

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3], [REDACTED 4], and
[REDACTED 5]
represented by *Mondex International Corporation*

in re Account of Hans and Lotte Sachs

Claim Number: 402224/AZ/AC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Hans Sachs (“Account Owner Hans Sachs”) and Lotte Sachs (“Account Owner Lotte Sachs”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).^{1,2}

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 a Claim Form identifying the Account Owners as his paternal grandparents, Prof. (Professor) Dr. Hans Sachs, who was born on 6 June 1877 in Katowice, Poland, and Adelheid Sophie Charlotte (Lotte) Sachs, née Grelling (who was known as Charlotte), who was born on 11 November 1884 in Berlin, Germany. The Claimant indicated

¹ The CRT notes that, 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 “ICEP List”), the names Hans Sachs [Heidelberg] and Lotte Sachs [Heidelberg] are published as separate account owners. Upon careful review, the CRT has concluded that the Bank’s records evidence that Hans and Lotte Sachs jointly held the accounts under consideration.

² The CRT notes that the names Hans Sachs [Germany] and Lotte Sachs [Germany] also appear on the ICEP List. The CRT will treat the claim to these accounts in a separate determination. The CRT further notes that the name Hans Sachs is also published on the January 2005 list of additional accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “2005 List”). Upon careful review, the CRT has determined that this additional Hans Sachs is not the same person addressed in the current decision and, consequently, the Claimant did not identify this other account owner as his relative.

that his grandparents were married on 13 April 1905 in Berlin. According to the Claimant, his grandparents, who were Jewish, had two children: [REDACTED] (the Claimant's father), who was born on 14 January 1906 in Frankfurt am Main, Germany; and [REDACTED], née [REDACTED], who was born on 27 March 1909 in Frankfurt am Main. The Claimant stated that in 1928, his grandparents moved to Heidelberg, Germany, where his grandfather was a medical doctor and professor of medicine, and that they resided at Handschuhshheimer Landstrasse 46 in Heidelberg. The Claimant explained that his grandparents fled to England in December 1938, that they moved to Dublin, Ireland, in 1939, that his grandfather died in Dublin in 1945, that his grandmother died in London, England, in 1978, and that his father and aunt have also since passed away.

In support of his claim, the Claimant submitted copies of documents: including 1) his grandparents' family book, indicating that Hans Sachs, who was born on 6 June 1877 in Katowice and was a medical doctor in Frankfurt am Main, and Adelheid Sophie Charlotte Grelling, who was born on 11 November 1884 in Berlin and resided in Berlin, were married on 13 April 1905 in Berlin and that their children were [REDACTED], who was born on 14 January 1906 in Frankfurt am Main, and [REDACTED], who was born on 27 March 1909 in Frankfurt am Main; 2) his grandfather's will, dated 10 June 1942, indicating that Hans Sachs, who was a medical doctor and professor of medicine in Dublin, bequeathed all of his property to his wife Charlotte Sachs; 3) an inheritance certificate related to his grandfather's estate, indicating that Hans Sachs died on 23 March 1945 in Dublin and that Charlotte Sachs was his widow and sole heir; 4) his grandmother's will, dated 19 February 1974, indicating that Charlotte Sachs, who was a widow and resided in London, named her son [REDACTED] and son-in-law [REDACTED] as the executors and trustees of her estate and her grandchildren [REDACTED 1], [REDACTED 2], née [REDACTED], [REDACTED 3], née [REDACTED] (the children of her son [REDACTED]), [REDACTED 4], and [REDACTED 5] (the children of her late daughter [REDACTED], née [REDACTED]) as her heirs in trust, in equal shares by representation; 5) his grandmother's death certificate, indicating that Adelheid Sophie Charlotte Sachs, née Grelling, who was born on 11 November 1884 in Germany, died on 22 May 1978 in Putney, England, and that her son [REDACTED] reported her death; 6) an inheritance certificate relating to his grandmother's estate, indicating that Adelheid Sophie Charlotte Sachs (known as Charlotte Sachs or Charlotte Sophie Adelheid Sachs) died on 22 May 1978 and that the executors of her estate were [REDACTED] and [REDACTED]; 7) his own birth certificate, indicating that [REDACTED 1] was born on 30 November 1933 in Leeds, England, and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; 8) his sister's birth certificate, indicating that [REDACTED 2] was born on 21 January 1937 in Oxford, England, and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; 9) his sister's birth certificate, indicating that [REDACTED 3] was born on 15 October 1943 in Wimbledon, England, and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; 10) his cousin's birth certificate, indicating that [REDACTED 4] was born on 13 April 1943 in Oxford and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; and 11) his cousin's birth certificate, indicating that [REDACTED 5] was born on 6 August 1945 in Oxford and that his parents were [REDACTED] and [REDACTED], née [REDACTED].

The Claimant indicated that he was born on 31 November 1933 in Leeds. The Claimant is representing his sisters [REDACTED 2], née [REDACTED], and [REDACTED 3], née [REDACTED], and his cousins [REDACTED 4] and [REDACTED 5].

Information Available in the Bank's Records

The Bank's records consist of printouts generated by the auditors who conducted the investigation of the Bank pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"). Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents, consisting of a contract to open a joint custody account, a contract to place securities into the account, and a customer card.

According to these records, the Account Owners were Professor Dr. Hans Sachs and *Frau* (Mrs.) Lotte Sachs, who resided in Heidelberg, Germany at Bergstrasse 55, and then at Handschuhshheimer Landstrasse 46. The Bank's records indicate that the Account Owners jointly held a custody account and a demand deposit account, numbered 30719, which were opened on 15 October 1930, and that "various securities," which are not described, were deposited into the custody account on 18 October 1930. These documents further indicate that the account was closed on 26 September 1936, and that the demand deposit account was closed before 26 September 1936. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's grandparents' names match the published names of the Account Owners.³ The Claimant identified the Account Owners' city of residence and street address, the relationship between the Account Owners, and Account Owner Hans Sachs' title and profession, which match unpublished information about the Account Owners contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including his grandparents' family book, his grandmother's death certificate, and his grandparents' wills and related inheritance documents, providing independent verification that the persons who are claimed to be the Account Owners had the same names, relationship, and original country of residence recorded in the Bank's records as the names, relationship, and country of residence of the Account Owners and that the person who is claimed to be Account Owner Hans Sachs had the same title and profession recorded in the Bank's records as that Account Owner's title and profession.

³ The CRT notes that Lotte is a diminutive form of Charlotte, which the Claimant indicated is the name that his grandmother primarily used.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city of residence than the city of residence of the Account Owners, failed to identify one of the Account Owners as well as the relationship between the Account Owners, and failed to identify Account Owner Hans Sachs' title and profession.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and that they resided in Nazi Germany until December 1938, when they were forced to flee to England.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's paternal grandparents. These documents include his grandparents' family book and his grandmother's death certificate, indicating that [REDACTED] was Adelheid Sophie Charlotte Sachs' child, and the Claimant's birth certificate, indicating that his father was [REDACTED]. These documents further include his grandmother's will, indicating that the Claimant is Charlotte Sachs' grandchild (the child of her son [REDACTED]) and one of her heirs. This document indicates that the Account Owners have no other heirs apart from the Claimants' siblings and cousins, whom he represents in this matter.

The Issue of Who Received the Proceeds

The Bank's records indicate that the custody account was closed on 26 September 1936, and that the demand deposit account was closed by that date.

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 Owners remained in Germany until December 1938, and would not have been able to repatriate their accounts to Germany without losing ultimate control over their proceeds; that there is no record of the payment of the Account Owners' accounts to them, nor any record of a date of closure for the demand deposit account; that the Account Owners and their heirs would not have been able to obtain information about their 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),⁴ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their heirs. Based on its precedent and the Rules, the CRT applies

⁴ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 and the parties whom he represents. 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 Owners were his grandparents, 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.

Amount of the Award

In this case, the Account Owners held one custody account and 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 custody account was 13,000.00 Swiss Francs (“SF”), and the average value of a demand deposit account was SF 2,140.00. Thus, the combined 1945 average value for the two accounts at issue is SF 15,140.00. 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 189,250.00.

Division of the Award

According to Article 23(1)(a) of the Rules, if a claimant has submitted the Account Owner’s will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. The Claimant submitted Account Owner Hans Sachs’ will, in which he named Account Owner Lotte Sachs as his sole heir. The Claimant further submitted Account Owner Lotte Sachs’ will, in which she designated her grandchildren as her heirs and further specified that the children of her son [REDACTED] (namely, the Claimant and his sisters [REDACTED 2] and [REDACTED 3]) would inherit one-half of her estate in equal shares, and that the children of her daughter [REDACTED], née [REDACTED] (the Claimant’s cousins [REDACTED 4] and [REDACTED 5]) would inherit the other half in equal shares. In this case, the Claimant represents his siblings and cousins. Accordingly, the Claimant and his siblings, represented parties [REDACTED 2] and [REDACTED 3], are each entitled to one-sixth of the total award amount and the Claimant’s cousins, represented parties [REDACTED 4] and [REDACTED 5], are each entitled to one-fourth of the total award amount.⁵

⁵ The CRT notes that, pursuant to Article 23 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the division of the Award would be the same in the absence of inheritance documents.

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
31 August 2007