

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Paul Sanders

Claim Number: 705206/WI¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Ernst Pollack.² This Award is to the published account of Paul Sanders (the “Account Owner”) at the Geneva 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 an Initial Questionnaire identifying the Account Owner as her maternal grandfather, Paul Sigmund Sanders, who was born on 12 June 1888 in Purkersdorf, Austria, and was married to [REDACTED], née [REDACTED], on 19 March 1913. In a telephone conversation with the CRT on 7 May 2004, the Claimant indicated that her grandparents had three daughters: [REDACTED], [REDACTED] (the Claimant’s mother), and [REDACTED]. The Claimant stated that her grandfather, who was Jewish, lived at Richtergasse 1A in Vienna, Austria prior to the Second World War. The Claimant further stated that her grandfather was an executive in a textile factory *Tücher und Modewarenfabrik Friedrich Pollak* located in Fulnek and Usti nad Orlici in Czechoslovakia (now in the Czech Republic), with offices in Vienna, and that he often traveled for business, including around Czechoslovakia and to Switzerland.

¹ [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0616167, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires, which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 705206.

² The CRT did not locate an account belonging to Ernst Pollak in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

According to the Claimant, after the incorporation of Austria into the Reich in March 1938 (the “Anschluss”), her grandfather was deprived of all his properties in Austria and Czechoslovakia by Nazi authorities. The Claimant also stated that during the Second World War her grandfather was imprisoned by Nazi authorities for some time, and that he had to live in hiding until the end of the War. Finally, the Claimant indicated that her grandfather died on 19 June 1948 in Vienna.

The Claimant submitted copies of: (1) her grandfather’s German passport, issued in 1938, indicating that Paul Sanders was born on 12 June 1888 in Purkersdorf, that he was Jewish, that he was the director of a factory, and that he resided in Usti nad Orlici; (2) her grandfather’s business card, indicating that Paul Sanders was a director of the factory *Tücher und Modewarenfabrik Friedrich Pollak*; (3) her grandfather’s death certificate, indicating that Paul Sanders died on 19 June 1948 in Vienna and that he was married to [REDACTED]; (4) her mother’s death certificate, indicating that [REDACTED] died on 28 May 2001 and that her parents were Paul Sanders and [REDACTED]; (5) her own birth certificate, indicating that [REDACTED] was born on 30 August 1945 in Sydney, Australia and that her parents were [REDACTED] and [REDACTED]; and (6) a detailed family tree.

The Claimant indicated that she was born on 30 August 1945 in Sydney.

Information Available in the Bank’s Record

The Bank’s record consists of a list of accounts that were transferred to a suspense account. According to this record, the Account Owner was Paul Sanders. 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”) indicated that the Account Owner used an address in Geneva, Switzerland when opening his account. The Bank’s record indicates that the Account Owner held one account, the type of which is not indicated. The Bank’s record further indicates that the account was suspended on 18 January 1943, and that it was subsequently transferred to a collective suspense account for dormant assets, where it remains today. The amount in the account on the date of its suspension was 422.20 Swiss Francs (“SF”).

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s maternal grandfather’s name matches the published name of the Account Owner. The CRT notes that the auditors who conducted the ICEP Investigation indicated that the Account Owner provided the Bank with an address in Geneva, Switzerland. Nevertheless, the CRT notes that it is plausible that the Account Owner only used a temporary address in the same city as the branch of the Bank where the account was held.

In support of her claim, the Claimant submitted documents, including her grandfather’s passport, business card, and death certificate, and her mother’s death certificate, providing independent

verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that the name Paul Sanders 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 "ICEP List").

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Paul Sanders, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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, that he resided in Nazi-controlled Austria, that his property was confiscated by Nazi authorities in 1938, and that he was imprisoned by Nazis.

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 and documents, demonstrating that the Account Owner was the Claimant's maternal grandfather. These documents include her own birth certificate, indicating that [REDACTED] mother was [REDACTED], and her mother's death certificate, indicating that [REDACTED]'s father was Paul Sanders.

The CRT notes that the Claimant indicated that she has other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended on 18 January 1943 and subsequently transferred to the Bank's suspense account, where it remains today.

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 Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her maternal grandfather, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank’s record indicates that the value of the account as of 18 January 1943 was SF 422.20. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 49,375.00.

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
12 October 2007