

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Account of Adolf Seelig and Johanna Seelig

Claim Numbers: 005060/EZ; 005061/EZ; 005062/EZ; 005063/EZ;
005064/EZ; 005065/EZ; 005066/EZ

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Adolf and Johanna Seelig (the “Account Owners”) at the [REDACTED] (the “Bank”).

All awards are published, but where claimants have requested confidentiality, as the Claimants have in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms identifying the Account Owners as their paternal grandparents, Adolf Seelig and Johanna Seelig, née [REDACTED]. The Claimants stated that their grandparents were born in Germany: Adolf Seelig in approximately 1877, and Johanna Seelig, née [REDACTED], in approximately 1880. The Claimants stated that their grandfather, Adolf Seelig, owned shoe stores named *Konzentra Schuhhaus* in Wiesbaden, Germany. The Claimants stated that their grandparents, who were Jewish, resided at Nerobergstrasse in Wiesbaden. The Claimants stated that their grandfather traveled to Switzerland for business purposes, and that his son, [REDACTED], traveled to Switzerland for ski vacations. The Claimants stated that their grandparents fled Germany via Spain to Jerusalem, Palestine, in 1934. The Claimants further stated that their grandfather died in 1949, in Jerusalem, Israel, and that their grandmother, Johanna Seelig, died in 1956, in Nahariya, Israel. The Claimants submitted their birth certificates indicating that their father is [REDACTED], and their parents’ marriage certificate indicating that [REDACTED] was the son of Adolf and Johanna Seelig. Claimant [REDACTED 1] indicated that she was born on 12 August 1938 in Barcelona, Spain, and Claimant [REDACTED 2] indicated that she was born on 24 May 1940 in Jerusalem.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the joint Account Owners were Adolf and *Frau* (Mrs.) Johanna Seelig, who both resided in Wiesbaden, Germany. The Bank's record indicates that the Account Owners held a demand deposit account. The record further indicates that the account was opened in 1930 and was closed on 10 February 1933. The bank record does not show who closed the account, or its balance on the closure date. There is no evidence in the Bank's record that the Account Owners or their heirs closed the account 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 seven claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owners. Their grandparents' names and country of residence match the published names and country of residence of the Account Owners. The Claimants stated that Adolf and Johanna Seelig resided in Wiesbaden, which matches unpublished information about the Account Owners contained in the Bank's record. Moreover, while the Account Owners' names were published separately on the list of bank accounts published on 5 February 2001 by the ICEP 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"), the Claimants stated that Adolf Seelig and Johanna Seelig were related, which matches unpublished information contained in the Bank's record. The CRT also notes that there are no other claims to this account.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish and fled Nazi Germany in 1934.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting documents, including their birth certificates and their parents' marriage certificate, demonstrating that they are the grandchildren of the Account Owners.

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 flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; given that the Account Owners remained in Germany until 1934, and that the Account Owners' account was closed in February 1933 at a time when the Account Owners would not have been able to repatriate their account to Germany without its confiscation; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules (see Appendix A) and Appendix C,¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners were their grandparents, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. 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 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimants are both the grandchildren of the Account Owners. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] 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 their claims to determine whether there are additional Swiss bank accounts to

¹ Appendix C appears on the CRT II website -- www.crt.ii.org.

which they 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
July 15, 2003