

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Walter Segalowitz

Claim Number: 217504/PY¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Walter Segalowitz (the “Account Owner”) at 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 father’s cousin, Walter Segalowitz. According to the Claimant, his father’s cousin, who was Jewish, lived on either Friebergstrasse or Menzelstrasse in Breslau, Germany. The Claimant indicated that because he was very young during the Second World War he can provide no further information about Walter Segalowitz or his fate. The Claimant stated that he is the only member of his family who survived the Holocaust. In support of his claim, the Claimant submitted a letter, dated 12 October 1959, from a company located in London, the United Kingdom, named *Wigglesworth & Co. Ltd*, informing him of the results of an inquiry about his paternal relatives’ businesses in Germany. According to this letter, one of the Claimant’s relatives (the letter does not specify the name) had a business in Breslau named *Ch. S. Segalowitz*, which was located at Menzelstrasse 71.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998 asserting his entitlement to a Swiss bank accounts owned by his parents [REDACTED] and

¹ The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 217501, 217502, and 217503, respectively. The CRT did not locate any accounts belonging to [REDACTED], [REDACTED], or [REDACTED], 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”). The Claimant should be aware that the CRT will carry out further research on his claims to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

[REDACTED], his aunt, [REDACTED], his grandmother, [REDACTED], as well as those held in the name of his father's business, [REDACTED] and his grandmother's business, [REDACTED], both located in Tilsit, Germany.² In his ATAG claim form, the Claimant indicated that he was the only member of his family to survive the Holocaust.

The Claimant indicated that he was born in Memel, Lithuania, on 17 August 1930.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Dr. jur.* (Doctor of Law) Walter Segalowitz, who resided in Breslau, Germany, at Menzelstrasse 71, and the Power of Attorney Holders were *Konsul* (Consul) Louis Segalowitz and *Frau* (Mrs.) Alice Segalowitz, who resided in Breslau. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") indicated that Alice Segalowitz's maiden name was Kohn.

According to the Bank's record, the Account Owner held a custody account, numbered 33433, which was opened no later than 1931. The account was closed on 15 September 1936. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holders, 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. His father's cousin's name and city of residence match the published name and city of residence of the Account Owner. The Claimant identified his father's cousin's street address, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted a letter, dated 12 October 1959, from a company located in London, the United Kingdom, named *Wigglesworth & Co. Ltd*, informing the Claimant of the results of an inquiry about his paternal relatives' businesses in Germany. According to this letter, one of the Claimant's relatives had a business in Breslau named *Ch. S. Segalowitz*, which was located at Menzelstrasse 71.

The CRT notes that the name Segalowitz 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 also notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, asserting his entitlement to Swiss bank accounts owned by his parents, [REDACTED] and [REDACTED], and his aunt [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"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning

² The CRT did not locate any accounts belonging to [REDACTED], [REDACTED], or [REDACTED] in the Account History Database prepared pursuant to the "ICEP Investigation."

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 credibility of the information provided by the Claimant.

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 lived in Nazi Germany. The CRT notes that the Claimant was not able to provide precise details about his father's cousin's fate during the Second World War. However, the Claimant did indicate that he was the only member of his family to survive the Holocaust. The CRT notes that a database containing the names of victims of Nazi persecution includes persons named [REDACTED], [REDACTED], and [REDACTED], and indicates that their dates of birth were 1 January 1895, 9 September 1905, and 1 January 1893, respectively, which matches the information about the Claimant's paternal family members provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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 father's cousin. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. Finally, the CRT notes that the foregoing information 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 flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that all the Claimant's relatives perished in the Holocaust; that there is no record of the payment of the Account Owner's account to him; 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 (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,³ 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

³ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 father's cousin, and that 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 account.

Amount of the Award

In this case, the Account Owner held one custody 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 custody account was 13,000.00 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 162,500.00 Swiss Francs.

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).

Certification of the Award

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

Claims Resolution Tribunal
8 June 2004