

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Paul Sander

Claim Number: 501848/WT

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Paul Sander (the “Account Owner”), over which Rachelle Sander (the “Power of Attorney Holder”) held power of attorney, at the Zurich 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 a Claim Form identifying the Account Owner as his paternal grandfather, Dr. Paul Sander, who was born on 10 July 1887 in Barby an der Elbe (today Elbe-Saale in Barby), Germany, and identifying the Power of Attorney Holder as his paternal grandmother, Rachelle Sander, née Merdler. The Claimant stated that his grandparents lived in Braunschweig, Germany, and that his grandfather was a dentist. According to the Claimant, his grandparents had two children, [REDACTED], who was born on 25 November 1924 in Braunschweig, and [REDACTED] (the Claimant’s father), who was born on 26 August 1928 in Braunschweig.

The Claimant indicated that on 10 November 1938, his grandfather was arrested and sent to the concentration camp at Buchenwald, where he was murdered on 15 November 1938. The Claimant indicated that the other family members were able to flee to London, the United Kingdom from Germany.

In support of his claim, the Claimant submitted copies of: (1) his grandfather’s birth certificate, indicating that Paul Sander was born on 10 July 1887 in Barby an der Elbe to [REDACTED] and [REDACTED], née [REDACTED]; (2) an entry from the Barby town register, dated 16 July 1887, indicating that Paul Sander was born on 10 July 1887 to the businessman [REDACTED] and his wife [REDACTED]; (3) an excerpt from a memorial book for the Jewish citizens of

Braunschweig between 1933 and 1945 (*Brunsvicensia Judaica Gedenkbuch für die jüdischen Mitbürger der Stadt Braunschweig 1933-1945*), indicating that Paul Sander, Rachelle Sander, née Merdler, [REDACTED] and [REDACTED] lived in Braunschweig during that period; (4) an excerpt from a memorial book of Jewish victims of the Nazi regime from 1933 to 1945 (*Gedenkbuch- Opfer der Verfolgung der Juden unter der nationalsozialistischen Gewaltherrschaft in Deutschland 1933-1945*), indicating that Paul Sander was born on 10 July 1887 and lived in Braunschweig, and that he was imprisoned on 10 November 1938 in Buchenwald and perished on 15 November 1938; (5) a page of testimony submitted by the Claimant's father in 1977 to the Yad Vashem Memorial of Israel, indicating that *Dr. med. dent.* Paul Sander was born on 10 July 1887, that he lived at Steintorwall 7 in Brunswick (Braunschweig) Germany, and that he perished in Buchenwald on 15 November 1938; (6) his father's birth certificate, indicating that [REDACTED] was born on 26 August 1928 in Braunschweig to *Dr. med. dent.* Paul Sander and Rachelle Sander, née Merdler; (7) a form issued by the British government, dated 29 December 1939, indicating that Rachelle Sander was a refugee from Germany but was exempt from internment; (8) a form issued by the British government, dated 16 December 1940, indicating that [REDACTED] was a refugee from Germany but was exempt from internment; (9) a letter, dated 17 November 1950, indicating that [REDACTED] was killed in the Korean conflict on 30 October 1950; (10) the Claimant's own birth certificate, indicating that [REDACTED] was born on 17 December 1975 in London to [REDACTED], who was a dental surgeon from Germany, and [REDACTED], née [REDACTED]; and (11) the burial record of his father, indicating that [REDACTED] was interred on 3 August 1998 in London.

The Claimant indicated that he was born on 17 December 1975 in London, the United Kingdom.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form, dated 12 April 1930, and printouts from the Bank's database. According to these records, the Account Owner was Dr. Paul Sander and the Power of Attorney Holder was Rachelle Sander, the Account Owner's wife, both of whom resided at Steintorwall 7 in Braunschweig, Germany.

The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. The Bank's records indicate that the account was closed, but they do not show when the account was closed, nor do these records indicate the value of this account. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the account 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 grandfather's name, city and country of residence match the published name, city and country of residence of the

Account Owner, and the Claimant's grandmother's name matches the published name of the Power of Attorney Holder. The Claimant also identified the Account Owner's professional title and street address, which matches unpublished information about the Account Owner contained in the Bank's records. Additionally, the Claimant identified the relationship between the Account Owner and the Power of Attorney Holder, and the Power of Attorney Holder's city and country of residence, all of which match unpublished information about the Account Owner and the Power of Attorney Holder contained in the Bank's records. In support of his claim, the Claimant submitted documents, including his father's birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name, professional title, and resided in the same town recorded in the Bank's records as the name, professional title 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 Dr. Paul Sander, and indicates that he was born on 10 July 1887 in Barby an der Elbe and that he resided in Braunschweig, and that he perished in Buchenwald concentration camp, 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 notes that there are no other claims to this account.

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 was arrested and imprisoned in the concentration camp at Buchenwald, where he perished. The Claimant also submitted excerpts from memorial books for Jewish victims of Nazi persecution and a page of testimony submitted by the Claimant's father in 1977 to Yad Vashem, indicating that Paul Sander was arrested on 10 November 1938 and perished on 15 November 1938 at Buchenwald.

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 paternal grandfather. These documents include his father's birth certificate, indicating that [REDACTED] was the son of Paul Sander and Rachelle Sander, and the Claimant's own birth certificate, indicating that [REDACTED] was the son of [REDACTED] and [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in Buchenwald; 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 and his heirs would not have been able to obtain information about his account 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's proceeds were not paid to the Account Owner, the Power of Attorney Holder 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 his grandfather and that the Power of Attorney Holder was his grandmother, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account 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 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 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 49,375.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
13 February 2009