

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of *Veit L. Homburger*

Claim Number: 224038/CH

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of *Veit L. Homburger* (the “Account Owner”) at 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 the *Bank Veit L. Homburger*, which was founded by his great-great-grandfather, Veit Löw Homburger, who was born in 1810 in Karlsruhe, Germany, and was married to [REDACTED] in 1845 in Karlsruhe. The Claimant stated that his paternal grandfather, [REDACTED], was the grandson of Veit Löw Homburger. The Claimant indicated that [REDACTED] and his brother, [REDACTED], who were Jewish, became the owners of *Bankhaus Veit L. Homburger* upon the death of Veit L. Homburger. The Claimant stated that [REDACTED] and [REDACTED] were forced to sign over the rights to their bank during their internment at Dachau, and that they were later deported to the Gurs concentration camp. According to an e-mail from the Claimant dated 22 June 2004, [REDACTED] and [REDACTED] escaped by buying their way out of Gurs with the help of relatives in the United States. In support of his claim, the Claimant submitted the birth certificate of [REDACTED], indicating that he was born on 2 October 1888 in Karlsruhe, and a death certificate indicating that [REDACTED] was born in Germany and died on 31 May 1968 in New York, the United States. The Claimant stated that [REDACTED]’s children, [REDACTED] and [REDACTED], were students at the outbreak of the War in Zurich, Switzerland and St. Gallen, Switzerland, respectively, and that they eventually emigrated to the United States.

The Claimant submitted a photograph of a plaque on the former site of *Bankhaus Veit L. Homburger*, which identifies that the bank was founded in 1834, that the bank moved in 1901 into the building on which the plaque was placed, and that in 1939 a Nazi boycott led to the

liquidation of this Jewish bank. The Claimant also submitted an article from the Karlsruhe city information (*Stadtinformation*) website. According to the article submitted by the Claimant, [REDACTED], the Claimant's father and the great-grandson of Veit L. Homburger, visited the site of *Bankhaus Veit L. Homburger* with 22 other family members. The article submitted by the Claimant also indicates that Veit L. Homburger founded two banks, *Badische Bank* and *Bankhaus Veit L. Homburger*. According to the article submitted by the Claimant, each of the banks was aryanized by the Nazis. The article submitted by the Claimant also indicates that the Claimant's father, [REDACTED], fled Germany to England on a *Kindertransport* in 1939. According to the Claimant, [REDACTED] and his brother, [REDACTED], were enrolled in school in England until the end of the Second World War.

In a telephone conversation with the CRT on 18 June 2004, the Claimant declined formally to represent other surviving heirs and indicated that his relatives were aware of his claim and that any award would be shared among them.

The Claimant indicated that he was born on 3 November 1956 in Denver, Colorado, the United States.

Information Available in the Bank's Records

The Bank's records consist of two customer cards, two letters dated 17 January 1927 and 21 January 1928, and printouts from the Bank's database. According to the customer cards, one dated 16 March 1933 and the other from 1937, containing otherwise identical information, the Account Owner was Veit L. Homburger, a bank and was situated in Karlsruhe, Germany. The two letters were addressed to Veit L. Homburger of Karlsruhe. The Bank's records indicate that the Account Owner held a custody account originally numbered 23170, but which was subsequently changed to 8143. The Bank's records further indicate that the custody account was created to contain client assets ("*Kunden-D.*"). The records do not indicate the name of the clients or whether the account contained only assets belonging to clients.

The Bank's records indicate that as of 21 January 1928, the custody account contained the following securities:

- 6% *Schweizerische Bundesbahnen 1921 Elektr.* bonds worth 7,000.00 Swiss Francs, nominal value;
- 4.25% *Kanton Basel-Stadt 1913* bonds, worth 1,000.00 Swiss Francs, nominal value;
- 4% *Gesellschaft der Vereinigten Schweizerbahnen 1865* bonds worth 3,000.00 Swiss Francs;
- 5% *Hypothekarbank in Winterthur 1918* bonds worth 2,000.00 Swiss Francs, nominal value;
- 6% *Argentinische Cedulas* (Argentinian bonds) worth 6,000.00 Swiss Francs, nominal value;
- 5% *S.A. Industrielle & Pastorale Belge-Sud-Américaine Anvers 1910* bonds worth 7,000.00 Swiss Francs, nominal value;
- 4.5% *Eidgenössische Anleihe 1927* bonds worth 5,000.00 Swiss Francs, nominal value;

- 4.5% *Schweizerische Bundesbahnen 1927* bonds worth 5,000.00 Swiss Francs, nominal value;
- 5 shares in *Schweizerische Kreditanstalt* (value not recorded);
- 6 shares in *Schweizerischer Bankverein* (value not recorded); and
- 1 new share (“*junge Aktie*”) in *Schweizerischer Bankverein* (value not recorded).

The Bank’s records further indicate that as of 16 March 1933, the custody account only contained 5 shares in *Vereinigte Böhlerstahlwerke*, the value of which is not indicated.

The Bank’s records indicate that the account was closed on 24 January 1938. The amount in the account on the date of its closure is unknown. There is no indication in the Bank’s records that the Account Owner, its owners or their heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s great-great-grandfather’s name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner as a bank, which matches unpublished information about the Account Owner contained in the Bank’s records.

In support of his claim, the Claimant submitted documents, including the birth and death certificates of Victor Veit Homburger, providing verification that the Claimant’s grandfather shared a name with the bank, a photograph of a plaque on the former site of *Bankhaus Veit L. Homburger* and an article about the banks founded by Veit L. Homburger, providing verification that the Claimant’s grandfather’s bank had the same name and was situated in the same town recorded in the Bank’s records as the name and location of the Account Owner. The CRT notes that there are no other claims to this account.

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

The Claimant has made a plausible showing that the owners of the Account Owner were Victims of Nazi Persecution. The Claimant stated that his great-great-grandfather, who founded and owned the Account Owner and whose name was given to the Account Owner, was Jewish, and that *Bankhaus Veit L. Homburger* was a “Jewish bank.”¹ The Claimant also stated that Veit L. Homburger’s grandsons, [REDACTED] and [REDACTED], who inherited the ownership of the Account Owner and who were Jewish, were forced to sign over the bank during their internment at Dachau. The Claimant also indicated that [REDACTED] and [REDACTED] were later deported to the Gurs concentration camp. The Claimant also submitted a photograph of the plaque of *Bankhaus Veit L. Homburger*, which indicates that a Nazi-led boycott forced the closure of the bank, and an article from the Karlsruhe city information website, indicating that

¹ “*Judische Bank*” as indicated on the plaque in the photograph submitted by the Claimant.

the banks owned by the descendants of Veit L. Homburger were aryanized. Furthermore, the article submitted by the Claimant also indicates that the Claimant's father, the great-grandson of Veit L. Homburger, was forced to flee Germany in 1939 on the *Kindertransport*.

The Claimant's Relationship to the Owners of the Account Owner

The Claimant has plausibly demonstrated that he is related to the owners of the Account Owner by submitting specific information, demonstrating that the Account Owner was the bank named after and owned by the Claimant's great-great-grandfather and, subsequently, by the Claimant's grandfather and his grandfather's brother.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimant submitted a photograph of the plaque of *Bankhaus Veit L. Homburger*; and that the Claimant submitted a copy of an article from the Karlsruhe city information website, which provides independent verification that the Claimant bears the same last name as the bank, and that the bank was situated in Karlsruhe. The CRT further notes that the Claimant submitted his grandfather's birth and death certificates, which provide independent verification that the Claimant's relatives bore the same last name as the Claimant and that they resided in Karlsruhe. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the owners of the Account Owner were well-known to the Claimant as family members, and all this information supports the plausibility that the Claimant is related to the owners of the Account Owner, as he has asserted in his Claim Form.

The CRT notes that in a telephone conversation with the CRT on 18 June 2004, the Claimant declined to formally represent other surviving heirs and indicated that his relatives were aware of his claim, and that any award would be shared among them. The CRT further notes that there are no other claims to this account.

The CRT also notes that the Bank's records indicate that the custody account held assets belonging to clients of the Account Owner. However, given that it is not clear if these were the only assets in the account, and given that the assets were held in the Account Owner's name, the CRT concludes that the Claimant, as a relative of the owners of the Account Owner, is entitled to the proceeds of the account.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 24 January 1938 and do not indicate to whom the account was paid. Given that the owners of the Account Owner were interned in Dachau, where they were forced to sign over their rights to their bank; that they were later sent to the Gurs concentration camp; that the Karlsruhe city information website identifies the Account Owner and refers to its aryanization; that the photo of the plaque on the bank submitted by the Claimant indicates a Nazi boycott forced the Account Owner's closure; that there is no record of the payment of the Account Owner's account to the owners of the account or their heirs; that the owners of the Account Owner and their heirs would not have been able to obtain information about their 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; 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 owners of the Account Owner or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not owners of the 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, the bank *Veit L. Homburger*, was founded by the Claimant's great-great-grandfather, Veit L. Homburger, and subsequently owned by the Claimant's grandfather and great-uncle, and that those relationships justify an award. Third, the CRT has determined that it is plausible that neither the owners of the Account Owner nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody 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 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 custody account was 13,000.00 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 162,500.00.

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
10 September 2004