

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
represented by Inbal Faibish

in re Account of Emanuel Kohn

Claim Number: 501280/MBC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Emanuel Kohn (the “Account Owner”), over which Cornelius Hochberger and Margarete Hochberger (the “Power of Attorney Holders”) held power of attorney, 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 his paternal great-grandfather, Emanuel Kohn, who was born on 5 February 1855 and was married to [REDACTED] in Vienna, Austria. The Claimant also identified the Power of Attorney Holders as Margarete Hochberger, his paternal grandmother, and Cornelius Hochberger, his paternal grandfather. The Claimant indicated that his great-grandfather, who was Jewish, lived and worked at Gumpendorferstrasse 72 in Vienna, and was the manager of the firm *Ignatz Eisenberger and Company*, which had business connections to Zurich, Switzerland. The Claimant indicated that his great-grandfather left Austria in 1935 (which, the CRT notes, is after the Nazis came to power in Germany in 1933), because Austria had become too dangerous for him, as well as for other Jewish persons. The Claimant stated that his great-grandfather emigrated to Palestine (now Israel). According to the Claimant, his grandparents, Margarete Hochberger and Cornelius Hochberger, who were also Jewish, left Vienna for Palestine at about the same time as Emanuel Kohn.

In support of his claim, the Claimant submitted documents, including Emanuel Kohn’s passport, which contains his signature and indicates that he resided in Vienna. The passport indicates that

Emanuel Kohn was a manufacturer of silk goods (“*Seidenwarenfabrikant*”) and contains stamps from the Vienna police authorities (*Polizeidirektion in Wien*) dated 30 July 1936.

The Claimant also submitted Margarete Hochberger’s death certificate, indicating that her maiden name was Kohn, that her late husband’s name was Cornelius Hochberger and that her father’s name was Emanuel Kohn; Emanuel Kohn’s death certificate, indicating that he died on 16 October 1937; Cornelius Hochberger’s death certificate, indicating that he was married to Margarete Hochberger, née Kohn; [REDACTED]’s death certificate, indicating that his parents were Cornelius and Margarete Hochberger, and that he first entered Palestine in February 1935; the Claimant’s registration record issued by the Israeli Ministry of the Interior, indicating that he was the son of [REDACTED] and [REDACTED]; and [REDACTED], née [REDACTED]’s registration record issued by the Israeli Ministry of the Interior, indicating that she was the daughter of [REDACTED] and [REDACTED].

According to the residence registration for Emanuel Kohn, obtained from the Vienna Archive, Emanuel Kohn left Vienna on 12 October 1936 for Palestine (today Israel).

The Claimant indicated that his great-grandfather died on 16 October 1937 in Tel Aviv, Palestine (now Israel).

The Claimant indicated that he was born on 31 October 1946 in Palestine (now Israel). The Claimant is representing his sister, [REDACTED 2], née [REDACTED 2], who was born on 27 October 1948 in Israel.

Information Available in the Bank’s Records

The Bank’s records consist of a power of attorney form signed on 20 January 1927 and printouts from the Bank’s database. According to these records, the Account Owner was Emanuel Kohn and the Power of Attorney Holders were Cornelius Hochberger and Margarete Hochberger, who all resided at Gumpendorferstrasse 72, Vienna VI, Austria.

The Bank’s records indicate that the Account Owner held a custody account.¹ The Bank’s records do not show when the account at issue was closed, nor do these records indicate the value of this account. These records also contain the signatures of the Account Owner and the Power of Attorney Holders.

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.

¹ The Bank’s records contain a power of attorney form that references a “*Titeldepot*,” which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that the Account Owner held a custody account, in the absence of evidence to the contrary, the CRT concludes that it is plausible that he held such an account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's 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's grandparents' names match the published names of the Power of Attorney Holders. The Claimant further identified the Account Owner's and the Power of Attorney Holders' exact street address, which matches unpublished information about the Account Owner and the Power of Attorney Holders contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including Emanuel Kohn's passport, indicating that he resided in Vienna; Margarete Hochberger's death certificate, indicating that her father's name was Emanuel Kohn; and Emanuel Kohn's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city as the name and city of residence of the Account Owner recorded in the Bank's records.

The Claimant also submitted a sample of his great-grandfather's signature, which matches the signature sample of the Account Owner contained in the Bank's records.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence or a different street address than those of the Account Owner and failed to identify the Power of Attorney Holders.

Status of the Account Owner and Power of Attorney Holders as Targets of Nazi Persecution

This case is similar to other cases in which a Jewish national of a European country fled his/her country of origin prior to Nazi-alliance or occupation. In this case, the Claimant stated that the Account Owner and Power of Attorney Holders were Jewish and that they left Austria for Palestine after the Nazis came to power in neighboring Germany, because Austria became much too dangerous for him, as well as for other Jewish persons. The CRT notes that the Claimant stated that his great-grandfather left Vienna in 1935, but that Emanuel Kohn's passport indicates that he was in Vienna at least until 30 July 1936, and that his residence registration from the Vienna Archive indicates that he resided in Vienna at least until 12 October 1936.

Generally, in cases in which an Account Owner has left his/her homeland decades prior to its alliance with or occupation by Nazi Germany and prior to the beginning of the Relevant Period, which is defined by the Rules Governing the Claims Resolution Process, as amended (the "Rules") as the period from 1933 to 1945, the CRT has determined that the Account Owner cannot be considered a Victim or Target of Nazi Persecution, as defined by the Rules. In other cases, in which the Account Owner left his/her homeland during the Relevant Period but before its alliance with or occupation by Nazi Germany (or, for Germany itself, before the Nazis' rise to power), the CRT has considered whether the Account Owner falls within the parameters of the definition of Victim or Target of Nazi Persecution on a case by case basis. Factors considered in making this determination include whether the account owner fled before or during the Relevant

Period (for countries other than Germany), whether the bank records include the account owner's new contact address (which would indicate that the account owner initiated contact with the bank after his/her move), and the period of time elapsed between the time when the account owner left his/her country of origin and its alliance with or occupation by Nazi Germany.

In this case, the Account Owner remained in Austria until at least 12 October 1936, which is within the Relevant Period, and is three and one-half years after Hitler's rise to power in neighboring Germany and seventeen months prior to the incorporation of Austria into the German Reich in March 1938 (the "*Anschluss*"). The Bank's records contain no indication of the Account Owner's new address in Palestine. The Court has previously approved awards in which the CRT has determined that account owners who fled their countries of origin prior to the dates of occupation by or alliance with the Nazi Regime were Victims or Targets of Nazi Persecution, as defined by the Rules.² Furthermore, the Bank's records do not indicate the Account Owner's new address, nor do they show any indication that the Account Owner's heirs contacted the Bank after the Account Owner died in 1937. The CRT also notes that the Power of Attorney Holders, Cornelius Hochberger and Margarete Hochberger (the Account Owner's daughter), returned to Austria after the War, where they died on 27 August 1966 and 1 June 1971, respectively. The fact that the Account Owner's daughter and son-in-law, who were the likely heirs to the account after the Account Owner's death, returned to Austria after the War strongly suggests that the family's move to Palestine (today Israel) was driven specifically by the fear of Nazi persecution. Certainly, after the *Anschluss* and until the end of the War, the Account Owner, the Power of Attorney Holders, and their family would not have been able to return to their homeland with impunity.

For these reasons, the CRT concludes that the Claimant has made a plausible showing that the Account Owner and the Power of Attorney Holders were Targets of Nazi Persecution.

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 great-grandfather. These documents include Margarete Hochberger's death certificate, indicating that her father's name was Emanuel Kohn; [REDACTED]'s death certificate, indicating that his parents were Cornelius and Margarete Hochberger; the Claimant's registration record issued by the Israeli Ministry of the Interior, indicating that he was the son of [REDACTED] and [REDACTED]; and [REDACTED], née [REDACTED]'s registration record issued by the Israeli Ministry of the Interior, indicating that she was the daughter of [REDACTED] and [REDACTED].

² See, e.g., *In re Account of Alice Levy* (approved on 26 November 2002) (account owner left Strasbourg, France for the south of France, which remained unoccupied, in 1939); *In re Account of Lina David* (approved on 27 December 2002) (account owner left France for England in 1939); *In re Account of Léon Ergas* (approved on 24 April 2003) (account owner left Paris for Portugal at the end of 1939); *In re Account of Franz Karl Weiss* (approved on 30 August 2002) (account owner left Hungary for Switzerland in 1938); *In re Account of Giuseppi Levi-Minzi* (approved on 1 July 2002) (account owner died prior to the Relevant Period and his heirs, who resided in Italy, left Italy for Palestine in 1935); and *In re Account of Felix and Eva Jaffe* (approved on 28 January 2003) (one account owner died in France in 1929, at which time his wife (the other account owner), moved to Switzerland, where she remained during the Relevant Period).

The Issue of Who Received the Proceeds

In other cases in which the account owner has fled his/her country of origin prior to its date of alliance with or occupation by Nazi Germany and which have been awarded by the Court, the banks' records demonstrate that the account was paid to the banks' profit and loss account or suspended, thereby proving conclusively that the account owner did not receive the account's proceeds.³ In this case, however, the Bank's records indicate that the account was closed unknown when, unknown by whom. There is no conclusive evidence showing that the account either was transferred to Nazi authorities or that it remained with the Bank. Generally, when determining the disposition of accounts closed unknown when, unknown by whom, the CRT relies on the presumptions relating to claims to certain closed accounts, outlined in Article 28 of the Rules. The basis for these presumptions lie in the history of the destruction of documents by the banks, as outlined in both the report prepared by the auditors who carried out the investigation of Swiss banks to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Report") and the report issued by the Independent Commission of Experts Switzerland – Second World War (Bergier Commission) (the "Bergier Report"), and was addressed by the United States District Court for the Eastern District of New York Court (the "Court") in its Memorandum and Order of February 19, 2004 (amended June 1, 2004) discussing the behavior of defendant banks:

In light of this history, it is not surprising that individuals seeking to make claims as members of the Deposited Assets Class have had trouble establishing legal entitlement to accounts once held in Swiss banks. Despite decades of requests by claimants, records were denied to people under the auspices of private property law. Now that the records are ostensibly open, they often do not exist. As a way to account in some measure for this void, the rules governing the Claims Resolution Tribunal ("CRT") process codify "Presumptions Relating to Claims to Certain Closed Accounts" that include the following:

In order to make an Award under Article 22 for claims to Accounts that were categorized by ICEP as 'closed unknown by whom', a determination shall be made as to whether the Account Owners or their heirs received the proceeds of the Account prior to the time when the claim was submitted to the CRT. In the absence of evidence to the contrary, the CRT presumes that neither the Account Owners, the Beneficial Owners, nor their heirs received the proceeds of a claimed Account in cases involving one or more of the following circumstances:

³ See also *In re Accounts of André B. Dreyfus* (approved on 28 July 2004) (account owner left France for the United States in 1939; one account was closed to the bank's profit and loss account on 1 June 1959, the other accounts were registered pursuant to a Swiss Federal Decree of 20 December 1962, in which the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey") and subsequently transferred to the Swiss Unclaimed Assets Fund.

h) the Account Owners, the Beneficial Owners, and/or their heirs would not have been able to obtain information about the Account after the Second World War from the Swiss bank due to the Swiss banks' practice of [destroying records or] withholding or misstating account information in their responses to inquiries by Account Owners and heirs because of the banks' concerns regarding double liability; . . . and/or

j) there is no indication in the bank records that the Account Owners, Beneficial Owners, or their heirs received the proceeds of the Account.

CRT Rules, Art. 28 (footnotes omitted).

As explained in the CRT rules, these two foregoing presumptions are based on the principle of spoliation. "It is a well-established and long-standing principle of law that a party's intentional destruction of evidence relevant to proof of an issue at trial can support an inference that the evidence would have been unfavorable to the party responsible for its destruction." Kronisch v. United States, 150 F.3d 112, 126 (2d Cir. 1998). "[A]n adverse inference should serve the function, insofar as possible, of restoring the prejudiced party to the same position he would have been in absent the wrongful destruction of evidence by the opposing party." *Id.* While these presumptions can of course never return account holders to the position they would have been in were it not for decades of bank stonewalling and document destruction, they can help to balance the equities.

A complete statement of legal justification for these CRT presumptions is provided in footnote 5 to Article 28 of the CRT rules. It sets forth a condensed summary of the Volcker and Bergier Reports' relevant findings and explains the justification as follows:

[T]he Swiss banks destroyed or failed to maintain account transactional records relating to Holocaust-era accounts. . . . The wholesale destruction of relevant bank records occurred at a time when the Swiss banks knew that claims were being made against them and would continue to be made for monies deposited by victims of Nazi persecution who died in the Holocaust and that were (i) improperly paid to the Nazis, *see Albers v. Credit Suisse*, 188 Misc. 229, 67 N.Y.S.2d 239 (N.Y. City Ct. 1946); Bergier Final Report at 443, (ii) that were improperly paid to the Communist controlled governments of Poland and Hungary, *see Bergier Final Report* at 450-51, and possibly Romania as well, *see Peter Hug and Marc Perrenoud, Assets in Switzerland of Victims of Nazism and the Compensation Agreements with East Bloc Countries* (1997), and (iii) that were retained by Swiss Banks for their own use and profit. *See Bergier Final Report* at 446-49.

“The discussion on ‘unclaimed cash’ persisted throughout the post-war period due to claims for restitution by survivors and heirs of the murdered victims, or restitution organizations acting on their behalf.” *Id.* at 444. Nevertheless, the Swiss Banks continued to destroy records on a massive scale and to obstruct those making claims. ICEP Report, Annex 4 ¶ 5; In re Holocaust Victim Asset Litig., 105 F. Supp. 2d 139, 155-56 (E.D.N.Y. 2000). . . . Under these circumstances, using the fundamental evidentiary principles of United States law that would have applied to Deposited Assets claims had the class action lawsuits been litigated through trial, the CRT draws an adverse inference against the banks where documentary evidence was destroyed or is not provided to assist the claims administrators. *See In re Holocaust Victim Asset Litig.*, 105 F. Supp. 2d 139, 152 (E.D.N.Y. 2000); Reilly v. Natwest Markets Group, Inc., 181 F.3d 253, 266-68 (2d Cir. 1999); Kronisch v. United States, 150 F.3d 112, 126-28 (2d Cir. 1998).

CRT II Rules, Article 28 n.5.⁴

In applying the so-called “adverse inference” to claims to accounts whose owners fled after the date their country of origin allied with or was occupied by Nazi Germany, the CRT essentially presumes that the accounts were closed after the date on which the account owners lost dominion over their accounts, which is deemed to be the date their country of origin allied with or was occupied by Nazi Germany. The alternative presumption – that the accounts were closed prior to the date on which the account owners lost control over their accounts – would require a finding that the account owners had control of the accounts at the time of their closure and therefore were able to receive the proceeds when the accounts were closed. As detailed in the Court’s February 2004 Memorandum and Order, this presumption is justified by the spoliation of evidence on the part of the banks. In the absence of evidence to the contrary, the Court has approved numerous awards based on this reasoning.⁵

The issue raised in the present case is whether the same adverse inference is to be applied to claims to accounts whose owners fled *prior* to the date their country of origin allied with or was occupied by Nazi Germany. In such cases as this, the account owner was never physically present in a country allied with or occupied by Nazi Germany. Therefore, even if the account had been closed after the date their country of origin allied with or was occupied by Nazi Germany, the account owner would have been in safety and could, arguably, have had control over the account and received its proceeds.

⁴ *In re Holocaust Victim Assets Litig.*, 302 F. Supp. 2d 59, 63 (E.D.N.Y. 2004), *as amended*, 319 F. Supp. 2d 301, 305 (E.D.N.Y. 2004).

⁵ See, e.g., *In re Accounts of Robert Devicourt, Alfred Gottschalk, and Leo Sararu* (approved on 7 June 2006); *In re Accounts of Eduard Löwenthal and Hermine Löwenthal* (approved on 28 June 2006); *In re Account of Gertrud Hengst* (approved on 17 November 2006); and *In re Accounts of Sophie Brunschwig, Charles Brunschwig, and Jeanne Marie Brunschwig* (approved on 18 November 2004).

However, in several cases, and absent evidence to the contrary, the Court has approved awards to accounts whose owners were in safety at the time of the accounts' closure.⁶ In making such awards, the CRT has noted that the bank records do not indicate to whom the accounts were closed, that the account owners fled their countries of origin due to Nazi persecution, and that the account owners may have had relatives remaining in their country of origin and that they may therefore have yielded to Nazi pressure to turn over their accounts to ensure their safety. Based on examples of such cases, and absent evidence to the contrary, the Court has approved awards to accounts whose owners were in safety at the time of the account closure.

The CRT finds no reason to conclude, based on the fact that the Account Owner in this case left Austria at the earliest on 30 July 1936, that either (a) the account was closed prior to the *Anschluss* or b) that the "account owner in safety" rationale does not apply here. These two options would constitute the only logical reasons to deny the account claimed here. As detailed above, implicit in the use of the adverse inference is the presumption that the account at issue was closed after the account owner's country of residence was allied with or occupied by Nazi Germany. The adverse inference is applied to accounts closed unknown when and unknown by whom. It is based on the principle of spoliation and is a component of evidentiary law in United States courts. This inference is not dependent upon the date the account owner left his/her country of origin, and therefore there is no reason why the date of the account owner's departure from his/her country of origin should affect the presumption that the account was closed *after* the date of that country's alliance with or occupation by Nazi Germany. Similarly, there is no reason why such account owners, when in safety, would not also be subject to demands from Nazi authorities to turn over their accounts.⁷

It is important to note that this case stands in sharp contrast to other cases, in which denials were approved by the Court, where accounts were closed on *known dates* which were *prior to* the dates on which the account owners' countries of residence or origin were occupied by or allied with Nazi Germany.⁸ In such instances, where the bank records demonstrate that the accounts were closed *before* the date of Nazi alliance/occupation, there is no basis to presume that someone other than the account owner was in control of the account. In the present case, however, the bank records do not indicate when the account was closed. Had the records demonstrated that the account was closed after the date of Nazi alliance/occupation – in this case, after the *Anschluss* – the account would have been awarded regardless of where the account owner was living at the time of closure. Whether living in Austria, Palestine (as was the case here), or elsewhere, absent evidence to the contrary, the account owner would be presumed to have acted under duress and the account would be presumed to have been closed improperly. In this case, the bank not only failed to maintain records demonstrating who closed the account, but

⁶ See, e.g., *In re Account of Alfred Mayer* (approved on 23 June 2006); and *In re Account of Richard Kastner* (approved on 23 June 2006).

⁷ The CRT notes that, in applying the "account owner in safety" rationale, the Court has not required an affirmative showing that the account owner had relatives remaining in his/her country of origin or that he/she ordered the actual transfer of his/her accounts. The Court has, however, denied accounts closed when the account owners were in safety when the totality of the circumstances demonstrates that the account owners received the accounts' proceeds. See, e.g., *In re Accounts of Julius Freudenberger and Ella Freudenberger* (approved on 18 November 2004) and *In re Accounts of Hugo Semler, Oskar Semler and Heinz Ulrich Semler* (approved on 21 September 2005).

⁸ See, e.g., *In re Accounts of Erich Ganz and Emilie Gertrud Ganz* (approved on 18 August 2004); *In re Account of Emmanuel Schotten* (approved on 15 July 2005); and *In re Accounts of Julius Gedalja* (approved on 6 May 2006).

also failed to maintain a record of the account closure date. Therefore, it is appropriate to apply the adverse inference in favor of claimant and to assume that the account was in fact closed after the date of Nazi alliance/occupation (*i.e.*, after the *Anschluss*), at a time when the owner no longer had control over the account.

It is also important to note that the bank records in this case do not include the Account Owner's address in Palestine. In other cases, in which claims to accounts have been denied, the bank records do in fact show an address in a non-occupied country, *e.g.*, the United States, the United Kingdom, Switzerland, or Palestine.⁹ This is significant because the recording of the account owner's new address outside Nazi-occupied or Nazi-allied Europe in the bank files generally indicates that the account owner was in contact with the bank and had access to and control of his/her accounts *after* leaving his/her country of origin or residence. In fact, the availability in the bank files of an address in a non-occupied country would be an important factor in determining that the adverse inference does not apply; rather, such information instead would constitute evidence that the owner still maintained control over his/her accounts. However, where there is no such address in the bank records, as here, there is no basis to presume that the account owner contacted the bank and continued to manage his/her accounts.

For these reasons, and given that the Bank's records only contain the Account Owner's Vienna address, and do not indicate that he had moved to Palestine; that the Bank's records do not indicate to whom the account was closed, nor any date of closure for the account; that the Account Owner fled his country of origin due to the threat of Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety, that 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, 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, the Power of Attorney Holders, 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 his great-grandfather and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

⁹ See, *e.g.*, *In re Accounts of Martin Goldschmidt* (approved on 6 May 2006) and *In re Account of Bruno Rabinowitz* (approved on 20 October 2006).

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 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.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sister, [REDACTED 2]. Accordingly, the Claimant and his sister are each entitled to half of the total award amount.

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
12 October 2007