

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re “Kurt Meyer Amsterdam Trustee Account”

Claim Number: 708277/AV¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to accounts of [REDACTED].² This Award is to the unpublished account of Kurt Meyer (the “Account Owner”), whose account was held under the name “Kurt Meyer Amsterdam Trustee Account,” and to which [REDACTED] (“Authorized Party [REDACTED]”) and [REDACTED] (“Authorized Party [REDACTED]”) (together the “Authorized Parties”) were authorized signatories, at the Zurich branch of [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 an Initial Questionnaire (“IQ”) identifying Authorized Party [REDACTED] as her stepfather, [REDACTED], who was born in Berlin, Germany, and was married to [REDACTED], née [REDACTED], the Claimant’s mother. The Claimant indicated that [REDACTED], who was Jewish, was a stockbroker, and lived at Sächsischestraste 4 in Berlin. The Claimant stated that in January 1939, [REDACTED] and [REDACTED] fled from

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 708277.

² The CRT did not locate an account belonging to the Claimant’s relative, [REDACTED], 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). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Berlin to Amsterdam, the Netherlands. The Claimant specified that they lived at Milletstraat 29 in Amsterdam until June 1943, when they were deported to the Westerbork transit camp in the Netherlands. The Claimant stated that in February 1944, [REDACTED] and [REDACTED] were deported to Bergen-Belsen, where they were interned until the concentration camp was liberated in April 1945.

In a telephone conversation with the CRT on 4 April 2005, the Claimant identified the Account Owner as her stepfather's brother, Kurt Meyer, who was also born in Berlin. The Claimant further identified Authorized Party [REDACTED] as Kurt Meyer's spouse, [REDACTED]. According to the Claimant, Kurt Meyer, who was also Jewish, lived in Amsterdam until mid-1938, when he and [REDACTED] emigrated to California, the United States. The Claimant specified that Kurt Meyer and [REDACTED] had one daughter, with whom the Claimant has lost contact.

The Claimant indicated that she was born on 19 February 1923.

Information Available in the Bank's Records

The Bank's record consists of a letter from the Account Owner to the Bank, dated 24 March 1938, providing samples of his signature as well as those of the Authorized Parties. According to this record, the Account Owner was Kurt Meyer, who resided in Amsterdam, the Netherlands at Heerengracht 545/549. This record further indicates that Authorized Parties were [REDACTED] and [REDACTED]. The Bank's records indicate that the Account Owner opened the account as a trustee, and that the account was held under the name "Kurt Meyer Amsterdam Trustee Account." These records further indicate that the Authorized Parties were authorized signatories on the account.

The Bank's record indicates that the "Kurt Meyer Amsterdam Trustee Account" was a demand deposit account. The Bank's record does not show when the account at issue was opened or closed, nor does this record indicate the value of this account. 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. There is no evidence in the Bank's record that the Account Owner, the Authorized Parties 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 uncle's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner. Moreover, the Claimant's stepfather's and aunt's names match the

unpublished names of the Authorized Parties.³ The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of 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 stated that the Account Owner was Jewish, and that he was a German national who, at some point left Germany for Amsterdam and ultimately emigrated to the United States. Claimant also stated that that Authorized Party [REDACTED] was a Victim of Nazi Persecution. The Claimant stated that Authorized Party [REDACTED] was Jewish, and that he was deported from Amsterdam to Westerbork in June 1943, and subsequently to Bergen-Belsen in February 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's stepfather's brother. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further 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 Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her IQ.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record does not indicate when the account was closed, but that, given that the Account Owner left Amsterdam for the United States in mid-1938, the account may have been closed when the Account Owner was outside Nazi-dominated territory.⁴ However, given that the Bank's record does not indicate to whom the account was closed, nor a date of closure for the account; that Authorized Party [REDACTED], who was a relative of the Account Owner, remained in Amsterdam after the Netherlands was occupied by Nazi Germany until he was deported to two concentration camps, and that he may have yielded to Nazi pressure to surrender the account under such circumstances; that the Account Owner may have had additional relatives remaining in his country of origin, and that he may therefore have yielded to Nazi pressure to turn over his account to ensure the safety of Authorized Party [REDACTED] or other relatives; 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

³ The CRT notes that "[REDACTED]" is a common nickname for [REDACTED].

⁴ The CRT notes that Nazi Germany invaded the Netherlands on 9 May 1940 and that the country surrendered on 14 May 1940.

it is plausible that the account proceeds were not paid to the Account Owner, the Authorized Parties, 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 her stepfather's brother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Authorized Parties, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit 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 demand deposit account was 2,140.00 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 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 her 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
15 July 2005