

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Peter Gottfried Hans Meyer-Viol

in re Accounts of G. Meyer-Viol and Gottfried Meyer

Claim Number: 501537/MW

Award Amount: 76,125.00 Swiss Francs

This Certified Award is based upon the claim of Peter Gottfried Hans Meyer-Viol (the “Claimant”) to the account of G. Meyer-Viol. This Award is to the published account of G. Meyer-Viol at the [REDACTED] (“Bank I”) and to the unpublished account of Gottfried Meyer at the Biel branch of the [REDACTED] (“Bank II”) (together the “Banks”). This Award refers to G. Meyer-Viol and Gottfried Meyer as the “Account Owner.”

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the names of the banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his father, Dr. Johann Gottfried Meyer-Viol, who was born on 20 May 1878 in Amsterdam, the Netherlands, and was married to Lotte Warburg on 15 December 1919 in Berlin, Germany. The Claimant indicated that his parents had two children, the Claimant and his sister, Elisabeth Deurvorst, née Meyer-Viol. The Claimant indicated that his paternal grandparents were Gottfried Meyer and Bertha Meyer, née Viol, and that Gottfried Meyer died in 1919. In a telephone conversation with the CRT on 2 February 2005, the Claimant explained that his father, who was Jewish, was previously known as Gottfried Meyer, and that, at some point before the Claimant’s birth, the Claimant’s father requested his maternal uncle’s permission to use his uncle’s family name of Viol. In e-mail correspondence with the CRT on 2 February 2005, the Claimant indicated that his father resided in Bayreuth, Germany. The Claimant further stated that his father was forced to pay a flight tax (*Reichsfluchtsteuer*) of 100,000.00 Reichsmark (“RM”) to receive permission to leave Nazi Germany in 1934, that his father fled Germany to Switzerland, where he resided until 1938, at which time he moved to the Netherlands. The Claimant stated that his father died in the Netherlands in May 1944 after contracting an illness. The Claimant stated that his mother, Lotte Meyer-Viol, died on 3 January 1948 in Bayreuth, and that his sister, Elisabeth Deurvorst, died in 1975 in Wassenaar, the Netherlands.

In support of his claim, the Claimant submitted his birth certificate, indicating that his father was Dr. Johann Gottfried Meyer-Viol, and a detailed family tree indicating that Johann Gottfried Meyer was also known as Johann Gottfried Meyer-Viol. The Claimant indicated that he was born on 28 September 1924 in Zurich, Switzerland.

Information Available in the Banks' Records

Bank I

Bank I's records consist of a list of accounts included in an internal bank survey of dormant accounts conducted in 1959 (the "1959 Survey"), a list of accounts considered for the survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a Federal decree in 1962 (the "1962 Survey"), and a printout from Bank I's database. According to these records, the Account Owner was Dr. G. Meyer-Viol, who held a demand deposit account. According to Bank I's records, in 1959 the account had a balance of 129.50 Swiss Francs ("SF"), and the last contact with the Account Owner had been in 1944. Bank I's records also indicate that the account was considered for registration in the 1962 Survey, but ultimately was not so registered. The records indicate that the balance of the account on 15 November 1963 was SF 123.00.

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 Bank I'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 Bank I's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

Bank II

Bank II's record consists of a printout from Bank II's database. According to this record, the Account Owner was Gottfried Meyer, who held an account, numbered 24638, the type of which is not indicated. According to Bank II's record, the account had a balance SF 12.90 as of 28 February 1977. Bank II's record does not contain information about the Account Owner's place of residence. Bank II's record indicates that the account was considered dormant by Bank II and was transferred to a suspense account for dormant assets on 28 February 1977, where it remains.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches both the published name of the Account Owner at Bank I, and the unpublished name of the Account Owner at Bank II. The Claimant identified the Account Owner's title of doctor, which matches unpublished information about the Account

Owner contained in Bank I's records. The CRT notes that Bank II's records do not contain any specific information about the Account Owner other than his name. In support of his claim, the Claimant submitted documents, including his birth certificate indicating that his father's name was Dr. Johann Gottfried Meyer-Viol, and a detailed family tree which indicates that Johann Gottfried Meyer-Viol was also known as Johann Gottfried Meyer, which provide independent verification that the person who is claimed to be the Account Owner had substantially the same name recorded in the Banks' records as the name and title of the Account Owner, and that he had the same title recorded in Bank I's records as the title held by the Account Owner.

The CRT further notes that the name G. Meyer-Viol appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution.

The CRT notes that the other claims to the account of G. Meyer-Viol at Bank I were disconfirmed because those claimants provided a different title or last name than the title and last name of the Account Owner. The CRT further notes that there are no other claims to the account of Gottfried Meyer at Bank II. The CRT notes that there is no information in Bank II's record to confirm that G. Meyer-Viol and Gottfried Meyer are the same person. However, given that the Account Owner was known under both names and held an account at one bank, the CRT considers it plausible that he would have held additional accounts and might not have used his hyphenated name at all times. The CRT has therefore determined that the accounts at Bank I and Bank II were held by the same person, and that the Claimant has plausibly identified the Account Owner as his father.

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 fled Nazi Germany in 1934.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's birth certificate indicating that his father was Dr. Johann Gottfried Meyer-Viol. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Regarding the Account Owner's account held at Bank I, given that the Account Owner fled Nazi Germany and died in 1944; that the Account Owner's account was included in the 1959 Survey and considered for the 1962 Survey; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; 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.

Bank II's records indicate that the Account Owner's account at Bank II was transferred to a suspense account on 28 February 1977, where it remains today.

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 his father, and that relationship justifies an Award. Third, the CRT has determined that with regard to the account at Bank I, that it is plausible that neither the Account Owner nor his heirs received the proceeds of this account, and that with regard to the account at Bank II, that neither the Account Owner nor his heirs received the proceeds of this account.

Amount of the Award

In this case, the Account Owner held one demand deposit account at Bank I and an account of unknown type at Bank II.

Bank I's records indicate that the value of the demand deposit account at Bank I in 1959 was SF 129.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 225.00, which reflects standardized bank fees charged to the account between 1945 and 1959. Consequently, the adjusted balance of the account at issue is SF 354.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 26,750.00 for this account.

Bank II's record indicates that the value of the account of unknown type held at Bank II was SF 12.90 as of 28 February 1977. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00. Consequently, the adjusted balance of the account at issue is SF 507.90. According to Article 29 of the Rules, if the amount in a account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the award amount for the account held at Bank II is SF 49,375.00 for this account.

Therefore, the total award amount is SF 76,125.00.

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 he 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
12 May 2005