

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Accounts of Walter Kollmann

Claim Numbers: 402008/LH;¹ 401988/LH²

Award Amount: 80,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Walter Kollmann (the “Account Owner”) at the Chur 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants, who are cousins, submitted substantially similar Claim Forms identifying the Account Owner as their paternal great-uncle by marriage, Walter Kollmann, who was married to [REDACTED], née [REDACTED], with whom he had one daughter, [REDACTED], née [REDACTED]. The Claimants indicated that their great-uncle, who was Jewish, resided with his family in Vienna, Obritzberg and Sankt Pölten, Austria, and that they believed he was a medical doctor. According to the Claimants, in 1945 their grandmother, [REDACTED], née [REDACTED], received a letter from the International Red Cross, indicating that her sister, [REDACTED], née [REDACTED], and all her family had perished in the Holocaust. The

¹ Claimant [REDACTED 2] submitted three additional claims, which are registered under the Claim Numbers 210261, 401991 and 401993. In a separate decision, the CRT awarded the accounts of Helene Rotter to Claimant [REDACTED 2] and Claimant [REDACTED 1] (the “Claimants”). See *In re Account of Helen Rotter* (approved on 13 October 2004). In separate decisions the CRT also treated Claimant [REDACTED 2]’s claims to the account of Karl Fuchs and to the account of Max Weigl. See *In re Account of Karl Fuchs* (approved on 6 August 2007) and *In re Account of Max Weigl* (approved on 8 August 2007).

² Claimant [REDACTED 1] submitted three additional claims, which are registered under the Claim Numbers 209795, 402008 and 402010. The CRT will treat claim 209795 to the account of Kurt Rotter in a separate determination. In separate decisions the CRT also treated Claimant [REDACTED 1]’s claims to the account of Karl Fuchs and to the account of Max Weigl. See *In re Account of Karl Fuchs* (approved on 6 August 2007) and *In re Account of Max Weigl* (approved on 8 August 2007).

Claimants stated that their great-uncle, his wife and his daughter perished in a concentration camp in Poland in 1942. The Claimants further indicated that they do not know many details about their great-uncle because they were children during the Second World War, and nearly all of their relatives perished in the Holocaust.

Claimant [REDACTED 1] indicated that he was born on 7 May 1931 in Brno, Czechoslovakia (now the Czech Republic). Claimant [REDACTED 2] indicated that he was born on 3 December 1930 in Brno.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a list of demand deposit accounts. According to these records, the Account Owner was Walter Kollmann, who resided in Vienna, Austria. The Bank's records indicate that the Account Owner held two demand deposit accounts. According to these records, one demand deposit account was opened on 27 May 1933 and closed on 26 April 1938. The amount in the account on the date of its closure is unknown. The Bank's records further indicate that the second demand deposit account had a balance of 4,300.00 Swiss Francs ("SF") as of 31 December 1935. 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. These auditors indicated that there was no evidence of activity on this account after 1945.

There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' great-uncle's name matches the published name of the Account Owner. The Claimants identified the Account Owner's city and country of residence, which matches unpublished information about the Account Owner contained in the Bank's records.

The CRT notes that the name Walter Kollmann appears only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owners.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, that he resided in Nazi-controlled Austria, and that he, his wife and his daughter were deported to a concentration camp in Poland, where they perished in 1942.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimants' great-uncle.

The CRT notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-controlled Austria until he was deported to a concentration camp in Poland, where he perished in 1942; that there is no record of the payment of the Account Owner's accounts to him nor any record of a date of closure of the second demand deposit account; that the Account Owner's heirs resided in a Communist country in Eastern Europe after the Second World War; that the Account Owner's heirs would not have been able to obtain information about his accounts 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 his 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their great-uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts. With respect to the first demand deposit account that was closed on 26 April 1938, 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 demand deposit account was SF 2,140.00. With respect to the second demand deposit account, the Bank's records indicate that the value of the account as of 31 December 1935 was SF 4,300.00.

Thus, the combined 1945 average value for the two accounts at issue is SF 6,440.00. 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, to produce a total award amount is SF 80,500.00.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award pursuant to Article 23(1)(a-f) of the Rules has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. In this case the Claimants, who are cousins, are both nephews of the Account Owner's spouse. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
18 December 2007