

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award Amendment**

to Claimant [REDACTED]

## **in re Account of Wilhelm Flamm**

Claim Number: 205212/AC

Award Amendment Amount: 17,150.00 Swiss Francs

This Certified Award Amendment is based upon the claim of [REDACTED] (the “Claimant”) to the account of Wilhelm Flamm (the “Account Owner”) at the Basel 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.

On 15 May 2003, the Court approved an Award to the Claimant for an account of unknown type owned by the Account Owner (the “May 2003 Award”). In this Award Amendment, the CRT adopts and amends its findings set out in the May 2003 Award. Based upon Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT determines that the value of the account of unknown type was 3,950.00 Swiss Francs (“SF”), and that given the foregoing, the May 2003 Award amount shall accordingly be increased by SF 17,150.00.

The CRT notes that in the May 2003 Award, the CRT determined that the Claimant plausibly identified the Account Owner, that he plausibly demonstrated that he is related to the Account Owner, and that he made a plausible showing that the Account Owner was a Victim of Nazi persecution. Based on the information contained in the Bank’s records, the CRT determined that the Account Owner held one account of unknown type and that the value of the account of unknown type was SF 2,578.00 as of 16 February 1945. Additionally, in the May 2003 Award, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of his account of unknown type. Finally, the CRT determined that the May 2003 Award amount was SF 30,936.00.

## **The CRT’s Analysis**

### Amount of the Award Amendment

In the May 2003 Award, the CRT determined that the value of the Account Owner’s account of

unknown type was SF 2,578.00, which is the amount recorded in the Bank's records as the value of the account of unknown type as of 16 February 1945.

Pursuant to Article 29 of the Rules, if the amount in an account of unknown type is less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account of unknown type shall be determined to be SF 3,950.00.

In this case, the CRT does not find that the value of the account of unknown type indicated in the Bank's records constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the value of the Account Owner's account of unknown type shall be determined to be SF 3,950.00. The amount of SF 2,578.00, which is the value for this account used in the May 2003 Award, is then subtracted from the Article 29 value, resulting in a difference of SF 1,372.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules.

Consequently, the amount of the May 2003 Award is increased by SF 17,150.00, which reflects the adjusted difference between the value of the Account Owner's account of unknown type recorded in the Bank's records and the value determined by Article 29 of the Rules.

#### **Certification of the Award Amendment**

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

Claims Resolution Tribunal  
30 December 2004