

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Esther Levenbrow

in re Accounts of Martin Sulzberger

Claim Number: 204340/AV; 204342/AV¹

Award Amount: 172,875.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Hermann Lieber and to the published account of Martin Sulzberger. This Award is to the published accounts of Martin Sulzberger (the “Account Owner”), over which Anny Sulzberger (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).^{2,3}

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 her husband’s brother-in-law, Martin Sulzberger, who was born in 1888, and was married to Anna (Anny) Sulzberger, née Lieber, the sister of the Claimant’s late husband, Hermann Lieber. The Claimant stated that Martin and Anny Sulzberger, who were Jewish, resided at 75 Adelheidstrasse in Wiesbaden, Germany, and had two sons, [REDACTED] and [REDACTED]. According to the Claimant, Martin Sulzberger died on 9 March 1936 in Frankfurt, Germany. The Claimant indicated that

¹ The Claimant submitted an additional claim to the account of Hermann Lieber, which is registered under the Claim Number 204341, and a claim to the account of Anna Sulzberger, which is registered under the Claim Number 400310. In a previous decision, the CRT awarded the account of Hermann Lieber to the Claimant. See *In re Account of Hermann Lieber* (approved on 28 July 2004). The CRT will treat the claim to the account of Anna Sulzberger in a separate determination.

² The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Martin Sulzberger is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts.

³ As noted above, the CRT has already awarded the account of Hermann Lieber to the Claimant.

Anny Sulzberger and her two sons were deported to Theresienstadt, where they perished. The Claimant further indicated that her husband died on 27 February 1981.

The Claimant submitted Martin Sulzberger's death certificate, indicating that he was married to Anna Sulzberger, née Lieber, that they resided at Adelheidstrasse 75 in Wiesbaden, and that he died on 9 March 1936 in Frankfurt; Martin Sulzberger's inheritance certificate, indicating that his title was *Dr. jur.*, identifying his wife as Anny Sulzberger, who resided at Adelheidstrasse 75 in Wiesbaden, and naming her as his sole heir; a decision from the district court in Wiesbaden, indicating that Anna Sulzberger was deported from Wiesbaden in 1942 and that she was declared deceased as of 31 August 1943; Anna Sulzberger's inheritance certificate, identifying her brother as Hermann Lieber and naming him as her sole heir; the Claimant's marriage certificate, indicating that the Claimant was married to Hermann Lieber; Hermann Lieber's death certificate, indicating that he was born in Germany, identifying [REDACTED] as his wife, and indicating that he died on 27 February 1981; and Hermann Lieber's Last Will, naming his wife, the Claimant, as the sole beneficiary of his estate. The Claimant indicated that she was born on 7 July 1915 in Zurich, Switzerland.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form and a printout from the Bank's database. According to these records, the Account Owner was *Dr. jur.* (Doctor of Law) Martin Sulzberger, who resided at 171 Langgasse in Wiesbaden, Germany, and the Power of Attorney Holder was *Frau* (Mrs.) Anny Sulzberger, née Lieber, who resided at Adelheidstrasse 75 in Wiesbaden. The Bank's records indicate that the Account Owner held a custody account and a savings account. The Bank's records further indicate that the powers of the Power of Attorney Holder were not valid for the custody account.

According to the Bank's records, the savings account was closed on 3 January 1938. The balance of this account on the date of its closure is not known. The Bank's records do not show when the custody account was closed, nor do these records indicate the value of this account.

There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed these accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's husband's brother-in-law's name and city and country of residence match the published name and city and country of residence of the Account Owner, and the Claimant's sister-in-law's name matches the name of the Power of Attorney Holder. The Claimant identified the Account Owner's title, and the Power of Attorney Holder's maiden name and street address, which matches unpublished information contained in the Bank's records. In support of her claim, the Claimant submitted

documents, including Martin Sulzberger's death certificate and inheritance certificate, indicating that he and Anna Sulzberger resided at Adelheidstrasse 75 in Wiesbaden, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided at the same street address in the same city recorded in the Bank's records as the name, street address, and city of residence of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Martin Sulzberger, and indicates that he resided in Wiesbaden, 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. The CRT notes that there are no other claims to these accounts.

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 resided in Nazi Germany until his death on 9 March 1936. As noted above, a person named Martin Sulzberger was included in the CRT's database of victims. The CRT notes that the Account Owner's closest heirs, including his wife, who held power of attorney over the savings account, and sons, were deported to Theresienstadt, where they perished.

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 husband's brother-in-law. These documents include the Account Owner's death certificate, the Power of Attorney Holder's inheritance certificate, and the Claimant's marriage certificate, which together indicate that the Account Owner was married to the Power of Attorney Holder, and that the Claimant's husband was the Power of Attorney Holder's brother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Germany until his death on 9 March 1936; that the Power of Attorney Holder, who was the Account Owner's wife, was subsequently deported with her children to Theresienstadt, where they perished; that there is no record of the payment of the Account Owner's custody account and savings account to him nor any record of a date of closure of the custody account; that the Account Owner's heirs would not have been able to obtain information about his accounts 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 (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 it is plausible that the account proceeds of the custody account and the savings account were not paid to the Account Owner, the Power of Attorney Holder, 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 Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her husband's brother-in-law, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

The Bank's records indicate that the Account Owner held one custody account and one savings 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 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 custody account was 13,000.00 Swiss Francs ("SF"), and the average value of a savings account was SF 830.00. Thus, the total 1945 average value of the accounts at issue is SF 13,830.00. 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 a total award amount of SF 172,875.00.

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 claims 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
23 February 2006