

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED] and the Estate of Istavanne Klara Graumann

in re Accounts of Clara Löwy

Claim Numbers: 209410/AY,¹ 710413/AY, 710414/AY, 710415/AY, 710416/AY, 710417/AY,
710418/AY, 710419/AY, 734031/AY, 734037/AY

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (“Claimant [REDACTED]”) to the accounts of Clara Löwy (the “Account Owner”) and upon the Claims of Istavanne Klara Graumann, née Löwy, (“Claimant Graumann”) (together the “Claimants”) to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].² This Award is to the accounts of Clara Löwy (the “Account Owner”) 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms and Initial Questionnaires identifying the Account Owner as Claimant [REDACTED]’s mother and as Claimant Graumann herself, Klara/Clara Graumann, née Löwy, who was born on 27 March 1923 in Rákoscscaba, Hungary, and was married to [REDACTED] on 27 December 1945 in Budapest, Hungary. The Claimants stated that [REDACTED], their great-grandfather and grandfather respectively, was a wealthy merchant in Pécel, Hungary, and that he gave a dowry to each of his four daughters, including [REDACTED], née [REDACTED], who is Claimant [REDACTED]’s grandmother and Claimant Graumann’s mother. The Claimants further stated that [REDACTED], who was born in Rákoscscaba, was married to [REDACTED], who was born and lived in Bruckneudorf (later renamed Bruck an der Leitha), Austria, where he worked as a printer. Claimant [REDACTED] indicated that her grandparents, who were Jewish, had two children, Clara, who was born in Rákoscscaba on 27 March 1923 and [REDACTED], who was born on 4 November 1924 in Bruck

¹ Claimant [REDACTED] submitted additional Claims to the accounts of [REDACTED], [REDACTED] and [REDACTED], which are registered under the Claim Numbers 734019, 710426, 710424 and 710425 respectively. The CRT will treat the claims to these accounts in separate decisions.

² The CRT will treat the claims to these accounts in separate decisions.

an der Leitha. The Claimants stated that in 1938 their family fled Austria for Hungary, but were forced back to Austria, and that the whole family was sent to the Ghetto in Vienna, and later to Theresienstadt from where they all, with the exception of Clara, were transferred to other camps. The Claimants indicated that [REDACTED], their uncle and brother respectively, perished in a slave labor camp, and that [REDACTED] and [REDACTED] perished in Auschwitz. According to Claimant [REDACTED], her mother, Clara Graumann, was the sole survivor of the family, and she died on 1 November 2000 in Budapest. Claimant [REDACTED] stated that she believed that the dowry, which was given to her grandmother, was deposited in a Swiss bank account. In support of her claim, Claimant [REDACTED] submitted her identification card, showing that she is Clara Graumann's daughter. Claimant [REDACTED] stated that she was born on 9 June 1946 in Budapest, and that she is her parents' only heir.

The Claimants previously submitted Initial Questionnaires with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by their relatives.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frl.* (Miss) Clara Löwy, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account and a custody account, numbered L 45342. The opening date of the demand deposit account is illegible. According to the Bank's record, the demand deposit account was closed on 10 August 1938. The Bank's record indicates that the custody account was opened on 15 September 1931 and was closed on 5 August 1938. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant [REDACTED]'s mother's name and Claimant Graumann's name match the published name of the Account Owner. The Claimants further indicated that Claimant [REDACTED]'s mother, Claimant Graumann, married in December 1945 after the end of the Second World War, which is consistent with the fact that the Account Owner was referred to as "Miss" when the accounts were opened, and thereby matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that Claimant Graumann was eight years old when the custody account was opened in the name of Miss Clara Löwy. The CRT concludes that it is plausible that a relative opened the accounts in her name, especially given the fact that her grandfather was wealthy and provided his other female descendants with dowries. In addition, the CRT notes that the Claimants filed Initial Questionnaires with the Court in 1999 asserting their entitlement to Swiss bank accounts held by their relatives and identifying Claimant Graumann's maiden name as Klara Löwy, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the

Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as Claimant Graumann but rather on a direct family relationship that was known to them before the publication of the ICEP list. It also indicates that the Claimants had reason to believe that members of their family owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants. The CRT also notes that Claimant [REDACTED]'s mother resided in Bruck an der Leitha, which is located only approximately 20 kilometers from Vienna and this location is consistent with the Vienna address contained in the Bank's record. Finally, 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 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, and that she was deported to the Vienna Ghetto, and later to Theresienstadt.

The Claimant's Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting Claimant [REDACTED]'s identification card demonstrating that she is Clara Löwy's daughter. 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's accounts were closed after the *Anschluss* on 14 March 1938; that Nazi confiscatory legislation was in effect at the time the accounts were closed on 5 and 10 August 1938; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner and her heirs would not have been able to obtain information about her accounts after the Second World War from the Bank's due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the Bank's concern regarding double liability; and given the application of Presumptions (a), (h), (i) 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 her 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 Claimant [REDACTED]'s mother and Claimant Graumann herself, and that relationship justifies an Award. Finally, the

CRT has determined that it is plausible that neither the Account Owner, nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case the Account Owner held one demand deposit account 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 Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs, producing a total 1945 average value of 15,140.00 Swiss Francs. 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 189,250.00 Swiss Francs.

Division of the Award

Claimant Graumann is the Account Owner, and therefore she has a better entitlement to the award than Claimant [REDACTED], who is her daughter. Therefore, the Estate of Claimant Graumann is entitled to 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
6 February 2004