

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Albert Lion

Claim Number: 703485/AZ¹

Award Amount: 178,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of John (Hans) Louis Lion.² This award is to the published accounts of Albert Lion (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 Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) indicating that her late husband, [REDACTED] (formerly [REDACTED]) owned Swiss bank accounts. In telephone conversations with the CRT on 26 April 2005, 22 March 2006, and 20 April 2006, the Claimant identified the Account Owner as her husband’s father, Albert Lion, who was born in 1883 in Ettenheim, Germany and was married to [REDACTED], née [REDACTED]. The Claimant stated that her husband, who was an only child, was born on 6 July 1922 in Heidelberg, Germany and that his family moved to Frankfurt, Germany when he was approximately one year old. The Claimant stated that her husband’s father, who was Jewish, was a textile merchant in Frankfurt. According to the Claimant, her husband was expelled from school in 1937 because he was Jewish, and his parents sent him to live with his father’s relatives - including a cousin named [REDACTED] - in Kreuzlingen, Switzerland. The Claimant stated that her husband was not

¹ [REDACTED] (“the Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0272134, 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 703485.

² The CRT will treat the claim to these accounts in a separate determination.

permitted to remain in Switzerland after his student visa expired in July 1940, and that he fled to Portugal on a bus and emigrated to New York, the United States in 1941.

The Claimant further indicated that her husband's parents fled to London, England between 1937 and 1941, and that her husband's father was interned in a British detention camp. When he was released, the Claimant stated, her husband's parents emigrated to New York, where they were reunited with their son. The Claimant indicated that her husband's mother died in New York and that her husband and his father returned to Kreuzlingen after the War to work for their relatives. Finally, the Claimant stated that her husband's father died in Kreuzlingen and that her husband returned to the United States, where he married the Claimant in approximately 1967 or 1968 and where he died in 1994. The Claimant indicated that she and her husband have one daughter, who is not represented in this claim.

The Claimant indicated that she was born on 3 August 1938.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Alfred Lion who resided in Frankfurt am Main, Germany, and Kreuzlingen, Switzerland. The Bank's record indicates that the Account Owner held a safe deposit box numbered 504, opened on 26 September 1931, and a custody account, numbered 2192, opened on 7 February 1933.

The Bank's record indicates that the safe deposit box was closed on 24 July 1933 and that the custody account was closed on 31 July 1933. The amounts in these accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's husband's father's name matches the published name of the Account Owner. The Claimant identified the Account Owner's two cities of residence, which match unpublished information about the Account Owner contained in the Bank's record. While the Claimant's husband's father did not live in the Account Owner's second city of residence until after the account was closed, the CRT notes that it is plausible that his Swiss relatives opened the account for him or that he gave their address as a secondary residence.

The CRT notes that the Claimant filed her IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by the Account Owner's son prior to the publication in January 2005 of the additional list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be possibly those of Victims of Nazi Persecution (the "2005 List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual

identified on the 2005 List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the 2005 List. It also indicates that the Claimant had reason to believe that her relatives owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different city of residence than the primary city of residence of the Account Owner and failed to identify the Account Owner's second city and country of residence. 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 stated that the Account Owner was Jewish and that he lived in Nazi Germany until at least 1937, after which he fled to England to avoid Nazi persecution. The Claimant further stated that the Account Owner's son was expelled from school in 1937 because he was Jewish, that he was sent to Switzerland, and that after his visa expired in 1940, he fled to the United States via Portugal.

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 husband's father. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record, and that the information she submitted 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. All of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim.

The CRT notes that the Claimant indicated that she has a daughter, but because she is not represented in this claim and did not submit a claim on her own behalf, her potential entitlement to the Account Owner's accounts is not treated here.

The Issue of Who Received the Proceeds

The Bank's record indicates that the accounts were closed on 24 and 31 July 1933.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until at least 1937, and would not have been able to repatriate his accounts to Germany without losing ultimate control over their proceeds; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),³ 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 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 husband's father 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.

As noted above, the Claimant indicated that she has a daughter, who would be more entitled to the Account Owner's accounts than the Claimant, but because she has not submitted a claim to the CRT and is not represented in the Claimant's claim, her potential entitlement to the Account Owner's accounts is not addressed here.

Amount of the Award

In this case, the Account Owner held one safe deposit box and 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 investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value of the accounts at issue is SF 14,240.00. 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 of SF 178,000.00.

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).

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
9 November 2006