Brno, and that they had three children: Claimant [REDACTED 3], [REDACTED 5] (the father of Claimant [REDACTED 8]), and [REDACTED 4], née [REDACTED]. The Claimants explained that Walter and Alice Bettina Löw Beer fled Brno in mid-1939 and stayed very briefly in Switzerland, before arriving in Paris, France, which they fled directly following the Nazi invasion of France in 1940. The Claimants stated that Walter and Alice Bettina Löw Beer finally settled in England, where they died on 8 November 1954 and 9 February 1991, respectively.

The Claimants stated that August Löw Beer, who was born on 1 May 1883 in Brno, was married to Alice Löw Beer, née Gottlieb, and had two children, Claimant [REDACTED 1] and [REDACTED].<sup>6</sup> According to the Claimants, August Löw Beer served as Austrian Consul General in Brno, where he and Alice Löw Beer resided until they fled in 1938. They resided in Switzerland for a few months in 1939, then lived in Paris until the Nazi invasion of France in 1940, when they fled to London, England. In 1941 they moved to Scotland. The Claimants stated that August Löw Beer died on 18 May 1942 in Melrose, Scotland, and that Alice Löw Beer died on 21 December 1979 in London.

The Claimants explained that [REDACTED] and Gusti Löw Beer, who were married, resided in Brno, and had three children: Georg (the father of Claimant [REDACTED 6] and Claimant [REDACTED 7]), Herbert, and [REDACTED]. According to the Claimants, [REDACTED] died some time before 1933, and Gusti Löw Beer fled Czechoslovakia, first to France, where she remained until January 1941, and then to Brazil, where she remained during the Second World War. The Claimants explained that, following the Second World War, Gusti Löw Beer moved to New York, New York, and that she died on 31 December 1975 in North Carolina. The Claimants stated that Georg Löw Beer died in 1993 in Brazil and that Herbert Löw Beer died in 1994 in England.

The Claimants stated that Marie Keller, who was married to the banker Dr. Hugo Keller, had one son, [REDACTED], and that they resided in Brno. The Claimants indicated that Marie Keller and her son were deported to concentration camps, where they perished, and that Hugo Keller fled from Brno to France. The Claimants further indicated that Hugo Keller passed away in 1966 in France.

The Claimants explained that the Löw Beer family owned the textile company, *Aaron & Jacob Löw Beer's Söhne*, which had factories in Czechoslovakia, including divisions in Brno and Brünnlitz (today Brnenec, Czech Republic), as well as divisions throughout Europe, including a division in Switzerland named *Supertex* and companies operating under the name *Royaltex* in the

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<sup>6</sup> As noted above, in a separate decision the account of Erik Löw Beer was awarded to Claimant [REDACTED 1] and Claimant Claimant [REDACTED 3] and the parties they represent. See *In re Account of Erik Löw Beer* (approved on 8 April 2004).

Netherlands, France, and Vienna, Austria. According to the information submitted by the Claimants, the manager of *Royaltex* in Vienna was a man named Victor Schloss, and the secretary and general assistant at *Supertex* in Switzerland was a woman named Dorina Bleuler-Biffi, who was also a family friend.

The Holocaust Claims Processing Office ("HCPO") obtained numerous documents on behalf of Claimant [REDACTED 1] and Claimant [REDACTED 3] regarding *Aron & Jacob Löw Beer's Söhne* and the Löw Beer family from the City Archive of Brno, the Moravsky Zemsky Archive in Brno, and the Czech National Archives. These include various documents created by the Nazi authorities in Czechoslovakia, including: correspondence and reports by the *Devisenschutz Sonderkommando* (foreign exchange security special unit) and the Gestapo; a report on the aryanization of *Aron & Jacob Löw Beer's Söhne* and its financial condition during the first half of 1940 prepared upon the order of the *Oberlandrat* (local authority) in Brno; and an application to appoint a non-Jewish trustee of *Aron & Jacob Löw Beer's Söhne* pursuant to an ordinance on Jewish wealth in the Reich Protectorate of Bohemia and Moravia (*Verordnung des Reichsprotectors in Böhmen und Mähren über das jüdische Vermögen vom 21. Juni 1939*).

These records indicate that the assets held in the Nazi-annexed portions of Czechoslovakia belonging to *Aron & Jacob Löw Beer's Söhne* and its owners – August, Walter, Herbert, and Georg Löw Beer – were seized, and that as of 28 April 1939 or earlier, August, Walter, Herbert, and Georg Löw Beer were living in Switzerland, France, and/or England. According to these records, *Aron & Jacob Löw Beer's Söhne* held three foreign corporations, namely, *Royaltex N.V.*, Amsterdam, *Royaltex S.A.*, Paris, *Supertex A.G.*, Zurich (the latter subsequently re-registered as *Royaltex S.A.* of Geneva). These records also indicate that *Aron & Jacob Löw Beer's Söhne* had business with a number of companies that were believed to be its former affiliates, including *Tissage Reunis* in St. Marie, France; *Max Wyler* in Lausanne, Switzerland; and *Viktor Schloss* in Vienna. These records indicate that the partners in the company *Viktor Schloss* included Viktor Schloss and Malvine Schloss.

These records indicate that a non-Jewish trustee was appointed to manage *Aron & Jacob Löw Beer's Söhne* in Brno and Brünnlitz, but that the foreign corporations owned by the firm, namely, *Royaltex N.V.*, Amsterdam, *Royaltex S.A.*, Paris, and *Supertex A.G.*, Zurich, were "uncontrollable" (*unknontrollierbar*), and that most of the firm's foreign assets had been "cashed out" (*einkassiert*) by its owners after they fled Czechoslovakia. Furthermore, attempts by the trustee to correspond with *Supertex* in Zurich were unsuccessful ("*Ein Korrespondenzwechsel mit dieser Filiale ist negativ verlaufen.*").

These records further indicate that in May 1939, August Löw Beer made a "fictitious sale" (*fingierter Verkauf*) of these foreign corporations to the London firm *Skye Trust Ltd.* for 8,322,282.25 Swiss Francs ("SF"). The audit report prepared in 1940 for the Brno *Oberlandrat* states:

After the [Nazi] occupation of Holland and the resumption of postal traffic, it became apparent that the above-described sales were nothing other than Jewish machinations.... We believe that things in the case of Zurich and Paris are no different, although demands were made from there, no settlement by post could

be managed, because the Jew August Löw Beer hung around in Zurich and Paris after his flight to the West.<sup>7</sup>

The CRT notes that this 1940 audit report, as well as the other documents created by the Nazi authorities in Czechoslovakia described above, illustrate that members of the Löw Beer family were able to take measures to protect the family's assets that were located outside of Nazi-controlled territory.

In support of her claim, Claimant [REDACTED 1] submitted three memoranda by unnamed authors, one of which is undated, the others dated in 1940 and 1946, regarding Löw Beer family assets in various locations, including Switzerland and New York.

The first memorandum, which is undated and entitled "Statement of Mr. August Löw Beer's Assets," appears to have been written by August Löw Beer after he fled from France to England, which was reportedly soon after the May 1940 Nazi invasion of France. This statement of assets reads as follows:

STATEMENT  
of Mr. August Löw Beer's Assets

- 1.) Cash and Securities (Swiss, USA, Dutch and French) held by different branches of [Bank 1] of Basle (estimated on the basis of personal information obtained by me when visiting Switzerland in February 1940; certain changes may have taken place)  
Sfrcs. 320.000.00
- 2.) USA Eagles deposited with [Bank 1] in Lausanne \$ 19,830.00
- 3.) 2 kg of gold in bars deposited in Switzerland
- 4.) Shares in *Royaltex Ltd.*, Wool Merchants, Geneve (these shares were left in the offices of *Royaltex* in Bayonne, France)  
Sfrcs. 50,000.00
- 5.) Cash in pound sterling and foreign currency and gold coins brought with me to this country, value about £ 2,000.0.0
- 6.) Family jewellery also brought with me to this country.

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<sup>7</sup> The German original reads:

*Nach der Besetzung Hollands und der Wiederaufnahme des Postverkehrs erwies es sich, dass die vorgegebenen Verkäufe nichts anderes als jüdischen Machenschaften sind... Unserer Ansicht nach sind die Dinge im Falle Zürich und Paris nicht anders zu werten, obgleich von dort aus einerseits Ansprüche gestellt wurden, andererseits irgendeine Poseterledigung nicht zu erreichen war, da der Jude August Löw Beer nach seiner Flucht nach dem Westen sich in Zürich und Paris herumtrieb.*

The above statement does not include my shareholdings in the Wool Tradings Companies of *Royaltex* of Amsterdam and *Royaltex* of Paris and Bayonne; in the present circumstances these must be considered as doubtful.

The second memorandum submitted by Claimant [REDACTED 1], entitled “Shared Assets” (*gemeinsames Vermögen*) and dated 8 November 1940, summarizes assets owned jointly or as tenants in common by August, Herbert, Georg, and Walter Löw Beer, including an account numbered 61717 at Bank 1’s New York and Zurich branches (the assets at the New York branch worth an estimated 90,000.00 to 100,000.00 United States Dollars (“US \$")), as well as securities in an unknown location which were previously held at Bank 3 in Geneva (“... *Anleihe, deren Aufenthalt ich derzeit nicht kenne. Depotstelle war [Bank 3], Geneve.*”) and two small demand deposit accounts (*kleines Bardepot*) at Bank 4, one in the name of *Supertex* and one possibly in the name of *Laure Freres*,<sup>8</sup> but actually owned jointly or as tenants in common by August, Herbert, Georg, and Walter Löw Beer, each with a balance of US \$1,500.00 to US \$2,000.00.

The third memorandum submitted by Claimant [REDACTED 1], which is untitled and dated 12 November 1946 in Zurich, indicates that the unnamed author of the memorandum visited a Bank 1 director named Hoch and another Bank 1 official named Häusser, who was the successor to an official named Gemuseus, in order to inquire about accounts remaining at Bank 1, which were owned by unspecified parties. The memorandum indicates that Häusser checked “all of the accounts” and found nothing aside from the “known remainders,” for which Häusser would provide details and any accumulated account correspondence (“*Häusser, der Nachfolger von Gemuseus, sieht sämtliche Conti nach, findet aber nichts ausser den bekannten Resten....*”). Furthermore, according to this memorandum, a Bank 1 vice-director named Kämpfer would notify the author of the memorandum as soon as an account in the name of *Royaltex* was transferred, but it is unclear from the memorandum whether the transfer was to be into or out of Bank 1 (“*Hoch macht mich auch mit Vicedirektor Kämpfer bekannt der sich sobald das Royaltex Konto übertragen ist uns widmen soll.*”).

The 12 November 1946 memorandum further indicates that Häusser would review unspecified American securities and assist in dealing with the Swiss Compensation Office (*Schweizerische Verrechnungsstelle*). Also according to the 12 November 1946 memorandum, there were “no accounts” remaining at Bank 2 (“*Wir haben keine Conti oder Depots mehr dort.*”), but a check for SF 3,359.00 from Bank 2, which was endorsed to *Royaltex* in June 1940, could be cashed as soon as an account belonging to *Royaltex* at Bank 3 was transferred, presumably to Bank 2 (“*Dies wird geschehen sobald das Konto von [Bank 3] übertragen ist.*”), and a “second account” might be established at Bank 2 (“*Vielleicht wird ein Konto No. 2 errichtet.*”).

Also according to the 12 November 1946 memorandum, a Bank 3 director named Brenner reported that there were no assets at Bank 3, although Brenner refused to provide the author of the memorandum with any details regarding *Royaltex*, and advised the author to inquire instead with the firm *Fides* (“*Dir. Brenner, der mich ziemlich kühl die Details notiert und mir bei nochmaligem Besuch mitteilt, dass nichts vorhanden ist. Details über Royaltex will er mir nicht*”).

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<sup>8</sup> The nature of *Laure Freres* and its association with the Löw Beer family is not indicated in any of the materials available to the CRT.

*geben und empfiehlt, dass ich mich an Fides wande.”*). Further, the 12 November 1946 memorandum indicates that a Bank 4 official named Klaus would check a file from Geneva that had just arrived, to see whether any assets still existed at Bank 4 and to find details on a credit given to the firm *Skye*, but does not indicate the results of that investigation.

In support of her claims, Claimant [REDACTED 1] submitted additional documents, including:

- (1) August Löw Beer’s death certificate, indicating that he died on 18 May 1942 in the County of Roxburgh, Scotland;
- (2) August Löw Beer’s will, dated 18 April 1941, indicating that he appointed his wife, Alice Löw Beer, his son, [REDACTED], and his daughter, [REDACTED 1], as executors of his will, and that he bequeathed his entire estate to [REDACTED] and [REDACTED 1];
- (3) August Löw Beer’s Czechoslovakian passport, indicating that he had resided in Brno, but that he changed his residence to Paris on 16 March 1939;
- (4) a residence certificate, dated 20 July 1940, indicating that August and Alice Löw Beer, who were married on 30 March 1909 in Brno, resided as of July 1940 at Carlton Court, Pall Mall Place, in London; and
- (5) a receipt for a deposit at Bank 3, more fully described below, indicating that August and Walter Löw Beer deposited US \$5,200.00 in cash with Bank 3’s Geneva branch on 12 January 1940.

In support of their claim, Claimant [REDACTED 6] and Claimant [REDACTED 7] submitted copies of documents, including:

- (1) Georg Löw Beer’s Czechoslovakian passport, dated between 1937 and 1942, indicating that he was born in Brno on 3 June 1916;
- (2) correspondence indicating that Claimant [REDACTED 6] inquired with the World Jewish Congress (“WJC”) in 1997 regarding an account owned by Georg Löw Beer which appeared on a list of accounts frozen by the United States Government in 1941 (the “1941 Freeze”),<sup>9</sup> which the WJC published in 1997 (the “WJC List”);<sup>10</sup> and

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<sup>9</sup> During the Second World War, the United States government froze certain foreign assets located in the United States, under the powers of the Trading with the Enemy Act of 1917 (50 U.S.C. App.). On 14 June 1941, President Roosevelt extended freezing controls to cover all of continental Europe (the “1941 Freeze”). Executive Order 8785 Regulating Transactions in Foreign Exchange and Foreign-Owned Property, Providing for the Reporting of all Foreign-Owned Property, and Related Matters (6 Fed. Reg. 2897). See *Plunder & Restitution: Findings and Recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States and Staff Report*, SR-44 (US Government Printing Office, 2000), available at [http://www.pcha.gov/PlunderRestitution.html/html/Home\\_Content.html](http://www.pcha.gov/PlunderRestitution.html/html/Home_Content.html).

<sup>10</sup> The CRT notes that this list published by the World Jewish Congress (“WJC”) in 1997 included World War Two era bank accounts that were held in branches of Swiss banks in the United States and that were frozen pursuant to the 1941 Freeze (the “WJC List”). Such accounts were unfrozen and could be reclaimed by account owners in the period following the Second World War. The auditors who conducted the investigation of Swiss banks pursuant to the instructions of ICEP to identify accounts probably or possibly owned by Victims of Nazi Persecution (the “ICEP Investigation”) considered evidence of Swiss accounts that had been included in the 1941 Freeze, as well as evidence of activity on such accounts initiated by account owners after the War. Many of the accounts included on this published list were not included by the ICEP auditors among the approximately 36,000 accounts that they

- (3) an extract from a Brno corporate registry regarding *Aron & Jakob Löw Beer's Söhne*, indicating that in the early 1930s, the company had divisions in Germany, and that by March 1933, [REDACTED], one of the owners of the company, had died, and that his sons Herbert and Jiri Löw Beer replaced him; and indicating that a non-Jewish trustee was appointed for the company sometime before January 1940.

In support of his claims, Claimant [REDACTED 3] submitted copies of documents, including:

- (1) a British certificate of naturalization issued to Walter Löw Beer on 18 March 1948, indicating that he was born on 9 May 1881 in Brünnlitz, and that his wife was Alice Bettina Löw Beer;
- (2) a letter from the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the "Dormant Accounts Office") to Claimant [REDACTED 3], dated 11 February 1997, apparently regarding accounts published on the WJC List, indicating that a "search today" for records relating to accounts held by his family members would be "difficult," given that Swiss regulations only required banks to maintain records for ten years following the termination of contact with an account owner, and that there was no reason to doubt the validity of Bank 3's response to an inquiry by Claimant [REDACTED 3], but that he could initiate another search for family assets in Swiss banks;
- (3) an inheritance certificate, indicating that the heir of Walter Löw Beer, who was born on 9 May 1881 and died on 8 November 1954, was his wife, Alice Bettina Löw Beer, and upon her death, their children, [REDACTED 4] of London, [REDACTED 5] of Surrey, England, and Claimant [REDACTED 3] of Surrey;
- (4) Alice Bettina Löw Beer's will, indicating that she resided at Cressingham, the Parade, Epsom, Surrey, on 26 June 1990, and that her estate was to be divided equally between her children [REDACTED 4], [REDACTED 5], and [REDACTED 3]; and indicating that if any of those children died before Alice Bettina Löw Beer died, his or her share should pass to that child's children, including [REDACTED 5]'s daughter [REDACTED 8];
- (5) Alice Bettina Löw Beer's death certificate, indicating that she previously resided at Cressingham, the Parade, Epsom, Surrey, and that she died on 9 February 1991; and
- (6) Claimant [REDACTED 3]'s marriage certificate, indicating that he was the son of Walter Löw Beer, a textile consultant, and that he was married to [REDACTED] on 4 September 1965.

In addition, Claimant [REDACTED 3]'s widow submitted his last will and his death certificate, indicating that he was born on 25 February 1923 in Czechoslovakia, and that he died on 22 November 2001 in South Africa.

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identified as probably or possibly belonging to Victims of Nazi Persecution, because the account owners were able to access the accounts either during or after the War and receive the proceeds. Accounts belonging to members of the Löw Beer family appear as follows on the WJC List: "Beer, Georg Loew" of Czechoslovakia, account balance 1,953.71 United States Dollars ("US \$"); "Loew-Beer, Walter, Jt. a/c" of London, England, account balance US \$2,805.79; and "Loew Beer, Frau Gusti" of Rio de Janeiro, Brazil, account balance US \$1,671.07. These accounts are described in more detail below.



The HCPO submitted the following additional documents on behalf of Claimant [REDACTED 1] and Claimant [REDACTED 3]:

- (1) Walter Löw Beer's city of Brno registration record, indicating that he was born on 5 May 1881 in Brünnlitz, that he resided at Schreibwaldstrasse 86 in Brno, that his wife was Alice Löw Beer, née Stadlerova, and his children were [REDACTED 4], [REDACTED 3], and [REDACTED 5], and that he moved with his family to England in November 1938;
- (2) August Löw Beer's residence certificate, indicating that he was born on 1 May 1883 in Brünnlitz, and that on 30 March 1909 he married Alice Gottlieb, who was born on 10 August 1889 in Brno;
- (3) [REDACTED]'s city of Brno registration record, indicating that he was born on 20 August 1880;
- (4) a civil registry extract pertaining to Gusti Löw Beer, dated 26 September 1929, indicating that she was born on 13 September 1890 in Paracin, Serbia, that she was Jewish and resided in Brno, that she was the wife of [REDACTED], that their children were Herbert, Georg and [REDACTED], and that Gusti Löw Beer left for France with her daughter [REDACTED] on 14 March 1939;
- (5) a civil registry extract pertaining to Dr. Hugo Keller, indicating that he was born on 29 May 1874 in Pardubice, Czechoslovakia (today Czech Republic) and that his wife, Marie Keller, née Löw Beer, was born on 6 April 1884; and
- (6) extracts from commercial registries from the years 1938 through 1944 indicating that the company *Aron & Jacob Löw Beer's Söhne* had divisions in both Brünnlitz and Brno, and indicating that the company specialized, *inter alia*, in men's and women's fabrics, woven and knit goods, hats, and artificial wool.

Claimant [REDACTED 1] stated that she was born on 20 November 1919 in Brno, and that she is representing the widow of her brother [REDACTED], [REDACTED 2], née [REDACTED], who was born on 3 September 1918 in Berlin, Germany. The CRT was informed that [REDACTED 2] died on 28 April 2002.

Claimant [REDACTED 8] indicated that she was born on 13 October 1965 in London. Claimant [REDACTED 6] indicated that he was born on 24 August 1954. Claimant [REDACTED 7] indicated that she was born on 18 October 1950.

Claimant [REDACTED 3] indicated that he was born on 25 February 1932 in Brno. Claimant [REDACTED 3] is representing his sister, [REDACTED 4], née [REDACTED], who was born on 14 March 1922 in Brno, and his brother, [REDACTED 5] (the father of Claimant [REDACTED 8]), who was born on 27 December 1923 in Brno. As noted above, Claimant [REDACTED 3]'s widow indicated that her husband died on 22 November 2001 in South Africa.

### **Information Available in Bank 1's Records**

Bank 1's records pertaining to the Löw Beer family contain voluminous documents, including lists of numbered accounts, correspondence between Bank 1 and the Account Owners, account

opening cards, account balance statements, lists of opened and closed accounts, printouts from Bank 1's account database, correspondence between various branches of Bank 1, and documents from the 1945 freeze of assets held in Switzerland by the citizens of Germany and the territories incorporated into the Third Reich (the "1945 Freeze").

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of Bank 1 to obtain additional information about the Account Owners' accounts ("Voluntary Assistance"). Bank 1 provided the CRT with additional documents regarding these accounts. Furthermore, the HCPO obtained a number of additional documents regarding accounts at Bank 1 in New York, New York, which the HCPO forwarded to the CRT, including documents pertaining to accounts that were frozen by the United States government in the 1941 Freeze.

Bank 1's records indicate that the Account Owners held more than 40 accounts with Bank 1 under approximately 16 different account numbers at various times at branches of Bank 1 in Zurich and Lausanne, Switzerland, as well as in London and New York.

Additionally, as indicated above, Claimant [REDACTED 1] submitted three memoranda describing assets held at Bank 1, including SF 320,000.00 in cash and securities held by August Löw Beer at unspecified Bank 1 branches in Switzerland; United States Eagle gold coins worth US \$19,830.00 held by August Löw Beer at Bank 1 in Lausanne; an account numbered 61717 held by August, Herbert, Georg, and Walter Löw Beer at Bank 1's New York and Zurich branches (according to one of the memoranda, the assets at the New York branch were worth an estimated US \$90,000.00 to US \$100,000.00); and an account in the name of *Royaltex*, which was to be transferred either into or out of Bank 1 sometime after 12 November 1946.

#### Accounts at Bank 1 in Zurich, including Special Dossiers in London and New York

A number of the Account Owners' assets were held in custody accounts under "asset management" (*Vermögensverwaltung*) account relationships. Under the terms of these asset management relationships, Bank 1 officials held broad authority to transact business on the accounts, including the power to buy and sell securities, gold, and foreign currency on behalf of the Account Owners.<sup>11</sup>

Furthermore, as discussed in detail below, several of the Account Owners' accounts in Zurich included special dossiers, in which the assets were actually held on deposit at Bank 1 branches in London and New York, and at the bank *Brown Brothers Harriman & Co.* in New York.

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<sup>11</sup> For example, according to an asset management power of attorney form (*Verwaltungsvollmacht*) dated 30 April 1939 and pertaining to a custody account numbered 66745 (further discussed herein), Bank 1 officials Ernest Hoch and Walter Gemuseus in Zurich were "authorized, according to their best knowledge and belief, but with completely free discretion, and in order to preserve the substance of the assets, to carry out, or to refrain from, administrative transactions, in particular to order the purchase or sale of securities, foreign currency or gold, to convert or to exchange securities." (*"Herr Direktor E.T. Hoch und/oder Herr Prokurist W. Gemuseus sind berechtigt, nach bestem Wissen und Gewissen, jedoch nach gänzlich freiem Ermessen, unter Erhaltung der Vermögenssubstanz, Verwaltungshandlungen irgendwelcher Art vorzunehmen oder zu unterlassen, insbesondere Kaufs- oder Verkaufsaufträge für Wertschriften, Devisen oder Gold zu erteilen, Wertpapiere zu konvertieren oder umzutauschen."*)

These dossiers were established under special conditions. Bank 1's Zurich branch remained the owner of record of the special dossiers and individual Account Owners held power of attorney over them. Each of the special dossiers contained a sealed envelope which was to be opened only under certain conditions: either upon receipt by the special dossier's custodian (*i.e.*, Bank 1's New York or London branch, or *Brown Brothers Harriman & Co.*) of a letter from Bank 1's Zurich branch bearing a special code word, or

[u]pon the knowledge reaching you [*i.e.*, the custodian bank] of the crossing of any part of the Swiss frontier by the troops or military forces of any other nation friendly or otherwise, with or without a declaration of war or with or without the consent of the Government of Switzerland or any division or part of such Government, or upon knowledge reaching you of any serious rioting of an inspired nature likely to develop to revolutionary proportions or the taking over of the Government of Switzerland or any of its component parts by force. Knowledge of such happening shall be considered to have reached you upon the reporting of same in any two of the newspapers regularly published in [New York or London], and it is understood that the instructions in such sealed envelope will be complied with by you as soon as possible thereafter. It is expressly understood that no responsibility will attach to you for failure to take such action due to lack of time, or to your not being in a position to determine whether or not any such happenings as stated herein have actually occurred.

The sealed envelopes contained instructions to the respective custodian banks to withdraw all assets from the special dossiers and to open accounts at the custodian banks in the names of the respective power of attorney holders of the assets in the dossiers, and to deposit all the assets from the special dossiers into those new accounts.

#### *Account 3468*

According to Bank 1's records Walter and Alice Bettina Löw Beer, who resided in Zurich, held an account numbered 3468 at Bank 1's Zurich branch, for which neither the type nor the opening date appear in Bank 1's records, which was closed on 6 September 1940 by transfer to Bank 1's New York branch.

#### *Accounts 3313, 3315, 36328, and 36463*

According to Bank 1's records, sometime in or before 1934 August and Alice Löw Beer, who resided in both Czechoslovakia and France, opened accounts under the numbers 3313 and 36328, and Walter and Alice Bettina Löw Beer, who also resided in Czechoslovakia and France, opened accounts under the numbers 3315 and 36463, at Bank 1's Zurich branch. These accounts included an asset management custody account and a demand deposit account, both numbered 3313, a custody account numbered 36328, an asset management custody account and a demand deposit account, both numbered 3315, and a custody account numbered 36463.

Bank 1's records indicate that, as of March 1939, some of the assets in these accounts were held at the London branch of Bank 1 in special dossiers numbered 36328 and 36463, code word

AUWA. Bank 1's records indicate that August and Walter Löw-Beer held power of attorney over both of these special dossiers.

These records further indicate that in May 1940, Bank 1's Zurich branch requested that the London branch destroy the sealed envelopes held in special dossiers 36328 and 36463, and that the special dossiers were closed by 1 July 1940. Additionally, Bank 1's records indicate that all of the accounts held under the numbers 3313, 3315, 36328 and 36463 at Bank 1's Zurich branch were closed between 5 June and 6 September 1940. These records additionally indicate that the account relationships held under the numbers 3313 and 3315 were transferred to Bank 1's New York branch on 6 September 1940.

#### *Accounts 66142, 66143, and 66144*

According to Bank 1's records, on 21 April 1938 Walter and August Löw Beer and Hugo Keller opened accounts numbered 66142, 66143, and 66144 in Zurich. These records indicate that August Löw Beer, who resided in Zurich and later Paris, France, opened three accounts under the number 66142, including an asset management custody account, a custody account, and a demand deposit account; that he opened three accounts of similar type under the number 66143; and that the beneficial owner of the accounts held under the numbers 66142 and 66143 was Gusti Löw Beer, who resided in Zurich and later Paris.

According to these records, Dr. Hugo Keller, who resided in Zurich, opened four accounts under the number 66144, including an asset management custody account, a custody account, a demand deposit account denominated in Swiss Francs, and a demand deposit account denominated in United States Dollars.

According to these records, as of March 1939, some of the assets in the accounts numbered 66142 and 66143 were held in two special dossiers at Bank 1's London branch, both dossiers bearing the code word AUWA. As of December 1939, some of the assets in the accounts numbered 66142 were also held in a special dossier at Bank 1's New York branch, bearing the code word DORIS. Gusti, Walter, and August Löw Beer held power of attorney over these special dossiers. Bank 1's records also indicate that Gusti Löw Beer owned a demand deposit account at Bank 1's New York branch under the number 66142. Bank 1's records indicate that the special dossier 66142 (DORIS) and the demand deposit account numbered 66142 at Bank 1 in New York were frozen in the 1941 Freeze. The ultimate disposition of these assets is described in more detail below.

As of March 1939, some of the assets in the accounts numbered 66144 were held in a special dossier at Bank 1 in London, over which the following people held power of attorney: Hugo Keller, Bedrich Keller, Marie Keller, Leontine Pick, Kamilla Silberstern, Karl Pick, and Franz Pick. Additionally, as of January 1940, some of the assets in the accounts numbered 66144 were held in a special dossier at Bank 1 in New York, bearing the code word ERATO, over which Hugo Keller and August Löw Beer held power of attorney.

Bank 1's records indicate that the special instructions held in a sealed envelope for special dossier 66142 (AUWA) at Bank 1 in London were activated on 19 February 1940, according to

which Bank 1's London branch transferred the assets in the special dossier to a newly created custody account in the names of Gusti, Walter, and August Löw Beer at Bank 1's London branch. Bank 1's records do not contain additional information about this account.

Bank 1's records indicate that special dossier 66143 in London was closed in May 1940, as it did not contain any assets. Bank 1's records also indicate that the entire account relationship numbered 66143 in Zurich was closed on 27 October 1941 and transferred to the accounts numbered 66142, by which time Gusti Löw Beer appeared as the owner of record for these accounts. Bank 1's records further indicate that the entire account relationship held under the number 66142 in Zurich was closed on 24 February 1951.

As for the accounts numbered 66144, Bank 1's records indicate that on 17 February 1945 a debit account with a balance of SF 5,088.00 and a demand deposit account denominated in United States Dollars, with a balance of US \$28,291.55, were frozen by the Swiss Government in the 1945 Freeze. At the time of the freeze, Bank 1 reported that Hugo Keller, whose correspondence address was in care of Mahieux, La Promenade, Bastier, Argentat, Correze, France, was a Czechoslovakian national who had resided in France since sometime before 1 September 1939. Bank 1's records indicate that Hugo Keller signed an agreement with Bank 1 on 24 May 1946 to close the special dossier in New York. Additionally, Bank 1's records indicate that the debit account and the United States Dollar demand deposit account numbered 66144 in Zurich were officially unblocked from the 1945 Freeze on 10 September 1946. Finally, Bank 1's records indicate that all of the accounts held under number 66144 were closed on 9 March 1966.

#### *Accounts 61716, 61717, and 67717*

According to Bank 1's records, August Löw Beer held an account, numbered 61716, of which the type and opening date are not indicated, at Bank 1's Zurich branch. Bank 1's records indicate that this account was closed on 12 January 1938, at which time August Löw Beer resided in London.

Bank 1's records also indicate that August Löw Beer held four accounts under the number 61717, including an asset management custody account, a custody account, and two demand deposit accounts, one denominated in Swiss Francs and one denominated in United States Dollars, at Bank 1's Zurich branch. Bank 1's records indicate that these accounts were opened sometime before 28 May 1938. According to these records, as of March 1939, some of the assets in these accounts were held in special dossiers over which August and Walter Löw Beer held power of attorney, at Bank 1's London and New York branches, under the conditions described above, the London dossier held under the number 61717, code word AUWA, and the New York dossier also under the number 61717, code word AGLAJA.

Bank 1's records also include an affidavit signed by August Löw Beer in Zurich on 20 February 1940, regarding his ownership of certain Canadian securities in custody account 61717, and indicating that he resided in Paris as of that date. Additionally, according to these records, on 1 July 1940 Bank 1 in Zurich received the following telegram from Bank 1 in London:

attention hoch [a Bank 1 official] received visit august lowbeer who requests us  
wire you quote i confirm wire sent you twentieth stop inform newyork

bankers my address now care of my solicitor taylor london stop my accounts in no case french and blockage unnecessary as they could so far only be operated through you stop have you done necessary transfer administration stop walter in england the others in france unquote.

In response, Bank 1 in Zurich sent the following telegram to August Löw Beer in care of Bank 1 in London on 2 July 1940:

yours 1st through our london office stop we shall open sealed envelope account 66746 61717 august stop regarding account walter 66745 have instructions given through bank by walter as you no power stop we understand that the gusti hugo account should not be transferred.<sup>12</sup>

Following this exchange, Bank 1's Zurich branch sent a telegram to Bank 1's New York branch on 2 July 1940 instructing the New York branch to open the sealed envelope for special dossier 61717 (AGLAJA) and to follow the instructions therein, namely to withdraw all the securities it contained and to deposit them into a new custody account opened for that purpose at Bank 1's New York branch in the names of August and Walter Löw Beer. This new account in the names of August and Walter Löw Beer, numbered 18157, which was created with the assets from special dossier 61717 (AGLAJA) at Bank 1 in New York is discussed in further detail below.

Bank 1's records additionally indicate that all the securities in special dossier 61717 (AUWA) in London were withdrawn sometime before 5 August 1940, after which the sealed envelope containing special instructions was destroyed.

Bank 1's records indicate that the accounts numbered 61717 in Zurich were closed between 19 and 20 October 1953, and that the proceeds of these accounts were transferred to an account at Bank 1's Zurich branch numbered 67717 held by a person named *Frau* (Mrs.) D. Bleuler-Biffi.

#### *Accounts 66229 and 66683*

Bank 1's records indicate that August Löw Beer, who resided in Paris, opened a custody account and a demand deposit account, both numbered 66229, on 28 May 1938, at Bank 1's Zurich branch. These records also indicate that one or both of these accounts was opened by transfer of assets from another, unidentified, account at Bank 1. Additionally, these records indicate that the demand deposit account numbered 66229 was a trust account (*Treuhandkonto*) identified by the rubric "*Truehandkonto Sch.*" Bank 1's records indicate that the accounts numbered 66229 were closed between 13 and 27 January 1939 by transfer to another account held at Bank 1 in Zurich, numbered 66683, which was held by Olga Pisinger, who resided in London, and Victor Schloss and Malwine Schloss, whose residence is not indicated.

#### *Accounts 66528 and 66739*

Bank 1's records indicate that August Löw Beer opened two accounts under the number 66528 at Bank 1's Zurich branch, including a custody account and a demand deposit account denominated

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<sup>12</sup> Accounts 66745 and 66746 are discussed in detail below.

in United States Dollars, on 1 October 1938, at which time he gave his residence as Zurich. According to Bank 1's records, as of 19 February 1940, the dividends from a custody account held by August and Alice Löw Beer, numbered 66746, at the same branch, were deposited into the demand deposit account numbered 66528.<sup>13</sup> Additionally, Bank 1's records indicate that Walter Löw Beer, who gave his residence as Paris, held a custody account under the number 66739, the opening date of which is not indicated in Bank 1's records. Bank 1's records indicate that all of the accounts numbered 66528 and 66739 were closed on 30 July 1940 by transfer to Bank 1's New York branch.

#### *Accounts 66745, 66746, and 8179*

According to Bank 1's records, on 30 March 1939 Walter and Alice Bettina Löw Beer and August and Alice Löw Beer opened accounts numbered 66745 and 66746 at Bank 1's Zurich branch. These records indicate that Walter and Alice Bettina Löw Beer, who gave a correspondence address in care of *Royaltex* at 3 rue Feydeau in Paris, held three accounts under the number 66745, including a custody account and two demand deposit accounts, one denominated in Swiss Francs and one denominated in United States Dollars. These records additionally indicate that custody account 66745 was closed on 11 April 1939 and re-opened as an asset management custody account.

According to Bank 1's records, August and Alice Löw Beer, who also indicated that they resided in Paris, held three accounts under the number 66746, including an asset management custody account, a custody account, one of which was designated as "A & J," and a demand deposit account. Bank 1's records indicate that dividends from custody account 66746 were to be deposited into demand deposit account 66746, whereas dividends from custody account "A & J" were to be deposited into a demand deposit account denominated in United States Dollars, numbered 66528, held by August Löw Beer at Bank 1 in Zurich (described above).

Bank 1's records further indicate that some of the securities in custody accounts 66745 and 66746 were deposited in special dossiers in the name of Bank 1 Zurich at the bank *Brown Brothers Harriman & Co.* in New York, under the conditions described above. The special dossiers were held under the names CASTOR, with a corresponding codeword NAJNM, for number 66745, and EUNOMIA, with a corresponding codeword NAJRP, for number 66746. In a letter dated 31 March 1939 from Bank 1's Zurich branch to *Brown Brothers Harriman*, Bank 1 indicated that approximately 25 various types of securities would be forwarded to *Brown Brothers Harriman* from Bank 4's Zurich branch on behalf of Bank 1, to be deposited in the special dossiers CASTOR and EUNOMIA at *Brown Brothers Harriman*. Bank 1's records indicate that, pursuant to August and/or Walter Löw Beer's instructions, Bank 1 Zurich directed *Brown Brothers Harriman* to close the special dossiers CASTOR and EUNOMIA between 3 and 5 August 1940 and to deposit the securities they contained into new joint custody accounts in the names of Walter and Alice Bettina Löw Beer for the CASTOR dossier, and August and Alice Löw Beer for the EUNOMIA dossier at *Brown Brothers Harriman*.<sup>14</sup>

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<sup>13</sup> The demand deposit account numbered 66746 is discussed below.

<sup>14</sup> See telegrams dated in July 1940 described above.

With respect to the accounts held under the number 66746 in Zurich, according to Bank 1's records, the demand deposit account and one of the custody accounts were closed on 5 July 1940, and the remaining custody account was closed on 20 October 1953 by transfer to account 67717, owned by *Frau* D. Bleuler Biffi, as was the case with the accounts numbered 61717 described above.

Bank 1's records contain a transcript of a telegram sent to Bank 1 in Zurich on 30 August 1943, stating that Walter Löw Beer requested that Bank 1 in Zurich give the firm *Pritchard Englefield* "any information they require regarding all Löw Beer accounts."

As for the remaining accounts numbered 66745 in Zurich, Bank 1's records indicate that the firm *S. Japhet & Co. Ltd.* in London wrote to Bank 1 in January 1944 on behalf of Walter Löw Beer, instructing Bank 1 to credit dividends from the shares he owned in the Swiss entities *Aluminium Industrie A.G.* and Bank 1, which were held in asset management custody account 66745, to the *Swiss National Bank* for the account of the *Bank of England*. Bank 1 was instructed that a positive balance was to be maintained in one or more of the demand deposit accounts numbered 66745 in order to cover bank fees. These records indicate that Bank 1 was informed on 14 January 1944 that Walter and Alice Bettina Löw Beer resided at Cressingham, the Palace, Epsom, Surrey, England.

Bank 1's records further indicate that the three accounts numbered 66745 in Zurich that remained open in 1945, namely the asset management custody account and two demand deposit accounts, were registered for the 1945 Freeze. According to these records, as of 17 February 1945, custody account 66745 held unspecified non-Swiss bonds with a face value of SF 37,277.50 and a market value of SF 6,821.00, and the above-mentioned Swiss shares, which had a face value of SF 34,000.00 and a market value of SF 42,020.00. There is no evidence to suggest that custody account 66745 was blocked in the 1945 Freeze. According to the records, custody account 66745 was closed on 3 October 1947 by transfer to another account, numbered 8179. There is no further information regarding account 8179.

Bank 1's records indicate that the two demand deposit accounts numbered 66745 in Zurich were frozen in the 1945 Freeze with balances of SF 565.00 and US \$997.00. The records show that, pursuant to an application filed on 1 April 1948 by or on behalf of the owners of the accounts, by 22 April 1948 both the United States Dollar demand deposit account and the Swiss Franc demand deposit account were released from the 1945 Freeze. Bank 1's records show that both of these demand deposit accounts were steadily reduced by fees over the next decades, and that the Swiss Franc demand deposit account was closed to fees in December 1975, and that the United States Dollar demand deposit account was closed to fees in January 1988.

#### Accounts at Bank 1's Lausanne branch

##### *Account 1448*

Bank 1's records indicate that Alice Löw Beer, who resided in Lausanne, held a safe deposit box, numbered 1448, at Bank 1's Lausanne branch, which was opened on an unknown date and closed on 1 July 1939.



### *Accounts 13360, 13361, 13362, and 13363*

According to Bank 1's records, Walter, Alice Bettina, August, Alice, and Gusti Löw Beer opened custody accounts numbered 13360, 13361, 13362, and 13363 at Bank 1's Lausanne branch on 27 and 28 April 1939, at which time they all indicated that they were Czechoslovakian nationals and provided Bank 1 with a correspondence address in care of *Royaltex*, 3 rue Feydeau, Paris; in Gusti Löw Beer's case, the correspondence address was subsequently changed to Rio de Janeiro, Brazil. These records indicate that Alice Bettina and Walter Löw Beer owned account 13360, over which August Löw Beer held power of attorney; that Alice and August Löw Beer owned account 13361, over which Walter Löw Beer held power of attorney; that Gusti Löw Beer held account 13362, over which August and Walter Löw Beer held power of attorney; and that August Löw Beer held account 13363, over which Walter Löw Beer held power of attorney.

These records additionally indicate that accounts 13360 and 13361 were closed on 5 September 1940; that account 13362 was closed on 5 February 1942 by transfer to the *Bank of London & South America* in Rio de Janeiro for the account of a person named Albert Zielinsky, whose relation to Gusti Löw Beer is not apparent from the available records. Finally, Bank 1's records indicate that account 13363 was closed on 20 December 1944 by transfer to the *Swiss National Bank* for the account of the *Bank of England*.

### Account at Bank 1's London branch

#### *Account of Gusti, Walter, and August Löw Beer, formerly Special Dossier 66142 (AUWA)*

As indicated above, according to Bank 1's records, the special instructions held in a sealed envelope for special dossier 66142 (AUWA) in London were activated on 19 February 1940, pursuant to which Bank 1's London branch transferred the assets in the special dossier to a newly created account in the names of Gusti, Walter, and August Löw Beer at Bank 1's London branch; Bank 1's records do not contain additional information about this account.

#### *Account of August Löw Beer*

Bank 1's records indicate that August Löw Beer of London held an account, the type of which is not indicated, at Bank 1's London branch, which was opened some time before 29 June 1940. These records indicate that the account had a balance of 1,000.00 Pound Sterling ("£") as of 29 June 1940, which was steadily reduced to a balance of approximately £6.00 by 31 December 1941. Bank 1's records additionally indicate that the London branch was informed of August Löw Beer's death on an unknown date, after which the account was blocked and transferred to Bank 1's litigation department. There is no further information regarding this account.

### Accounts at Bank 1's New York branch

#### *Accounts 3313, 3315, 3468, 66528, and 66739*

As described above, Bank 1's records indicate that the accounts numbered 66528, 66739, 3313, 3315, and 3468, all originally held at Bank 1's Zurich branch, were closed by transfer to Bank 1

in New York, the accounts numbered 66528 and 66739 on 30 July 1940, and the accounts numbered 3313, 3315, and 3468 on 6 September 1940. There is no further information about these accounts in Bank 1's records.

*Accounts D.G. 8032, B.N. 5014, and 80822*

The CRT notes that 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 report an account belonging to Georg (Jiri) Löw Beer during their investigation. The documents evidencing accounts held by Georg Löw Beer at Bank 1 in New York were obtained by the HCPO and forwarded to the CRT. These documents indicate that on 15 May 1940 Bank 1 Zurich instructed Bank 1 New York to open a custody account numbered D.G. 8032 for Georg Löw Beer of Splügenstrasse 2 in Zurich, with an initial deposit of US \$2,000.00 to be debited from Bank 1 in Zurich. Bank 1's records also indicate that Georg Low Beer held another account, the opening date and type of which are not indicated, numbered B.N. 5014, at Bank 1 in New York. These records indicate that both of Georg Löw Beer's accounts at Bank 1 in New York were frozen in the 1941 Freeze, at which time the balance of account D.G. 8032 was reportedly US \$1,953.71.<sup>15</sup> Additionally, at the time of the 1941 Freeze, Georg Löw Beer was reported to be a Czechoslovakian national who resided at Rua Senador Vergueiro 215 in Rio de Janeiro. Bank 1's records further indicate that account D.G. 8032 was closed by transfer to another custody account, numbered 80822, which was opened at Bank 1's New York branch on 27 September 1943, at which time Georg Low Beer's address was recorded as "Buenos Aires, Brazil." Bank 1's records also indicate that account B.N. 5014 was closed on an unknown date and that account 80822 was closed on 25 May 1946.

*Account 18157, formerly Special Dossier 61717 (AGLAJA)*

As noted above, Bank 1's records indicate that the securities in special dossier 61717, code word AGLAJA, at Bank 1's New York branch were deposited into a new custody account, numbered 18157, held jointly by Walter and August Löw Beer, which was opened on 11 July 1940 at Bank 1's New York branch. Bank 1's records indicate that this account was subsequently frozen in the 1941 Freeze, with a balance of US \$2,805.79.<sup>16</sup>

Additionally, Bank 1's records contain a letter from Walter Löw Beer in London to Bank 1 in Zurich, dated 1 July 1942, requesting information about the securities in custody account 61717 which had been sent to the United States.

Bank 1's records indicate that Bank 1 in New York was aware of August Löw Beer's death by 6 March 1944 and that it made inquiries with the law firm *White & Case* in New York regarding the distribution of his estate. Bank 1's records contain a letter, dated 28 March 1944, to Bank 1's New York branch, from an unnamed sender, possibly *White & Case*, regarding August Low Beer's estate, which states: "We understand that the administrators [of August Low Beer's estate] intend to pay the taxes on the four accounts solely from the account with you." This

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<sup>15</sup> This account balance appears on the WJC List. See note 10 *supra*.

<sup>16</sup> This account balance appears on the WJC List. See note 10 *supra*.

statement appears to indicate that at the time of his death August Löw Beer owned or held an interest in three accounts at branches of Bank 1 outside of New York, in addition to account 18157 in New York.

Bank 1's records indicate that, pursuant to transfer licenses granted under the 1941 Freeze, on 19 July 1946, August Low Beer's share of custody account 18157, equal to 28.853% of the total balance, was transferred to an account at Bank 1 in New York numbered 50502, held by the administrators of the estate of August Löw Beer, which was closed on 26 November 1947. These records additionally indicate that on 19 July 1946, the remaining 71.147% of account 18157 was transferred to a new account, numbered 14069, belonging to Walter Löw Beer of Epsom, Herbert Löw Beer of London, and Georg Löw Beer of Rio de Janeiro as tenants in common as follows: Walter Löw Beer (approximately 39%) and Herbert and Georg Löw Beer (approximately 16% each). Bank 1's records indicate that account 18157 was closed on 16 August 1946 and that account 14069 was closed on 26 November 1947.

*Account 80734, formerly Special Dossier 66142 (DORIS), and Account 66142*

As noted above, Bank 1's records indicate that Gusti Löw Beer owned a demand deposit account, numbered 66142, as well as a special dossier, also numbered 66142, code word DORIS, of which she was the beneficial owner and Bank 1 Zurich was the owner of record, both at Bank 1's New York branch. According to Bank 1's records, the assets in the demand deposit account and the special dossier numbered 66142 were frozen in the 1941 Freeze. At the time of the 1941 Freeze, the total value of these assets was reportedly US \$1,671.07.<sup>17</sup>

Bank 1's records indicate that Gusti Low Beer signed an affidavit in Rio de Janeiro on 8 February 1943 confirming her ownership of the securities in special dossier 66142 (DORIS) at Bank 1 in New York. Additionally, Gusti Low Beer wrote to Bank 1 in New York on 1 June 1943 requesting that the name on her accounts be changed to "Gusta Low-Beerova," according to Bank 1's records. Further, Bank 1's records indicate that Gusti Low Beer applied to the *Federal Reserve Bank* of New York on 25 November 1943, in order to change the record owner of the assets in special dossier 66142 (DORIS) from Bank 1's Zurich branch to her own name. Finally, these records indicate that Gusti Low Beer wrote to Bank 1 again on 28 December 1945 to inform Bank 1 that she resided in New York, after which the assets in special dossier 66142 (DORIS) were transferred to a custody account numbered 80734 in her name, over which her daughter, [REDACTED] held power of attorney. Both the demand deposit account associated with the number 66142 and the custody account 80734 were closed on 23 March 1946, according to Bank 1's records.

Accounts of Walter, Alice Bettina, August, and Alice Löw Beer, formerly Special Dossiers CASTOR (66745, NAJNM) and EUNOMIA (66746, NAJRP) at *Brown Brothers Harriman & Co.* in New York

As noted above, Bank 1's records indicate that, pursuant to August and Walter Löw Beer's instructions, *Brown Brothers Harriman* closed the special dossiers CASTOR and EUNOMIA

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<sup>17</sup> This account balance appears on the WJC List. See note 10 *supra*.

between 3 and 5 August 1940 and deposited the securities they contained into new joint custody accounts in the names of Walter and Alice Bettina Löw Beer for the CASTOR dossier, and August and Alice Löw Beer for the EUNOMIA dossier at *Brown Brothers Harriman*. The CRT notes that *Brown Brothers Harriman* is not a Swiss bank and that assets deposited in it are not subject to the Settlement Agreement reached in the Holocaust Victims Asset Litigation.

### **Information Available in Bank 2's Records**

Bank 2's records indicate that Dr. Hugo Keller, *Frau* Marie Keller of Brno, *Frau* Leontine Pick of Brno, and *Frau* Camilla Silberstern of Prague, Czechoslovakia (today the Czech Republic), jointly held a custody account and a demand deposit account under the account relationship 3815, the demand deposit account bearing the additional designation "*Konto B.*" and the custody account bearing the additional designation 20386. According to Bank 2's records, these accounts were opened at Bank 2's Zurich branch on 21 April 1937 and closed on 29 September 1938.

Additionally, as noted above, Claimant [REDACTED 1] submitted a memorandum indicating that there were "no accounts" remaining at Bank 2 as of 12 November 1946, but there was a check for SF 3,359.00 from Bank 2, which was endorsed to *Royaltex* in June 1940, which could be cashed as soon as an account held by *Royaltex* at Bank 3 was transferred, presumably to Bank 2. Additionally, these records indicate that a "second account" might be established at Bank 2 ("*Vielleicht wird ein Konto No. 2 errichtet.*").

### **Information Available in Bank 3's Records**

The CRT notes that the auditors who carried out the ICEP Investigation did not report an account belonging to the Account Owners during their investigation of Bank 3. The documents evidencing an account at Bank 3 were obtained by the HCPO and Claimant [REDACTED 1] and forwarded to the CRT. As noted above, Claimant [REDACTED 1] submitted a deposit receipt indicating that August and Walter Löw deposited US \$5,200.00 in bills at Bank 3's Geneva branch on 12 January 1940. Additionally, the HCPO submitted a slip (*borderau*) issued by the Swiss Compensation Office, dated 9 November 1948, indicating that *Royaltex S.A.* of Claridenstrasse 37 in Zurich, which was in turn owned by Walter Löw Beer of Cressingham, the Parade, Epsom, Surrey, owned two accounts at Bank 3's Geneva branch, including a demand deposit account and a custody account, which were frozen in the 1945 Freeze. Pursuant to an application, the two *Royaltex* accounts were released from the 1945 Freeze on 11 November 1948, at which time the demand deposit account had a balance of US \$341.20 (which was actually held at Bank 3's New York branch) and the custody account contained unspecified German bonds with a face value of US \$6,000.00 and a market value of US \$120.00, for a total Swiss Franc value of the two accounts of SF 1,983.16, according to these records.

Finally, according to the memoranda submitted by Claimant [REDACTED 1], certain securities were deposited and then withdrawn from Bank 3 in Geneva sometime before 8 November 1940;

and, as mentioned above, as of 12 November 1946 an account belonging to *Royaltex* at Bank 3 was to be transferred, presumably to Bank 2.

### **Information Available in Bank 4's Records**

The auditors who carried out the ICEP Investigation did not report an account belonging to the Account Owners during their investigation of Bank 4. The documents potentially evidencing accounts at Bank 4 include a letter dated 31 March 1939 from Bank 1's Zurich branch to *Brown Brothers Harriman* in New York indicating that approximately 25 various types of securities would be forwarded to *Brown Brothers Harriman* from Bank 4's Zurich branch on behalf of Bank 1, to be deposited in the special dossiers CASTOR and EUNOMIA at *Brown Brothers Harriman*.

Additionally, Claimant [REDACTED 1] submitted the two memoranda described above which report that, as of 8 November 1940, there were two small demand deposit accounts at Bank 4, one in the name of *Supertex* and one possibly in the name of *Laure Freres*, but both actually owned jointly or as tenants in common by August, Herbert, Georg, and Walter Löw Beer, each with a balance of US \$1,500.00 to US \$2,000.00.

Further, according to these memoranda, sometime before 12 November 1946 a Bank 4 official indicated that he would check a file from Geneva to see whether any assets still existed at Bank 4 and to find details on a credit given to the firm *Skye*. However, there is no further information on assets held at Bank 4.

### **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 claims of the Claimants in one proceeding.

#### Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The Claimant's relatives' names match the published names of August and Alice Bettina Löw Beer and Hugo and Marie Keller. Additionally, the Claimants indicated that their relatives resided in Brno, which matches the published city of residence of Hugo and Marie Keller.<sup>18</sup> In addition, the Claimants identified the names and multiple addresses, cities, and countries of residence of the Account Owners, all of which matches unpublished information contained in the records of Banks 1, 2, and 3. Further,

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<sup>18</sup> The CRT notes that the residence of Hugo and Marie Keller is published as "Brünn, Germany," on the ICEP List. The Czechoslovakian city of Brno (Brünn) was considered to be part of Germany for approximately six years, between the Nazi annexation of the Czech territories of Bohemia and Moravia on 15 March 1939 and the end of the Second World War in 1945.

the Claimants provided information and documents identifying the relationships between the Account Owners, the professions of August Löw Beer (general consul) and Hugo Keller (banker), one of the account numbers at Bank 1 (61717), the names of two Bank 1 officials (Hoch and Gemuseus), the name of a company (*Royaltex*) and the names of people (D. Bleuler-Biffi and Viktor and Malwine Schloss) affiliated with the Löw Beer family, all of which matches unpublished information contained in the records of Banks 1, 2, and 3.

In support of their claims, the Claimants and the HCPO submitted numerous documents, including a deposit receipt from Bank 3; August Löw Beer's Czechoslovakian passport, Brno residence certificate, wedding certificate, will and death certificate; August and Alice Löw Beer's residence certificate; Georg Löw Beer's Czechoslovakian passport; an extract from a Brno corporate registry regarding *Aron & Jakob Löw Beer's Söhne*; Walter Löw Beer's Brno registration record and certificate of British nationalization; Alice Bettina Löw Beer's will and death certificate; and civil registry extracts pertaining to Gusti Löw Beer and Hugo and Marie Keller. These documents provide independent verification that the people who are claimed to be the Account Owners had the same names, nationalities, spouses, addresses, and cities and countries of residence as the Account Owners.

Claimant [REDACTED 1] also submitted a sample of her father's signature, which matches the signature sample of Account Owner August Löw Beer contained in Bank 1's records.

The CRT notes that the Claimants did not identify Leontine Pick or Camilla Silberstern, who jointly held two accounts at Bank 2, both numbered 3815, with Hugo and Marie Keller. However, the CRT notes that there is no indication in Bank 2's records that Leontine Pick or Camilla Silberstern were related to Hugo and Marie Keller, or any other members of the Löw Beer family, and therefore determines that it is plausible that the Claimants would not know the names of all of their relatives' associates, and that the Claimants' failure to identify Leontine Pick or Camilla Silberstern does not adversely affect the plausibility of their identification of the Hugo and Marie Keller.

The CRT notes that the other claim to accounts owned or co-owned by Alice Löw Beer was disconfirmed because that claimant provided a different city and country of residence and citizenship, and different spouse's name, than the city and country of residence and citizenship, and spouse's name than those appearing in Bank 1's records for Alice Löw Beer.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish; that August, Alice, Walter, Alice Bettina, and Gusti Löw Beer and Hugo Keller fled from Brno after the Nazi annexation of portions of Czechoslovakia; and that Marie Keller and her son perished in concentration camps.

The HCPO also submitted documents regarding the aryanization of the company *Aron & Jakob Löw Beer's Söhne*, which was owned by August, Walter, Herbert, and Georg Löw Beer, and the seizure of their assets in Czechoslovakia by Nazi authorities.

## The Claimants' Relationships to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners, by submitting specific information and documents, demonstrating that August and Alice Löw Beer were Claimant [REDACTED 1]'s parents; that Walter Löw Beer and Alice Bettina Löw Beer were Claimant [REDACTED 8]'s paternal grandparents and Claimant [REDACTED 3]'s parents; that Gusti Löw Beer was the mother of Herbert and Georg Löw Beer, the latter being the father of Claimant [REDACTED 6] and Claimant [REDACTED 7]; and that Marie Keller, who was married to Hugo Keller, was the sister of August and Walter Löw Beer.

These documents include August Löw Beer's will, indicating that his wife was Alice Löw Beer and that Claimant [REDACTED 1] was his child and one of his heirs, an inheritance certificate pertaining to Walter Löw Beer's estate, indicating that his heirs following the death of his wife, Alice Bettina Löw Beer, were his children, [REDACTED 4] (represented party [REDACTED 4]), represented party [REDACTED 5], and Claimant [REDACTED 3]; Alice Bettina Löw Beer's will, indicating that represented party [REDACTED 4], represented party [REDACTED 5], and Claimant [REDACTED 3] were her children and heirs, and indicating that Claimant [REDACTED 8] is [REDACTED 5]'s daughter; and a civil registry extract pertaining to Gusti Löw Beer, indicating that Georg Löw Beer was one of her children.

Additionally, the CRT notes that the Claimants identified extensive unpublished information about the Account Owners.

The CRT notes that the Claimants indicated that they have other surviving relatives, but that because they are not represented in the Claimants' claims, the CRT will not treat their potential entitlement to the Account Owners' accounts in this decision.

## The Issue of Who Received the Proceeds

### *Bank 1*

Generally, Bank 1's records show that the Account Owners and/or their heirs maintained contact with Bank 1 and actively managed their accounts before, during, and after the Second World War. Thus, as explained below, the CRT concludes that the Account Owners received the proceeds of the claimed accounts, with the exception of the two demand deposit accounts numbered 66745, owned by Walter and Alice Bettina Löw Beer, which were closed to fees in 1975 and 1988. As noted above and discussed in more detail below, these two accounts were frozen in the 1945 Freeze. Pursuant to an application filed on 1 April 1948 by or on behalf of the owners of the accounts, these two accounts were released from the 1945 Freeze no later than 22 April 1948. Given the extensive evidence that Walter and/or Alice Bettina Löw Beer and/or their heirs managed these accounts after the War, the CRT determines that no award is appropriate.

Bank 1's records indicate that the instructions held in sealed envelopes for the following special dossiers in New York were activated at the direction of August and/or Walter Löw Beer between June and September 1940: 61717 (AGLAJA, Bank 1), 66745 (CASTOR, NAJNM, *Brown*

*Brothers Harriman*), and 66746 (EUNOMIA, NAJRP, *Brown Brothers Harriman*). Additionally, Bank 1's records indicate that the following accounts were transferred to Bank 1 in New York between June and September 1940: accounts 3313, accounts 3315, account of unknown type 3468, custody account 66528, and custody account 66739. Further, Bank 1's records indicate that the following accounts were closed between June and September 1940: custody account 36463, custody account 36328, a demand deposit account and a custody account numbered 66746, custody account 13360, and custody account 13361. Given the correspondence between the dates of activation of the special dossiers, the dates of transfer of other accounts to New York, and the dates of closure of other accounts, and the fact that Bank 1's records show that the special dossiers were activated upon the instructions of August and/or Walter Löw Beer, the CRT concludes that the transfer or closure of the other accounts in the same period also occurred upon the instructions of August and/or Walter Löw Beer.

Further, given the evidence that August and/or Walter Löw Beer actively managed their accounts during this period and kept Bank 1 informed of their addresses, the CRT additionally determines that all of the other accounts closed before September 1940 and held by Walter or August Löw Beer, or their respective spouses, namely Alice Bettina and Alice Löw Beer, were closed properly. These accounts include: account of unknown type 61716, closed on 12 January 1938; accounts 66229 closed between 13 and 27 January 1939 by transfer to an account co-owned by the Löw Beers' business associates Victor and Malvine Schloss; and safe deposit box 1448, closed on 1 July 1939.

Additionally, as noted above, in January 1944, the firm *S. Japhet & Co. Ltd.* in London, acting for Walter Löw Beer, instructed Bank 1 in Zurich to credit dividends from certain Swiss shares in his custody account numbered 66745 to the *Swiss National Bank* for the account of the *Bank of England*. At that time, Bank 1 was also instructed to maintain a positive balance on one or both of the two demand deposit accounts numbered 66745 in Zurich. It is unlikely that Walter Löw Beer would have continued to entrust his assets to Bank 1 in January 1944 if any of the other accounts that he owned or co-owned at Bank 1 had been closed improperly before that date.

The remaining accounts of August Löw Beer at Bank 1 in Zurich, Lausanne, and London include the following, which were not closed until after his death on 18 May 1942: four accounts numbered 61717 and one custody account numbered 66746, all of which were held at Bank 1 in Zurich and closed between 19 and 20 October 1953 by transfer to D. Bleuler Biffi, a former secretary at the *Aron & Jacob Löw Beer's Söhne* affiliate *Supertex* in Switzerland and family friend of the Löw Beers; custody account 13363 at Bank 1 in Lausanne, which was closed on 20 December 1944 by transfer to the *Swiss National Bank* for the account of the *Bank of England*; and an account of unknown type at Bank 1 in London which had a balance of £6.00 by 31 December 1941, and which was blocked and transferred to Bank 1's litigation department on an unknown date after Bank 1 learned of August Löw Beer's death. The CRT determines that these accounts were also closed properly to an authorized party, given D. Bleuler Biffi's professional and personal association with the Löw Beers, given that August Löw Beer's brother Walter Löw Beer and his widow Alice Löw Beer resided in the United Kingdom, where two of the accounts were either transferred and/or held, and that Bank 1 was informed of August Löw Beer's death.



The CRT notes that the “Statement of Mr. August Löw Beer’s Assets” submitted by Claimant [REDACTED 1] refers to cash and securities at various branches of Bank 1 in Switzerland worth SF 320,000.00, to United States Eagle gold coins at the Lausanne branch of Bank 1 worth US \$19,830.00, and to two kilograms of gold in bars held at an unnamed location in Switzerland. With the exception of the two kilograms of gold in bars, the custodian of which is unnamed, August Löw Beer’s report on cash, securities, and coins, is consistent with the evidence in Bank 1’s records of various accounts owned or co-owned by August Löw Beer at Bank 1 branches in Zurich and Lausanne. With respect to the two kilograms of gold bars, it is possible that they were held in one of the accounts addressed in this decision. The CRT notes that the gold bars were not reported in the ICEP Investigation. The CRT concludes that there is not enough information about the gold bars to warrant treating them as assets separate from the accounts addressed in this decision.

As for the accounts held by Hugo Keller at Bank 1 in Zurich, numbered 66144, as noted above, Hugo Keller signed an agreement with Bank 1 in Zurich on 34 May 1946 to close the special dossier held under that number at Bank 1 in New York, and all of the accounts numbered 66144 were closed on 9 March 1966, although a debit account and a demand deposit account numbered 66144 in Zurich were not officially released from the 1945 Freeze until 10 September 1946. The CRT notes additionally that the Claimants indicated that Hugo Keller died in 1966 in France, the same year as the closure of his accounts. Given the evidence that these accounts remained open after the Second World War and that Hugo Keller was in contact with Bank 1 and transacted business on at least one of these accounts after the Second World War, the CRT determines that Hugo Keller or his heirs closed the accounts themselves and received the proceeds.

As for the accounts owned or co-owned by Gusti Löw Beer, these include accounts numbered 66142 and 66143, as well as accounts created at Bank 1 in London and New York upon the activation of special dossiers held under the number 66142. Bank 1’s records indicate that the accounts numbered 66143 were closed by transfer to the accounts numbered 66142 on 27 October 1941.

As noted above, Bank 1’s records indicate that special dossier 66142 (DORIS) in New York was frozen in the 1941 Freeze. These records also indicate that Gusti Löw Beer signed an affidavit in Rio de Janeiro on 8 February 1943 confirming her ownership of the securities that special dossier 66142 (DORIS) contained, that she wrote to Bank 1 in New York on 1 June 1943 requesting a change in the spelling of her name on her accounts, that she applied to the *Federal Reserve Bank* of New York on 25 November 1943 to change the record ownership of the assets in special dossier 66142 (DORIS) from Bank 1 Zurich to her own name, that Gusti Löw Beer wrote to Bank 1 again on 28 December 1945 to inform Bank 1 that she resided in New York, after which the assets in special dossier 66142 (DORIS) were transferred to a custody account numbered 80734 in her name, over which her daughter, [REDACTED] held power of attorney.

Given that the demand deposit account numbered 66142 and the custody account 80734 were closed within three months of the creation of custody account 80734, which was created pursuant to Gusti Löw Beer’s application, and within three months of Gusti Löw Beer’s arrival in New York, the CRT determines that she closed these accounts herself and received the proceeds.

Regarding special dossier 66142 (AUWA) at Bank 1 in London, over which Gusti, Walter, and August Löw Beer held power of attorney, as noted above, the assets it contained were transferred to a joint account there in the names of Gusti, Walter, and August Löw Beer on 19 February 1940. In light of the evidence that just one day after the opening of this account, on 20 February 1940, August Löw Beer signed an affidavit in Zurich regarding another account (61717 at Bank 1 in Zurich), together with the evidence that Walter Löw Beer resided in London by this date, and that August, Walter, and Gusti Löw Beer actively managed their other accounts at Bank 1 after this date, the CRT determines that either Gusti, Walter, or August Löw Beer had access to this account and that they closed it themselves and received the proceeds.

As for Gusti Löw Beer's custody account numbered 13362 at Bank 1 in Lausanne, as indicated above, this account was closed on 5 February 1942 by transfer to the *Bank of London & South America* in Rio de Janeiro for the account of a person named Albert Zielinsky, who was not identified by the Claimants and whose relationship to Gusti Löw Beer is not indicated in Bank 1's records. However, given that the account was closed by transfer to a bank in Rio de Janeiro, where Gusti Löw Beer resided at the time, together with the evidence outlined above that Gusti Löw Beer actively managed her other accounts at other branches of Bank 1 after the closure of account 13362, the CRT concludes that this account was also closed properly.

With regard to account 18157 held by August and Walter Löw Beer, which was created upon activation of special dossier 61717 (AGLAJA) at Bank 1 in New York on 11 July 1940, as noted above, it was frozen in the 1941 Freeze. Additionally, pursuant to a transfer license granted under the 1941 Freeze, on 19 July 1946, 28.853% of the assets in this account were transferred to an account held by the administrators of August Löw Beer's estate, and that the remaining 71.147% of the account were transferred to an account, numbered 14069, held by Walter, Herbert, and Georg Löw Beer as tenants in common, after which account 18157 was closed on 16 August 1946 and account 14069 was closed on 26 November 1947. Thus, based on direct evidence that account 18157 was paid following the Second World War to the administrators of the estate of August Löw Beer and to an account held by August Löw Beer's brother Walter Löw Beer and their nephews, Herbert and Georg Löw Beer, which was closed one year later, the CRT determines that the proceeds of account 18157 were paid to authorized parties.

As for Georg Löw Beer's accounts at Bank 1 in New York, which were frozen in the 1941 Freeze, as noted above, Bank 1's Zurich branch instructed the New York branch to open account D.G. 8032 for Georg Löw Beer on 15 May 1940, at which time he reportedly resided in Zurich, and he was registered as residing in Rio de Janeiro at the time both of these accounts were frozen. Additionally, account D.G. 8032 was closed by transfer to another account held by Georg Löw Beer, numbered 80822, on 27 November 1943, B.N. 5014 was closed on an unknown date and account 80822 was closed on 25 May 1946. Given the evidence that Georg Löw Beer maintained contact with Bank 1 following his arrival in Rio de Janeiro, and given the evidence that he received the proceeds of his share of another account at Bank 1 two months after the closure of account 80822 (*i.e.*, account 18157, transferred on 19 July 1946), the CRT determines that Georg Löw Beer closed accounts 80822 and B.N. 5014 himself and received the proceeds.

Finally, as for the three accounts numbered 66745 held by Walter and Alice Bettina Löw Beer at Bank 1 in Zurich, as noted above, Bank 1's records indicate that Walter Löw Beer actively

managed the custody account from his residence in England in January 1944. As noted above, custody account 66745 was closed on 3 October 1947 by transfer to another account at Bank 1 in Zurich, numbered 8179, about which no further information is available. However, given the evidence that Walter Löw Beer was able to access custody account 66745 as late as January 1944, when he directed the transfer of certain dividends to the *Bank of England*, the CRT determines that he retained control over this account during the remainder of the Second World War and afterwards, and that he directed its transfer to the account numbered 8179 in October 1947. Accordingly, the CRT determines that custody account 66745 was closed properly and paid to authorized parties.

With regard to the two demand deposit accounts numbered 66745, Bank 1 was instructed in January 1944 that a positive balance was to be maintained in one or more of these demand deposit accounts in order to cover bank fees. As further described above, the two demand deposit accounts numbered 66745 were frozen in the 1945 Freeze with balances of SF 565.00 and US \$997.00, an application was made by or on behalf of the owners of the accounts on 1 April 1948 to release the accounts, and by 22 April 1948, both of these demand deposit accounts were released from the 1945 Freeze. Furthermore, the 12 November 1946 memorandum submitted by Claimant [REDACTED 1] indicates that members of the Löw Beer family maintained active contact with Bank 1 and that the author of the 12 November 1946 memorandum was apprised of the family's accounts remaining at Bank 1 in Zurich. As noted above, according to the 12 November 1946 memorandum, a Bank 1 official in Zurich checked "all of the accounts" and found nothing aside from the "known remainders." The CRT determines that these "known remainders" included the demand deposit accounts numbered 66745, both of which would be released from the 1945 Freeze by April 1948 pursuant to an application made by or on behalf of the owners of those accounts. The CRT notes that the demand deposit accounts were closed to fees in December 1975 and January 1988. However, given that these accounts were clearly managed by Walter and/or Alice Bettina Löw Beer and/or their heirs after the War, the CRT concludes that an award is not appropriate for the demand deposit accounts numbered 66745.

This conclusion is consistent with CRT precedent that no award is appropriate because the account owner and/or his/her heirs managed the account after the War. *See, e.g., In re Account of Alexander Politzer* (noting that the bank in that case had sent account statements to the account owner in Argentina in 1947, that the account owner confirmed the accuracy of the statements, that the account owner visited the bank in Zurich on 21 November 1949, and that he informed the bank of the death of power of attorney holder and designated a new power of attorney holder on that date to conclude that the account owner maintained contact with the bank after the War and received the proceeds of the claimed account) (approved on 9 November 2006); *In re Accounts of Madame Fernand Corcos-Dreyfus*; *In re Account of Moritz Pakula*; *In re Accounts of Alice von Wassermann*; and *In re Accounts of Arthur Wohrizek* (all approved on 30 August 2010); *In re Accounts of Stanislaw (Steven) Feigenbaum (Fay) and Irene Feigenbaum*; *In re Accounts of Fritz Levy*; *In re Accounts of Max Knepel, Sonja Knepel and Gisela Feldmann* (upon request for reconsideration); *In re Accounts of Benno Sommerich and Irma Sommerich* (upon request for reconsideration); and *In re Accounts of Otto Walter* (finding that, with regard to two safes that were frozen pursuant to the 1945 Freeze, and that were released from the 1945 Freeze in 1947, and noting that both the bank at issue and the Swiss

Compensation Office were aware of the account owner's residence in Jerusalem at the time that the safes were released from the 1945 Freeze, that the account owner accessed the safe deposit boxes after their release from the 1945 Freeze and received the contents himself) (all approved on 17 September 2010); *In re Accounts of Rudolf Bienenfeld, Accounts of Grete Bienenfeld, and Accounts of Riccarda Koritschoner* (noting with regard to a custody account and a United States Dollar demand deposit account, both of which were frozen prior to 1948, and which were unfrozen and released to the bank at issue in 1948, that the bank's records did not indicate if these accounts were later closed, and finding that given that the bank's records indicated that the account owner was residing in London in 1948, and that he had provided the bank with his address in London, that the account owner received the proceeds of these accounts); *In re Accounts of Walter C. Wolff and Ellen Ruth Wolff* (noting with regard to a demand deposit account that the customer card showed the account owner's residence in New York, where he moved in 1941, and that the account was closed on 31 December 1945, in finding that, given the account owner was in contact with the bank at issue after his move to New York and that the account was closed on 31 December 1945, months after the cessation of hostilities in the Second World War, that the account owner Wolff closed the account and received the proceeds himself) (both approved on 17 December 2010); *In re Accounts of Giovanni Brunner and Bozena Brunner* (noting with regard to a demand deposit account held by the account owners that the records clearly showed that the account was released from the 1941 Freeze in 1948 and closed on 1 September 1948, when the account owners resided in Italy, that the claimant stated that his relative contacted the bank at issue regarding an account in 1948, and that there was no indication in the files that the account owners questioned the amount released to them after this account was released from the 1941 Freeze, to conclude that the account owners had access to this account, closed it, and received the proceeds themselves); *In re Accounts of Philippe Franz Dan and Elisabeth Dan* (noting with regard to one account at issue that there was no evidence to suggest that the account owner was not able to access the proceeds of the account after they were transferred to the New York branch on 25 April 1949); and *In re Accounts of Emil Weil* (noting with regard to one account that the account owner was actively using the account in April 1945, when he used it to pay an invoice regarding the storage of his furniture in Switzerland, and that the claimant submitted a statement dated 14 January 1948, in which the bank at issue informed the account owner of the securities in the account on that date, a time at which the account owner was already residing in New York, to conclude that the account owner was in contact with the bank concerning this account both at the conclusion of the Second World War, and after the Second World War, in 1948, and that he received the proceeds of this account) (all approved on 24 March 2011). The denial decisions *In re Knepel* and *In re Brunner* were subsequently appealed. Both appeals were summarily denied by the Court in decisions dated 10 November 2010.

## *Bank 2*

As for account 3815 at Bank 2, the CRT notes that it was closed 29 September 1938, one day before the Nazi annexation of the Sudetenland region of Czechoslovakia under the Munich Agreement and six months before the annexation of the Czech territories of Bohemia and Moravia, which included Brno and Prague, where the owners of this account resided.<sup>19</sup> Given

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<sup>19</sup> The Munich Agreement ceded the Sudetenland region of Czechoslovakia to the German Reich on 10 October 1938. The Reich Protectorate of Bohemia and Moravia was created on 15 March 1939.

that these accounts were closed before the Nazi annexation of the residences of the owners of these accounts, the CRT determines that the owners of the accounts closed them and received the proceeds themselves.

Additionally, as noted above, Claimant [REDACTED 1] submitted a memorandum indicating that there were “no accounts” remaining at Bank 2 as of 12 November 1946.

### *Bank 3*

As noted above, Claimant [REDACTED 1] submitted a deposit receipt, a memorandum dated 12 November 1946, and the HCPO obtained a slip (*borderau*) from the Swiss Compensation Office regarding assets held at Bank 3. These records indicate that: August and Walter Löw Beer deposited funds at Bank 3’s Geneva branch in January 1940; as of 12 November 1946 there was an account at Bank 3, possibly in the name of *Royaltex*, which was to be transferred to Bank 2; and *Royaltex*, which was reportedly owned by Walter Löw Beer, held two accounts at Bank 3 which were released from the 1945 Freeze pursuant to an application on 11 November 1948.

Given that August and Walter Löw Beer deposited funds at the same Bank 3 branch where assets were held in the name of *Royaltex*, which were actively managed after the Second World War, and that Walter Löw Beer remained in contact with Bank 3 after reaching safety in England, the CRT determines that these accounts were closed properly.

### *Bank 4*

As for Bank 4, as noted above, the documents potentially evidencing accounts at Bank 4 include a letter dated 31 March 1939 from Bank 1’s Zurich branch to *Brown Brothers Harriman* in New York indicating that approximately 25 various types of securities would be forwarded to *Brown Brothers Harriman* from Bank 4’s Zurich branch on behalf of Bank 1, to be deposited in the special dossiers CASTOR and EUNOMIA at *Brown Brothers Harriman*.

Additionally, Claimant [REDACTED 1] submitted the two memoranda described above which report that, as of 8 November 1940, there were two small demand deposit accounts at Bank 4, one possibly in the name of *Laure Freres*, about which no further information is available, and one in the name of *Supertex*, that both accounts were actually owned jointly or as tenants in common by August, Herbert, Georg, and Walter Löw Beer, and that each account had a balance of US \$1,500.00 to US \$2,000.00. Additionally, according to these memoranda, sometime before 12 November 1946 a Bank 4 official indicated that he would check a file from Geneva to see whether any assets still existed at Bank 4. However, there is no further information on assets held at Bank 4.

The CRT notes that these records together show securities and cash held at Bank 4 by members of the Löw Beer family. However, these records show that the securities were transferred to *Brown Brothers Harriman & Co.* in New York at the end of March or the beginning of April 1939. Additionally, the two demand deposit accounts may or may not have existed by November 1946 when an associate of or member of the Löw Beer family visited Bank 4 and a Bank 4 official indicated that records would be reviewed. With respect to these two demand

deposit accounts, the CRT notes that they appear to have been held in the names of affiliates of the Löw Beer family business, *Aron & Jacob Löw Beer's Söhne*, of which August, Herbert, Georg, and Walter Löw Beer were partners. As also noted above, *Supertex* was actually based in Zurich. Finally, according to documents related to the aryanization of *Aron & Jacob Löw Beer's Söhne*, the firm's Nazi-appointed administrator in Czechoslovakia was unable to exercise control over the firm's foreign affiliates, including *Supertex* in Zurich (later *Royaltex* in Geneva) and most of the firm's foreign assets were believed to have been cashed out by the Löw Beers.

Based on this evidence that the Nazi authorities were unable to reach the foreign assets of *Aron & Jacob Löw Beer's Söhne*, together with the clear evidence that August, Georg, and Walter Löw Beer actively managed their other Swiss accounts after the Nazi rise to power and after the Second World War, the CRT determines that they also received the proceeds of the two demand deposit accounts at Bank 4.

### **Right of Appeal**

Pursuant to Article 30 of the Rules, the Claimants may appeal this decision within thirty (30) days of the date of the letter accompanying this decision. Any appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions. Any appeal which is submitted without a plausible suggestion of error shall be summarily denied. Appeals should be delivered in writing to the following address:

Honorable Judge Edward R. Korman  
United States District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal