

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Walter Kropf

in re Accounts of Rudolf Sohr and Adele Sohr

Claim Numbers: 501048/AH; 501058/AH

Award Amount: 362,125.00 Swiss Francs

This Certified Award is based upon the claims of Walter Kropf (the “Claimant”) to the published accounts of Rudolf Sohr (“Account Owner Rudolf Sohr”) and Adele Sohr (“Account Owner Adele Sohr”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (“Bank I”) and the published accounts of Account Owner Rudolf Sohr at the [REDACTED] (“Bank II”) (together the “Banks”).

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 two Claim Forms identifying the Account Owners as her maternal great-uncle and great-aunt, Rudolf Sohr and Adele Sohr. The Claimant stated that Rudolf Sohr was born on 8 September 1859 in Teplice, Czechoslovakia, and was married to Adele Sohr, née Goschler, who was born on 28 December 1872. According to the Claimant, his great-uncle and great-aunt did not have any children and resided in Vienna, Austria at Lindengasse 35 until 1938, and at Untere Augartenstrasse 25/28 until 1942. The Claimant stated that his great-uncle was in the wholesale textile business and traveled extensively in Europe. The Claimant added that his great-uncle, who was Jewish, was arrested in Vienna by the Nazis and deported to Theresienstadt, where he perished on 28 August 1942, and that his great-aunt died on 30 May 1939 in Vienna. The Claimant stated that his great-uncle had only two surviving relatives - the Claimant and his first cousin, Olga Willner. The Claimant submitted documents including a detailed family tree; letters dated 1939 from the Claimant’s aunt, Hilde Willner, addressed to the Claimant and referring to “Uncle Rudolf” and other family members; a confirmation of Rudolf Sohr’s death issued by the Theresienstadt Martyrs Remembrance Association, indicating that Rudolf Sohr previously resided in Vienna; and records from the Austrian State Archive regarding Rudolf Sohr, indicating that he was married to Adele Sohr. The Claimant indicated that he was born on 15 July 1917 in Tremosna, Czechoslovakia.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by himself and by Felix Kropf.¹

Information Available in the Banks’ Records

Bank I

Bank I’s records consist of a customer card and printouts from Bank I’s database. According to these records, the Account Owners were Rudolf Sohr and Adele Sohr, who resided in Vienna, Austria at Lindengasse 35. Bank I’s records indicate that the Account Owners jointly held a custody account, numbered 38427, and a demand deposit account. Bank I’s records indicate that the custody account was opened on 26 February 1935 and closed on 10 August 1938. Bank I’s records do not show to whom the custody account was paid.

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”) did not find the demand deposit account in Bank I’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this accounts after 1945. There is no evidence in Bank I’s records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

Bank II

Bank II’s record consists of a customer card. According to Bank II’s record, Account Owner Rudolf Sohr was Rudolf Sohr, who resided in Vienna, Austria. Bank II’s record indicates that Account Owner Rudolf Sohr held a savings/passbook account numbered 57523 and a custody account numbered L43747. Bank II’s record indicates that the savings/passbook account was closed on 4 April 1939 and that the custody account was closed on 14 April 1939.

Bank II’s record does not show to whom the accounts were paid, nor does this record indicate the value of these accounts. There is no evidence in Bank II’s record that Account Owner Rudolf Sohr closed the accounts and received the proceeds himself.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified

¹ The CRT did not locate an account belonging to the Claimant or to his relative, Felix Kropf, 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 claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Rudolf Sohr and Adele Sohr, numbered 17574 and 17586, respectively. These records indicate that Rudolf Sohr, an individual of private means (*privater*), was born on 8 September 1859, resided in Vienna VII at Lindengasse 35 and was married to Adele Sohr, née Goschler, who was born on 23 December 1872. These records indicate that Rudolf and Adele Sohr held various shares, including Swiss Federal bonds (*Eidgenössische Anleihe*) which were held at the Zurich branch of Bank I, and which were worth 6,154.38 Reichsmark (“RM”) as of 12 July 1938. These records further indicate that Rudolf and Adele Sohr also held a demand deposit account at the Zurich branch of Bank I, which held a balance of 675.00 Swiss Francs (“SF”) as of 12 July 1938.

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 two claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant’s great-uncle’s and great-aunt’s names, city and country of residence match the published names, city and country of residence of the Account Owners. The Claimant identified his relatives’ street address, which matches unpublished information about the Account Owners contained in Bank I’s records. The Claimant also identified his relatives’ dates of birth, which match information about the Account Owners contained in the records of the Austrian State Archive.

In support of his claim, the Claimant submitted documents, including letters to the Claimant from the Claimant’s aunt from 1939, referring to “Uncle Rudolf” and other family members; a confirmation of Rudolf Sohr’s death issued by the Theresienstadt Martyrs Remembrance Association, indicating that Rudolf Sohr formerly resided in Vienna; and records from the Austrian State Archive regarding Rudolf Sohr, indicating that he was married to Adele Sohr, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Banks’ records as the names and city of residence of the Account Owners.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rudolf Sohr, and indicates that his date of birth was 8 September 1859, and place of residence was Vienna, which matches the information about Account Owner Rudolf Sohr provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further notes that the name Adele Sohr 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 there are no other claims to these accounts.

Status of the Account Owners as Victims or Targets of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that Account Owner Rudolf Sohr was arrested in Vienna by the Nazis and deported to Theresienstadt, where he perished on 28 August 1942, and that Account Owner Adele Sohr resided in Nazi-controlled Austria. The Claimant submitted a confirmation of Rudolf Sohr’s death issued by the Theresienstadt Martyrs Remembrance Association.

As noted above, a person named Rudolf Sohr was included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information, demonstrating that the Account Owners were the Claimant’s great-uncle and great-aunt. The CRT notes that the Claimant identified unpublished information about the Account Owners as contained in the Banks’ records and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted copies of the records in the Austrian State Archive and a confirmation of Rudolf Sohr’s death issued by the Theresienstadt Martyrs Remembrance Association. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and supports the plausibility that the Claimant is related to the Account Owners, as he has asserted in his Claim Forms. The CRT notes that the Claimant has a cousin, Olga Willner, who would be equally entitled to the accounts, but from whom the CRT has not received a claim, and who is not represented by the Claimant in these proceedings.

The Issue of Who Received the Proceeds

The Banks’ records indicate that the demand deposit account jointly held by the Account Owners at Bank I was closed on an unknown date, that the custody account jointly held by the Account Owners at Bank I was closed on 10 August 1938, and that the savings/passbook account and custody account held by Account Owner Rudolf Sohr at Bank II were closed on 4 April 1939 and 14 April 1939, respectively.

The facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT’s precedent indicates that it is plausible in such situations that the proceeds of the account ultimately were confiscated by the Nazi regime; that the Account Owners reported the accounts at Bank I in the 1938 Census, only one month before one of the

accounts was closed; that Account Owner Adele Sohr died in Vienna in 1939 and that Account Owner Rudolf Sohr was arrested in Vienna by the Nazis and deported to Theresienstadt, where he died in 1942; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the demand deposit account at Bank I; that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Banks 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 (d), (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 the Account Owners therefore could not have repatriated the accounts without losing ultimate control over its proceeds. 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 Owners were his great-uncle and great-aunt, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

The Account Owners held jointly one custody account and one demand deposit account at Bank I, and Account Owner Rudolf Sohr held one savings/passbook account and one custody account at Bank II.

With respect to the custody and demand deposit accounts held at Bank I, the 1938 Census records indicate that the Account Owners declared the value of the securities in the custody account to be RM 6,154.38, which was equivalent to SF 10,804.51, on 27 April 1938, and the value of the demand deposit account to be SF 675.00 as of the same date. Pursuant to Article 29 of the Rules, if the amount in a custody account is less than SF 13,000.00, and if the amount in a demand deposit account is less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the custody account and demand deposit account shall be determined to be SF 13,000.00 and SF 2,140.00, respectively. The CRT notes that the Account Owners themselves declared the value of the custody account and demand deposit account in the census forms submitted to the Nazi authorities. However, there is no evidence regarding the circumstances of these declarations. As evidenced in a number of cases, the Account Owners may not have declared all their assets, or understated their value, in the belief that this might help them safeguard some of them. Accordingly, the CRT does not find that the value of the custody account and demand deposit account indicated in these records constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the combined value of the custody account and demand deposit account shall be determined to be SF 15,140.00. 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 an amount of SF 189,250.00

With respect to the savings/passbook account and the custody account held by Account Owner Rudolf Sohr at Bank II, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with these 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 ICEP, in 1945 the average value of a savings/passbook account was SF 830.00 and the average value of a custody account was SF 13,000.00. The current value of these amounts is calculated by multiplying them by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of SF 172,875.00.

Consequently, the total award amount is SF 362,125.00.

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 his claims 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
24 December 2004

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