

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Caroline Kaufmann

Claim Number: 221359/MBC¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (“the Claimant”) to the published account of Caroline Kaufmann (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

On 11 March 2003, the Court approved an Award to the Claimant for four accounts held by the Account Owner at other Swiss banks. In that decision, the CRT also determined that the Account Owner held a demand deposit account at the Bank and reserved decision with regard to this account. This Award addresses the demand deposit account.

All awards 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 bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal aunt, Caroline Rahlenbeck, née Kaufmann, who was likely born in 1907 or 1908 in Graz, Austria. The Claimant indicated that his aunt, who was Jewish, was married in approximately 1930 in Graz, and had no children. The Claimant further indicated that between 1933 and 1943, his aunt had residences in Brussels, Belgium, as well as in Winterthur and Zurich, Switzerland. In a telephone conversation with the CRT on 4 March 2005, the Claimant indicated that before moving to Brussels, his aunt might have resided in Germany. The Claimant indicated that his aunt was an art dealer who owned an art gallery in Switzerland. The Claimant further indicated that in 1943, his aunt and her husband tried to escape Nazi-occupied Belgium via France to Switzerland, but were arrested at the Swiss border and deported. The Claimant indicated that his aunt most likely perished in 1943 in a concentration camp, or on a transport train en route to a

¹ The Claimant submitted an additional claim to the account of Sam L. Kaufman, which is registered under the Claim Number 221358. In a separate decision, the Claimant was awarded this account. See *In re Account of Sam L. Kaufman* (approved on 23 June 2003).

concentration camp. In support of his claim, the Claimant submitted a detailed family tree, as well as a copy of his birth certificate and Belgian identity card, indicating that his name is [REDACTED], and that he was born in Etterbeek, Belgium, on 18 November 1935.

Information Available in the Bank's Records

The Bank's records consist of a customer card and printouts prepared by 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"). According to these records, the Account Owner was Caroline Kaufmann-Rahlenbeck, who resided in Brussels, Belgium. The auditors who carried out the ICEP Investigation determined that the Account Owner also resided in Dusseldorf, Germany.^{2,3} The Bank's records indicate that the Account Owner held one demand deposit account, numbered 23894, which had a balance of 920.30 Swiss Francs ("SF") in 1932, and a balance of SF 854.00 in 1933. The Bank's records also indicate that the account was closed on 4 April 1934. The amount in the account on the date of its closure is unknown. There is no evidence that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's aunt's maiden name and country of residence match the published name and country of residence of the Account Owner. In addition, the Claimant identified the Account Owner's married name and city of residence, as well as the Account Owner's previous country of residence of Germany, which matches unpublished information contained in the Bank's records. The CRT notes that there are no other claims to this account. Taking all of 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 indicated that the Account Owner was Jewish, that she and her

² The CRT notes that according to the March 2003 Award, the records pertaining to the Account Owner's accounts at another Swiss bank indicate that the Account Owner had previously resided in Düsseldorf and Wiesbaden, Germany, before residing in Brussels, Belgium. Consequently, the CRT concludes that the address in Dusseldorf provided by the auditors who carried out the investigation of this bank pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") was the Account Owner's previous address, before she moved to Belgium.

³ The CRT notes that accounts belonging to Caroline Kaufmann of Belgium (three accounts), Caroline Kaufmann of Düsseldorf, Germany (one account), and C. Kaufmann-Rahlenbeck of Brussels, Belgium (one account) appear on the February 2001 list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). After reviewing these accounts, the CRT determines that these five accounts belonged to the same account owner.

husband tried to escape Nazi-occupied Belgium, that they were arrested at the Swiss border and deported, and that she likely perished in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was his aunt. The CRT notes that the Claimant submitted a copy of his birth certificate, providing independent verification that the Claimant bears the same family name as the Account Owner and that he was born in the same country listed as the country of residence of the Account Owner. This information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Forms. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that the account was closed on 4 April 1934, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory.⁴ However, given that the Bank's records do not indicate to whom the account was closed, that the Account Owner previously resided in Germany and fled due to Nazi persecution, that the Account Owner may have had relatives remaining in Germany and that she may therefore have yielded to Nazi pressure to turn over her accounts to ensure their safety, that the Account Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 aunt, 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.

⁴ As indicated above, the Account Owner originally resided in Dusseldorf before moving to Brussels.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 1933 was SF 854.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 26,750.00.

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 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
27 February 2007