

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]
and [REDACTED 2]¹

in re Accounts of Arthur Wolff

Claim Numbers: 215153/TW², 224259/TW, 500652/TW

Award Amount: 46,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published accounts of Arthur Wolff and [REDACTED],³ and upon the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”), to her own published account.⁴ This Award is to the published accounts of Arthur Wolff (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).⁵

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 Claimants

The Claimants submitted two Claim Forms identifying the Account Owner as their father, Arthur David Wolff, who was born on 3 November 1887 in Kobern, Germany, and was married to [REDACTED], née [REDACTED]. The Claimants stated that their father was a wine merchant, and that their parents had two children: [REDACTED 1] and [REDACTED 2], née [REDACTED], who were both sent to the *Belmund International School* in St. Moritz,

¹ The CRT notes that [REDACTED 1] is representing [REDACTED 2] in her claim to their father’s account, but that [REDACTED 2] has filed a claim to her own account, which is registered under the Claim Number 224259, in which she identifies her father.

² Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 215153 and 215154. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 215153.

³ The CRT has previously awarded separate accounts belonging to Arthur Wolff. See *In re Accounts of Arthur Wolff* (approved on 20 November 2002). The CRT will treat the claim to [REDACTED]’s account in a separate decision.

⁴ The CRT has already awarded this account to Claimant [REDACTED 2]. See *In re Account of [REDACTED 2]*, which was approved by the Court on 5 September 2002.

⁵ The CRT notes that, on the February 2001 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”), Jakob Gold is indicated as a Power of Attorney Holder. Upon careful review, the CRT has concluded that Jakob Gold was not a Power of Attorney Holder, but an individual to whom one of the Account Owner’s accounts was transferred.

Switzerland, which they attended from 1933 to 1939. The Claimants stated that their parents initially left Germany for Belgium in 1933 and then lived in France from 1940 to 1941. According to the Claimants, the family finally fled to the United States in 1941, where their father died on 3 November 1955, and their mother died on 20 January 1980. The Claimants stated that their father had opened a Swiss Bank account in order to pay for his and his sister's school fees in Switzerland.

Claimant [REDACTED 1] indicated that he was born on 8 July 1924 in Koblenz, Germany. Claimant [REDACTED 2] indicated that she was born on 18 December 1921 in Koblenz.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Arthur Wolff, who resided in Coblenz.⁶ 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") determined that the Account Owner resided in Germany. The Bank's record indicates that the Account Owner held three safe deposit boxes, numbered 66, 518, and 1129. The Bank's record indicates that the safe deposit box numbered 1129 was closed on 31 March 1936, and that the safe deposit boxes numbered 66 and 518 were closed on 31 October 1937. The value of the contents of the safe deposit boxes on the dates of their closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the safe deposit boxes and received the proceeds themselves.

The Bank's record also indicate that the Account Owner held six further accounts: five demand deposit accounts and one account of other type. The records indicate that the demand deposit accounts were all closed in or prior to 1931, and that the account of other type was transferred to Jakob Gold⁷ of Frankfurt in 1931.

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 three claims of the Claimants in one proceeding.

⁶ The CRT notes that Coblenz is also known as Koblenz. Cities named Koblenz are located in Switzerland and in Germany.

⁷ The CRT notes that this name is not fully legible in the Bank's record.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants father's name matches the published name of the Account Owner. The Claimants stated that their father was born in Kobern, approximately 20 kilometers from Coblenz, the stated domicile of the Account Owner in the Bank's record. The CRT notes that both Claimant [REDACTED 1] and Claimant [REDACTED 2] were born in Koblenz in the 1920s, which means that their father resided in or near Koblenz at around this time. Accordingly, the CRT determines that the family was domiciled in Koblenz in the 1920s, before they left for Belgium, France, and finally the United States of America, as stated by the Claimants. Thus, the Claimants have identified their father's city of residence, which matches in substance unpublished information about the Account Owner contained in the Bank's record. The CRT further notes that the name Arthur Wolff appears only once on the February 2001 published list of accounts determined by the ICEP to be probably those of victims of Nazi persecution. The CRT further notes that the other claims to this account were disconfirmed because the Claimants provided a different city of residence than the city of residence of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish and that he fled Germany for Belgium in 1933.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information demonstrating that the Account Owner was their father. The CRT notes that the Claimants identified unpublished information about the Account Owner's domicile, as stated in the Bank's record. The CRT further 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 Claimants as a family member, which supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

The Issue of Who Received the Proceeds

With respect to the safe deposit boxes held by the Account Owner, the CRT notes that the Bank's record indicates that the safe deposit box accounts were closed on 31 March 1936 and on 31 October 1937, at which time, according to information provided by the Claimants, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed; that the Account Owner fled his country of origin due to Nazi persecution; that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety; that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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.

With respect to the remaining accounts held by the Account Owner, the Bank's record indicates that these accounts were closed or transferred in or before 1931, which the CRT notes is before the Relevant Period.⁸ According to Article 14 of the Rules, the CRT shall have jurisdiction to resolve claims to accounts of victims that were open or opened in Swiss banks during the Relevant Period. Consequently, the CRT concludes that it has no jurisdiction to award these accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held three safe deposit boxes. 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 the contents of a safe deposit box account was 1,240.00 Swiss Francs ("SF"). Thus, the total 1945 average value of the accounts at issue was SF 3,720.00. 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 46,500.00.

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, both Claimants are children of the Account Owner. Accordingly, as descendants of the Account Owner, they are each entitled to receive one-half of the total award amount.

⁸ According to Article 46(20) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Relevant Period means the period from January 1, 1933 to December 31, 1945.

Scope of the Award

The Claimants 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 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