

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of [REDACTED]¹

in re Account of Charlotte Engel

Claim Number: 214534/MG²

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Charlotte Engel (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).³

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 his mother, Charlotte (Lotte) Blumenfeldt (Blumenfeld), née Engel, who was born on 25 October 1883 in Berlin, Germany, and was married to [REDACTED] in 1918 in Berlin. The Claimant stated that his mother, who was Jewish, attended a girls' high school in Lausanne, Switzerland between the years 1906 and 1912. According to the Claimant, his mother lived in Berlin, where she worked as a secretary, a translator of European languages, and a salesperson, from 1918 until 1943. The Claimant indicated that his mother resided in Berlin at Württembergstrasse between 1918 and 1934; at Oberschönenweg between 1934 and 1935, and at Nürnbergerstrasse and Mommsenstrasse between 1935 and 1943. The Claimant stated that his mother was deported to Auschwitz, where she perished on 24 August 1943.

¹ On 16 March 2004, the CRT was informed by the Claimant's spouse, [REDACTED], that the Claimant passed away on 23 August 2002. [REDACTED] submitted the Claimant's death certificate and inheritance documents relating to the Claimant. According to the inheritance documents, the Claimant's heir is [REDACTED], who was born on 17 December 1928 in Poland.

² The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 214537. The CRT will treat the claim to this account in a separate decision.

³ In this claim, the Claimant also claimed the account of [REDACTED]. The CRT will treat the claim to this account in a separate decision.

The Claimant submitted various documents, including a copy of his father's death certificate issued in Berlin on 20 February 1957, which indicates that he resided in Berlin until his death on 26 April 1928, and that he was married to Charlotte Blumenfeldt, née Engel; a letter dated 1 January 1943 sent by [REDACTED] to the Claimant, in which she refers to the Claimant as her son; an extract from a book listing names of Jews, mainly from Berlin, who perished in the Holocaust stating the name of his mother, as well as family photographs. The Claimant indicated that he was born on 22 March 1922 in Berlin.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Charlotte Blumenfeldt, née Engel.

Information Available in the Bank's Records

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was *Mme.* (Mrs.) Charlotte Engel, who resided at Molkenmarkt 12/13 in Berlin, Germany. The Bank's records indicate that the Account Owner held a safe deposit box, numbered 1168, which was frozen in the 1945 freeze of assets held in Switzerland by citizens of Germany and territories incorporated into the Third Reich (the "1945 Freeze"). The Bank's records do not show an opening date for the safe deposit box. The Bank's records indicate that the safe deposit box was forcibly opened by the Swiss Compensation Office on 2 May 1946, and subsequently closed. The contents of the safe deposit box on the date of its closure are unknown. There is no evidence in the Bank's records that the Account Owner or her heirs received the contents of the safe deposit box.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's maiden name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, Berlin, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted documents, including a copy of his father's death certificate, which shows that he resided in Berlin and was married to Charlotte Blumenfeldt, née Engel, and an extract from a book listing names of Jews, mainly from Berlin, who perished in the Holocaust, showing the name of his mother, and that she was born in Berlin, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that Engel was the Claimant's mother's maiden name, but that the Bank's records indicate that the Account Owner was *Mme.* (Mrs.) Charlotte Engel. However, the CRT further notes that the title *Mme.* does not refer exclusively to a marital state, but is used broadly to denote adulthood and/or social position.. In addition, the CRT notes that the Claimant specified that his mother resided in Berlin at Württembergstrasse, Oberschönenweg, Nürnbergstrasse and Mommsenstrasse, while the Bank's records indicate that the Account Owner's address in Berlin was Molkenmarkt. The CRT finds, however, that given

that the Claimant's mother likely opened the account prior to her marriage, it is plausible that he may not have his mother's complete address information, and concludes that this discrepancy does not materially affect the Claimant's identification of the Account Owner.

The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Charlotte Blumenfeldt, née Engel, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Finally, the CRT notes that there are no other claims to this account. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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, and that she was deported to Auschwitz, where she perished on 24 August 1943.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include a copy of the death certificate of the Claimant's father, which shows that he was married to Charlotte Blumenfeldt, née Engel, and a letter dated 1 January 1943 in Berlin, sent by [REDACTED] to the Claimant, in which she refers to the Claimant as her son.

The Issue of Who Received the Proceeds

The Bank's records indicate that the safe deposit box was forcibly opened by the Swiss Compensation Office on 2 May 1946. Given that the Account Owner was deported to Auschwitz, where she perished in 1943; that there is no record of the payment of the Account Owner's safe deposit box to her heirs; that the Account Owner's heirs would not have been able to obtain information about her safe deposit box after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the

determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one safe deposit box. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs (“SF”). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 15,500.00.

Scope of the Award

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

Certification of the Award

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

Claims Resolution Tribunal
24 December 2004