

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹

in re Account of Isidor Donnebaum

Claim Number: 220603/IG

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Isidor Donnebaum (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her maternal uncle, Isidor (Isak) Donnebaum, who was born on 11 July 1881 in Vienna, Austria, and was the son of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that Isidor Donnebaum, who was Jewish, was the brother of her mother, Helene Dänemark, née [REDACTED]. The Claimant further indicated that Isidor Donnebaum was a salesman who did not marry or have any children. In a phone conversation with the CRT on 29 August 2002, the Claimant’s son stated that Isidor Donnebaum resided at Aspernbrückengasse 3, Vienna II, and that Helene Dänemark resided at Negerlegasse, Vienna II, and maintained her business address at Czerningasse 8 in Vienna II. The Claimant’s son further stated that Isidor Donnebaum was interned in the Dachau concentration camp on 10 November 1938, *Kristallnacht* (the Night of the Broken Glass), that on 2 April 1939 he was deprived of his Austrian citizenship, and that he was subsequently forced to flee from Austria to Switzerland. In an additional phone conversation with the CRT on 1 October 2003, the Claimant’s daughter stated that Isidor Donnebaum had another sister, whose name was Ida Spitzer, née [REDACTED]. The Claimant indicated that Isidor Donnebaum died on 6 May 1952 in Montreux, Switzerland, where he had resided since 1939.

¹ [REDACTED] née [REDACTED], passed away on 24 May 2001.

In support of her claim, the Claimant submitted a copy of Isidor Donnebaum's last will, in which he bequeathed all his assets to her and includes her uncle's signature; a list written by Isidor Donnebaum regarding the property and health damages caused to him by the Nazi regime, which he signed in Clarens, Montreux, on 31 July 1946; and a detailed family tree. The Claimant indicated that she was born on 11 May 1911 in Vienna, and that she is her mother's only child.

Information Available in the Bank's Records

The Bank's records consist of a customer card, two power of attorney forms, an addendum to a power of attorney form, and printouts from the Bank's database. According to these records, the Account Owner was Isidor Donnebaum, who resided at Praterstrasse 12, Vienna II, Austria, and the Power of Attorney Holders were Ida Spitzer, the Account Owner's sister, who resided at Negerlegasse 5, Vienna II, and Helene Dänemark. The Bank's records indicate that Ida Spitzer was born on 28 February 1887, and that Helene Dänemark was born on 2 February 1885.

The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 11619. The Bank's records do not show when the account at issue was closed or to whom it was paid, nor do these records indicate the value of this account. The auditors who carried out the investigation of this Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holders or their heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Isidor Donnebaum and Helene Dänemark, née [REDACTED]. The file concerning the assets of Isidor Donnebaum, numbered 32100, indicates that he was born on 11 July 1881 in Vienna and that he lived at Aspernbrükengasse 3 in Vienna II. According to these records, as of 15 July 1938, Isidor Donnebaum owned assets totaling 27,899.00 Reichsmarks. These records make no mention of assets held in a Swiss bank account.

The file concerning the assets of Helene Dänemark, née [REDACTED], numbered 16493, indicates that she was born on 23 August 1884, was married to [REDACTED], and that she lived at Czerningasse 8 in Vienna II. According to these records, as of 7 March 1939, Helene Dänemark and her spouse owned assets totaling 108,075.00

Reichsmarks. The records state further that they were assessed a “Jewish Assets Tax” (*Judenvermögensabgabe*) of 12,800.00 Reichsmarks and a so-called “flight tax” (*Reichsfluchtsteuer*) of 22,008.00 Reichsmarks. These records make no mention of assets held in a Swiss bank account.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and Power of Attorney Holders. The names of her uncle, aunt, and mother match the published names of the Account Owner and the Power of Attorney Holders. The Claimant identified the family relationship between the Account Owner and Power of Attorney Holder Ida Spitzer, which matches unpublished information contained in the Bank’s records. The Claimant also identified Power of Attorney Holder Helene Dänemark’s street address, which matches the unpublished address of the Power of Attorney Holder Ida Spitzer contained in the Bank’s records. The Claimant also identified information contained in the Austrian State Archives about her relatives, including the Account Owner’s date of birth and street address, and Power of Attorney Holder Helene Dänemark’s street address. Finally, the Claimant submitted a sample of her uncle’s signature, which matches signature samples of the Account Owner contained in the Bank’s records. The CRT notes that the other claim to this account was disconfirmed because that claimant only identified one of the Power of Attorney Holders and did not identify the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner and Power of Attorney Holders.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, that he was interned in Dachau concentration camp, that he was deprived of his Austrian citizenship, and that he was forced to flee Austria due to Nazi persecution.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting detailed biographical information, a family tree and documents demonstrating that she was his niece. The documents submitted by the Claimant include a copy of Isidor Donnebaum’s last will, in which he bequeathed all his assets to the Claimant and includes her uncle’s signature; and a list written by Isidor Donnebaum regarding the property and health damages caused to him by the Nazi regime, which he signed in Clarens, Montreux, on 31 July 1946.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which account owners are required to file a wealth census report, are interned in the Dachau concentration camp for a relatively short time, and then, near the time of their release, Swiss accounts held by the account owners are closed unknown to whom or are transferred to Nazi-controlled banks. The CRT's precedent indicates that in such situations that the account proceeds were paid to the Nazis. This analysis is clearly applicable in this case since the Account Owner was interned in the Dachau concentration camp on 10 November 1938, and later released, on 2 April 1939 he was deprived of his Austrian citizenship, there is no known date for the time of the closure of the Account Owner's account, and that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account. Moreover, the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the Banks' concern regarding double liability, it is therefore plausible, in light of the foregoing analysis, and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holders, or their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a savings/passbook account was 830.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 10,375.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

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

Claims Resolution Tribunal
31 December 2003