



## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his cousin, Lothar Salinger, 8 September 1919 in Berlin-Mitte, Germany. The Claimant stated that Lothar Salinger, together with his parents, [REDACTED] and [REDACTED], resided at Rosenthalerstrasse 40-41, in Berlin. According to the Claimant, [REDACTED], a cousin of his grandfather, was born on 25 November 1882 and [REDACTED] was born on 26 June 1876, both in Berlin.

The Claimant stated that Lothar Salinger, who was Jewish, was a member of the *Baum-Gruppe*, a group formed around Mr. Herbert Baum with roots in the confederation of the Jewish Youth Movement (*Jugendverband*). The Claimant indicated that the Gestapo classified this group as a resistance movement in 1942, resulting in the arrest and execution of many of the group's members. The Claimant further stated that in 1943, at the age of 23, his cousin was murdered by the Nazis in Berlin-Plotzensee because of his affiliation with this group. The Claimant explained that a plaque bearing his cousin's name is maintained at the Berlin Central Cemetery. The Claimant added that Lothar Salinger's father ([REDACTED]) perished in Auschwitz on 20 July 1942 and that his mother ([REDACTED]) perished in Theresienstadt on 3 July 1943.

In support of his claim, the Claimant submitted extensive historical data regarding his family, including affidavits containing such items as the birth and death certificates of his family members, as well as other documents pertaining to and describing his family. Included in these submissions are the death certificate of his grandfather, [REDACTED], which identifies the Claimant's father, [REDACTED]; the Claimant's birth certificate, indicating that he is the son of [REDACTED] and [REDACTED], née [REDACTED]; the birth certificate of the Claimant's brother, [REDACTED 2], indicating that he is the son of [REDACTED] and [REDACTED], née [REDACTED]; a letter, dated 13 May 2003, from an attorney in Berlin stating that Lothar Salinger, together with [REDACTED] and [REDACTED], resided at Rosenthalerstrasse 40-41 in Berlin; and a detailed map of Berlin upon which the addresses of Lothar Salinger and [REDACTED] are marked.

The Claimant indicated that he was born on 25 December 1941 in Melbourne, Australia. The Claimant is representing his brother, [REDACTED 2], who was born on 25 July 1946 in Melbourne

The Claimant previously submitted an Initial Questionnaire (the "IQ") with the Court in 1999, asserting his rights to a Swiss bank account owned by his father, [REDACTED]. As part of his IQ, the Claimant submitted an affidavit in which he claims a list of other family members from Germany and Poland as relatives of his father. On this list was the name Lothar Salinger, born 8 May 1919. Furthermore, the Claimant previously enlisted the assistance of the HCPO regarding his assertion that he is entitled to Swiss bank accounts owned by his 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 Lothar Salinger who resided in Charlottenburg, Germany. The Bank's record indicates that

the Account Owner held a custody account, numbered L 47969, and a demand deposit account. The Bank's record does not indicate the opening date for either account, but does indicate that the custody account, numbered L 47969, was closed on 2 December 1933 and that the demand deposit account was closed on 10 June 1934. The amounts in the accounts on their respective dates of 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 cousin's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence as Berlin which matches unpublished information about the Account Owner contained in the Bank's record.<sup>3</sup>

In support of his claim, the Claimant submitted documents, including a detailed series of affidavits, containing such items as the birth and death certificates of his family members, maps indicating the addresses of family members, including that of his grandfather, [REDACTED], who was a cousin of the Account Owner and who lived in close proximity to the Account Owner, 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.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Lothar Salinger and indicates that he was born in 1919 and that his place of birth was Berlin, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the name Lothar Salinger appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution.

The CRT notes further that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED], prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). The fact that this IQ included the name Lothar Salinger indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the

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<sup>3</sup> The CRT notes that the Account Owner's address was identified as Charlottenburg, the Claimant identified his cousin's city of residence as Berlin, and that Charlottenburg is a part of greater Berlin.

credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to this account. 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 was murdered by the Nazis in Berlin-Plotzensee. As noted above, a person by the name of Lothar Salinger was included in the CRT's database of victims.

#### 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 cousin. The CRT notes that the Claimant submitted numerous documents and affidavits in support of his claim, including a detailed family history and a detailed family tree, demonstrating that Lothar Salinger was his cousin. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the Account Owner, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT also notes that the Claimant submitted a letter from an attorney in Berlin confirming that Lothar Salinger, together with [REDACTED] and [REDACTED], resided at Rosenthalerstrasse 40-41 in Berlin, providing independent verification that the Claimant's relative bore the family name and that he resided in Berlin. Finally, the CRT notes that the voluminous information provided by the Claimant 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, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

#### The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of discriminatory taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until his death in 1943 and would not have been able to repatriate his accounts to Germany without their confiscation; 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 inquires by account owners because of the banks' concern regarding double liability; and 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 Appendix A) and Appendix C,<sup>4</sup> 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 his cousin, 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 Owner 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or 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 total average value of the 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

The Claimant is representing his brother, [REDACTED 2], in this proceeding. According to Article 23(1)(d) of the Rules, if neither the Account Owner’s spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner’s parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his brother, [REDACTED 2]. Accordingly, Claimant and his brother are each entitled to one-half of the total award amount.

### **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).

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<sup>4</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://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  
21 September 2005

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