

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Werner Marco Herbert Solms
represented by Anna Solms

in re Account of Else Solms

Claim Number: 210621/LK¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Werner Marco Herbert Solms (the “Claimant”) to the account of Else Solms (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Else Solms, née Rosenthal. The Claimant stated that his mother was born on 28 August 1891, and was married to Martin Solms. The couple had two children: the Claimant, who was born in Stettin, Germany, on 5 October 1911, and Erika Solms, who was born in Stettin on 11 March 1920 and died in Zurich, Switzerland, in 1931. The Claimant indicated that his mother lived in Stettin until 1935, and afterwards at Pommerschestrasse 12/A in Berlin, Germany. The Claimant further indicated that his parents, who were Jewish, were deported from Berlin to the Lodz ghetto in Poland on 27 October 1941. Else Solms and her husband were declared legally dead by a German Court after the Second World War. Their presumed date of death is 31 December 1944. In support of his claim, the Claimant submitted a decision issued by a compensation office in Berlin awarding compensation from the German government to the Claimant for the deprivation of his mother’s liberty during the Second World War, which indicates that Else Solms, née Rosenthal, is his mother, and that he is the only surviving member of his family and Else Solms’ sole heir.

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 210621 and 203469. The Tribunal has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 210621.

Information Available in the Bank's Record

The Bank's record consists of a registry card. According to this record, the sole Account Owner was Mrs. Else Solms who initially resided in Stettin and subsequently in Berlin. The Bank's record indicates that the Account Owner held a demand deposit account that was opened on 31 March 1930 and closed on 31 January 1935, as well as a custody account, numbered L38637, which was opened on 15 August 1930 and closed on 23 September 1937. The Bank's record does not show to whom the accounts at issue were paid, nor does this record indicate the value of these accounts.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name matches the published name of the Account Owner. The Claimant stated that his mother lived in Stettin until 1935 and afterwards in Berlin, which matches unpublished information about the Account Owner contained in the Bank's records. In addition, the Claimant stated that "Solms" is his mother's married name, which also matches unpublished information about the Account Owner. The CRT notes that the Claimant submitted a decision issued by a compensation office in Berlin awarding compensation from the German government to the Claimant for the deprivation of his mother's liberty during the Second World War, which indicates that Else Solms, née Rosenthal, is his mother. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Else Solms, née Rosenthal, who was born on 28 August 1891 and lived in Berlin, Germany, 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. Finally, 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 she was deported to the Lodz ghetto in Poland in 1941, where she perished on a date presumed to be 31 December 1944. As noted above, a person named Else Solms was included in the CRT's database of victims of Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including a compensation decision from the German government, demonstrating that he is the Account Owner's son.

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 its Jewish nationals through the enforcement of flight taxes and other confiscatory measures, including the confiscation of assets held in Swiss banks; that the Account Owner's demand deposit account was closed on 31 January 1935, and her custody account was closed on 23 September 1937; that the Account Owner remained in Germany until she was deported to the Lodz ghetto in 1941, where she perished in 1944, and thus would not have been able to repatriate her accounts to Germany without their confiscation at the time they were closed; that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner's heirs would not have been able to obtain information from the Bank about her accounts after the Second World War 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,² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 mother, and that relationship justifies an Award. Finally, the Tribunal has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

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 present 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 a demand deposit account was 2,140.00 Swiss Francs, and 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 189,250.00 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

² Appendix C appears on the CRT II website -- www.crt-ii.org.

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
19 November 2003