

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Elishewa Gilad<sup>1</sup>

## **in re Accounts of Albert Salzer**

Claim Number: 002053/ES

Award Amount: 307,156.25 Swiss Francs

This Certified Award is based upon the claim of Elishewa Gilad, née Salzer, (the “Claimant”) to the account of Max Meir Salzer.<sup>2</sup> This Award is to the published accounts of Albert Salzer (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>3</sup>

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

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her paternal great-grandfather, Albert Salzer, who was born in the middle of the 19th century in Germany, and was married to Bety Salzer. The Claimant indicated that her great-grandfather, who was Jewish, had a son, Max Meir Salzer, who was born on 5 April 1872 in Schweinfurt, Germany and was married to Irma Helen Salzer, née Michelbacher. The Claimant stated that Max and Irma Salzer had one son, Avraham Albert Salzer, her father, who was born on 22 June 1909 in Nuremberg, Germany. The Claimant stated that her grandfather, Max, was an international merchant for Judaica products who resided at Badstrasse 12, Nuremberg. The Claimant stated that her grandfather’s business was confiscated by Nazis after 1 April 1933, and that he fled Germany. The Claimant stated that her grandfather, in a letter to her father in 1935, wrote that before his escape he met with his sister-in-law, Emilie Michelbacher, the Claimant’s maternal great-aunt, in Stuttgart, Germany, and that he gave her most of his savings in cash to deposit in a Swiss bank.

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<sup>1</sup> The Claimant provided some of her relatives’ names only in Hebrew characters in the Claim Form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the Claim Form with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

<sup>2</sup> The CRT will treat the claim to this account in a separate decision.

<sup>3</sup> 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”), Albert Salzer is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of three accounts.

The Claimant indicated that her maternal great-aunt crossed the border into Switzerland, hiding the money in a money-belt, and deposited it in a bank in Zurich. The Claimant indicated that her great-aunt deposited the money either in her grandfather's name, in her grandmother's name, or in her name. The Claimant indicated that her great-grandfather died in Nuremberg before the Holocaust. The Claimant stated that her grandparents fled to Palestine in 1934, that her grandmother died there on 18 January 1936, and that her grandfather was killed in the War of Independence in Jerusalem in December 1948. The Claimant further stated that while her grandparents succeeded in fleeing Germany in the mid-1930s, other family members who remained in Germany perished in the Holocaust. The Claimant indicated that her father died on 22 January 1977 in Tel Aviv, Israel. The Claimant stated that she has one sister, Jael Lifschuetz, née Salzer, who was born on 8 November 1939 in Tel Aviv.

In support of her claim, the Claimant submitted a note from the burial company (*Hevre Kadisha*) indicating the burial details of her grandmother, Irma Salzer, née Michelbacher; her father's inheritance order, identifying him as Abraham Salzer and the Claimant as his daughter and showing that the Claimant and her mother are the only heirs to her father's estate; her mother's inheritance order, showing that the Claimant and her sister are the daughters of Ruth Salzer and the only heirs to her estate; and her father's passport, indicating that he was born in Nuremberg.

The Claimant indicated that she was born on 9 February 1936 in Tel Aviv. In a telephone conversation with the CRT on 14 August 2002, the Claimant stated that she is not representing her sister in these proceedings.

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

The Bank's records consist of a customer card, an account-opening contract, a power of attorney form, a document relating to a loan given by the Bank to the Account Owner, and printouts from the Bank's database. According to these records, the Account Owner was Albert Salzer and the Power of Attorney Holders were Irma Salzer and Max Salzer. The Bank's records show that the Account Owner and the Power of Attorney Holders resided at Badstrasse 12 in Nuremberg, Germany. The Bank's records indicate that the Account Owner did not wish any mail to be sent to Germany and that on an unknown date, but no later than 20 August 1933, the Account Owner informed the Bank that until further notice, his address was 23, rue Buffault in Paris, France, and on 20 August 1933 that all mail was to be held at the Bank.

The Bank's records indicate that the Account Owner held a custody account numbered 28989 and a demand deposit account, both opened on 24 February 1930, and a demand deposit account opened later. These records further indicate that as of 24 February 1930 the custody account contained bonds with a nominal value of 20,000.00 Swiss Francs (SF), namely: *5% SBB 1925 6. Anleihe* bonds with a nominal value of SF 10,000.00; *5% Stadt Bern 1919* bonds, with a nominal value of SF 5,000.00; and *5.5% Stadt Genf 1924* bonds, with a nominal value of SF 5,000.00.

The Bank's records indicate that the custody account and one demand deposit account were closed on 14 August 1933, and that the remaining demand deposit account was closed on 26 August 1933. 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 Owner, the Power of Attorney Holders, or their heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-grandfather's name matches the published name of the Account Owner and her grandparents' names match the published names of the Power of Attorney Holders. The Claimant stated that her great-grandfather and her grandparents resided in Nuremberg, Germany, which matches published information about the Account Owner and the Power of Attorney Holders contained in the Bank's records. The Claimant identified the Account Owner's street address in Nuremberg as Badstrasse 12, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimant also stated that her great-aunt deposited the money in Zurich, which matches unpublished information about the Bank's branch contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including a note from the burial company (*Hevre Kadisha*) indicating the burial details of her grandmother, Irma Salzer, née Michelbacher; her father's inheritance order, identifying him as Abraham Salzer and the Claimant as his daughter; her mother's inheritance order, showing that the Claimant and her sister are the daughters of Ruth Salzer; and her father's passport, indicating that he was born in Nuremberg, providing independent verification that the Claimant's relatives had the same names and city of residence as the names and city of residence of the Power of Attorney Holders .

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner and did not identify the Power of Attorney Holders.

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

The CRT notes that the Claimant indicated that the Account Owner was Jewish and that he resided in Germany but that he died "before the Holocaust." Given that the Bank records contain information about the treatment of correspondence regarding the account dated August 1933, the CRT concludes that either the Account Owner was still alive at that time or that one of the Power of Attorney Holders, as the Account Owner's heir, was recognized as the beneficial owner of the accounts. Accordingly, the CRT concludes that the Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The CRT also notes that the Claimant further stated that at some time after April 1933 the Nazis confiscated the business owned by the Account Owner's son and that his son was forced to flee Germany in 1934. The Claimant stated that other family members perished in the Holocaust.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's great-grandfather. The CRT notes that the Claimant identified unpublished information about the Account Owner contained in the Bank's records. The CRT further notes that the Claimant submitted documents, including a note from the burial company (*Hevre Kadisha*) indicating the burial details of her grandmother, Irma Salzer, née Michelbacher; her father's inheritance order, identifying him as Abraham Salzer and the Claimant as his daughter; her mother's inheritance order, showing that the Claimant and her sister are the daughters of Ruth Salzer; and her father's passport, all of which provide independent verification that the Claimant's relatives bore the same family name and resided in the same city of residence as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner and Power of Attorney Holders were well known to the Claimant as family members, and that all this information supports the plausibility that the Claimant is related to the Account Owner, as she has stated in her Claim Form.

### The Issue of Who Received the Proceeds

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 Owner resided in Germany until his death, and that his son's business was confiscated after 1 April 1933; that the Account Owner's accounts were closed on 14 August 1933 and 26 August 1933; that the Account Owner's son (who was also one of the Power of Attorney Holders) was forced to flee Germany in 1934, and therefore it is unlikely the Account Owner's heirs would not have been able to repatriate the Account Owner's accounts to Germany without losing ultimate control over the proceeds; there is no record of the payment of the Account Owner's accounts to him; that the Account Owner's heirs would not have been able to obtain information about the 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 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, 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 Owner was her great-grandfather, and that

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

relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held a custody account and two demand deposit accounts. With respect to the custody account, the Bank's records indicate that the account contained 5% *SBB 1925 6. Anleihe* bonds, with a nominal value of SF 10,000.00 as of 24 February 1930. The CRT notes that the market value of these bonds was SF 10,280.00 as of 1933. The Bank's records further indicate that the custody account contained 5% *Stadt Bern 1919* bonds, with a nominal value of SF 5,000.00 as of 24 February 1930. The CRT notes that no market value for these bonds is available for the year 1933, and that this would indicate that the bonds matured prior to 1933. Given that the bonds remained in the custody account, they were likely not redeemed by either the Account Owner or the Bank acting on the Account Owner's behalf. Given these facts, the CRT has determined that the appropriate valuation of these bonds is the nominal value of the bonds (SF 5,000.00). Finally, the custody account contained 5.5% *Stadt Genf 1924* bonds, with a nominal value of SF 5,000.00 as of 24 February 1930. The CRT notes that the market value of these bonds was SF 5,012.50 as of 1933. Accordingly, the sum of the securities in the custody account was SF 20,292.50 as of 1933. The current value of the amount of the award with respect to the custody account is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount with respect to the custody account is SF 253,656.25.

Moreover, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with the two demand deposit accounts, 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 demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the two demand deposit accounts was SF 4,280.00. 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 53,500.00 with respect to the two demand deposit accounts.

Accordingly, the total award amount in this case is SF 307,156.25.

### **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