

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1], née [REDACTED]

to Claimant [REDACTED 2]

and to Claimant [REDACTED 3], née [REDACTED]
all represented by Tim Bäuerle

in re Account of Hélène Krebs

Claim Numbers: 200577/DE; 200644/DE;¹ 205755/DE;² 300177/DE

Award Amount: 11,624.88 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) and [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”) and to Claimant [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Hugo Salli Lindheim.³ This award is to the unpublished account of Hélène Krebs (the “Account Owner”) at the [REDACTED] (the “Bank”).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 Claimants

The Claimants, who are siblings, each submitted a Claim Form and an Initial Questionnaire (“IQ”) identifying the Account Owner as their mother, Gertrud Helene Emma Lina (Lina Helena) Krebs, née Bachenheimer, who was born on 22 January 1902 in Röddenau, Germany and was married to [REDACTED]. The Claimants stated that their mother, who was Jewish, had three children, [REDACTED 2], [REDACTED 1] and [REDACTED 3], and that the family

¹ Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 200644 and 300208. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 200644.

² Claimant [REDACTED 3] submitted two Claim Forms, which were registered under the Claim Numbers 205755 and 300297. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 205755.

³ The CRT did not locate an account belonging Hugo Salli Lindheim in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

resided in Bad Berleburg, Germany. According to the Claimants, following the *Kristallnacht* (Night of Broken Glass) pogrom in November 1938, their parents arranged for them to leave Germany in a *Kindertransport* to Belgium, where they resided with their maternal aunt, [REDACTED], née [REDACTED], and her family in Malines from December 1938 until February 1940. Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that the family's United States visas were scheduled to arrive in May 1940, at which time the Claimants and their parents planned to travel to the United States. Claimant [REDACTED 2] and Claimant [REDACTED 3] explained that due to the Nazi invasion of Belgium in May 1940, they instead returned to Germany. Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that the family fled Germany and traveled to the United States in 1941. The Claimants stated that their maternal aunt and her family remained in Belgium and were deported to Auschwitz, where they perished.

Claimant [REDACTED 2] submitted copies of various documents including: 1) his mother's birth certificate indicating that her full name was Gertrud Helene Emma Lina Sara, née Bachenheimer and that she was born on 22 January 1902 in Röddenau to [REDACTED] and [REDACTED], née [REDACTED], both of whom were Jewish; 2) the birth certificate of [REDACTED 1], indicating that she was born on 4 October 1926 and that her parents were [REDACTED] and Gertrud Helene Emma Lina Krebs, née Bachenheimer; 3) the birth certificate of [REDACTED 3], indicating that she was born 2 August 1924 and that her parents were [REDACTED] and Gertrud Helene Emma Lina Krebs, née Bachenheimer; 4) his own birth certificate, indicating that his full name is [REDACTED 2], that he was born on 4 December 1928 and that his parents were [REDACTED] and Lina Krebs, née Bachenheimer; and 5) documents from the International Tracing Service, indicating that [REDACTED] and her family were Jewish and were deported to Auschwitz.

The Claimants indicated that Claimant [REDACTED 1] was born on 4 October 1926, that Claimant [REDACTED 2] was born on 4 December 1928, and that Claimant [REDACTED 3] was born on 2 August 1924, all in Bad Berleburg.

Information Available in the Bank's Record

The Bank's record consists of an excerpt from a list of account owners that was 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 this record, the Account Owner was Hélène Krebs. The auditor's report does not indicate the Account Owner's domicile. The auditor's report indicates that the Account Owner held one savings/passbook account, numbered 1152. The auditors indicated that in January 1999 this account held 4.99 Swiss Francs ("SF"). The account remains open and dormant.

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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' mother's middle and last names match the unpublished name of the Account Owner.⁴ The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than her name.

In support of his claim, Claimant [REDACTED 2] submitted documents, including his mother's birth certificate and his and his siblings' birth certificates, indicating their mother's name, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded as the name of the Account Owner. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

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, resided in Nazi occupied Germany, sent her children out of the country following *Kristallnacht*, and later fled to the United States. Claimant [REDACTED 2] also submitted his mother's birth certificate indicating that her parents were Jewish and documents from the International Tracing Service indicating that his mother's sister and her sister's family were Jewish and were deported to Auschwitz, where they perished.

The Claimant's Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimants' mother.

The documents submitted by Claimant [REDACTED 2] include his mother's birth certificate and his and his siblings' birth certificates, indicating that their mother was Gertrud Helene Emma Lina Krebs, née Bachenheimer. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. The CRT further notes that these documents provide independent verification that the Claimants bear the same family name as the Account Owner. Finally, the CRT notes that all of this information supports the

⁴ The CRT notes that the documentation provided by the Claimants consistently includes their mother's middle names and therefore considers it plausible that that the Claimant's mother used her middle name Helene to open the account.

plausibility that the Claimant is related to the Account Owner, as they have asserted in their Claim Forms and IQs. There is no information to indicate that the Account Owner has surviving heirs other than the Claimants.

The Issue of Who Received the Proceeds

The auditor's report indicates that the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, their 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 mother and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The auditor's report indicates that the value of the savings/passbook account as of 1999 was SF 4.99. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 925.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1999. Consequently, the adjusted balance of the account at issue is SF 929.99. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 11,624.88.

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. Accordingly, the Claimants are each entitled to one-third 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
4 February 2008