

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Martin and Hildegard Sachs**

Claim Numbers: 500660/LV; 500661/LV

Award Amount: 98,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Martin and Hildegard Sachs (together the “Account Owners”) at the Basel 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 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 Claim Forms identifying the Account Owners as her parents, Martin and Hildegard Sachs, née Gloger. The Claimant stated that her father was born on 21 July 1886 in Hirschberg, Germany, and that her mother was born on 6 May 1895. The Claimant stated that her parents were married in 1920 in Breslau, Germany, and that they had one child, the Claimant. The Claimant explained that her father co-owned with his brother, [REDACTED], a linen weaving mill called *Hirschberg Mechanische Leinenweberei*, which was located on Bolkenheimerstrasse in Hirschberg. The Claimant further stated that the Nazis forced her father to sell his business in 1937. The Claimant stated that from 1921 through 1940 her family resided at Wilhelmstrasse 58 in Hirschberg, and that in 1940 they were forced to move into an apartment at Hirschgraben 2. The Claimant explained that her father had been arrested by the Gestapo several times and that he committed suicide while in prison in 1943. The Claimant stated that her mother passed away in 1931.

The Claimant submitted her own birth certificate, identifying Martin and Hildegard Sachs, née Gloger, as her parents, and indicating that she was born on 18 May 1924 in Hirschberg; the Claimant’s own marriage certificate, indicating that she was married to [REDACTED] on 20 May 1949 in Hannover, Germany; and a notarized copy of a power of attorney, dated 16 October 1943, in which Martin Sachs granted power of attorney to his daughter, [REDACTED], over all his and her assets held at the *Berliner Handels-Gesellschaft*.

## **Information Available in the Bank's Records**

The Bank's record consists of printouts from the Bank's database. According to these records, the Account Owner were Martin Sachs and Hildegard Sachs, née Gloger, who resided in Hirschberg/Riesengebirge, Germany. The Bank's records indicate that Account Owner Martin Sachs held an account of unknown type numbered 36772 and that Account Owner Hildegard Sachs held an account of unknown type numbered 37063, both of which were opened on 6 July 1931. The Bank's records further indicate that each of the Account Owners held power of attorney over the other's account. The Bank's record does not show when the accounts at issue was closed, or to whom they was paid, nor do these records indicate the value of these accounts.

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 these accounts in the Bank'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 the Bank's records that the Account Owners, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's parents' names and city and country of residence match the published name and city and country of residence of the Account Owners and the Power of Attorney Holders.

In support of her claim, the Claimant submitted documents, including her own birth certificate, identifying Martin and Hildegard Sachs, née Gloger, as her parents, and indicating that she was born in Hirschberg; and a notarized copy of a power of attorney dated 16 October 1943, in which Martin Sachs granted power of attorney to his daughter, [REDACTED], over all his and her assets held at the *Berliner Handels-Gesellschaft*, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the other claim to Account Owner Martin Sachs' account was disconfirmed because that claimant provided a different city of residence from the city of residence of Account Owner Martin Sachs.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Martin Sachs was a Victim of Nazi Persecution. The Claimant stated that Account Owners Martin and Hildegard Sachs were Jewish, and that Account Owner Martin Sachs had been arrested by the Gestapo several times and that he committed suicide while in prison in 1943. The CRT notes that while Account Owner Hildegard Sachs was not a Victim of Nazi Persecution as she passed away prior to the Nazis assuming power, Account Owner Hildegard Sachs' husband, Account Owner Martin Sachs, was a Victim of Nazi Persecution.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's parents. These documents include her own birth certificate, identifying Martin and Hildegard Sachs, née Gloger, as her parents, and indicating that she was born in Hirschberg; and a notarized copy of a power of attorney dated 16 October 1943, wherein Martin Sachs granted power of attorney to his daughter, [REDACTED], over all of his assets and her assets held at the *Berliner Handels-Gesellschaft*. There is no information to indicate that the Account Owners have other surviving heirs.

#### The Issue of Who Received the Proceeds

Given that Account Owner Martin Sachs was forced by the Nazis to sell his business in 1937; that Account Owner Martin Sachs had been arrested by the Gestapo on several occasions; that there is no record of the payment of Account Owners Martin and Hildegard Sachs' accounts to them nor any record of a date of closure of the accounts 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; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners, the Power of Attorney Holders 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 Owners were her parents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither

the Account Owners, nor the Power of Attorney Holders nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, Account Owners Martin and Hildegard Sachs held two accounts of unknown type. 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 an account of unknown type was 3,950.00 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 98,750.00.

### **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  
18 November 2004