

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1], [REDACTED 2]
and [REDACTED 3] (who is also acting on behalf of [REDACTED])
all represented by [REDACTED]

in re Account of Fritz Wolff

Claim Numbers: 213219/ME,¹ 218178/ME,² 218179/ME

Award Amount: 156,000.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 3] (“Claimant [REDACTED 3]”), and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Fritz Wolff (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 Claimants

The Claimants each submitted Claim Forms identifying the Account Owner as their paternal uncle, Fritz Heinrich Wolff, who was born on 4 October 1891 in Berlin, Germany, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimants stated that their uncle was married on 10 July 1931 in Berlin, to [REDACTED], née [REDACTED], who was born on 29 April 1880. According to the information provided by the Claimants, their uncle, who was Jewish, was an engineer who in 1932 resided at Jungfernheideweg 27, Berlin-Siemensstadt, and in 1933 at Stolperweg, Hans Horn, Berlin-Hermsdorf. The Claimants stated that their uncle resided from 1934 until 1936 at Scheffelstrasse, Parzelle 450, Bernau-Eichwerder, Germany; in 1938 at Bachstrasse 8, Zepernick, Germany; and in 1943 at Dresdnerstrasse 97 in Berlin. According to the information provided by the Claimants, their uncle was arrested and

¹ Claimant [REDACTED 1] submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 213768, as well as a claim to the account of [REDACTED], which is registered under the Claim Number 214048. The CRT will treat the claims to these accounts in separate decisions.

² Claimant [REDACTED 3] submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 218441. The CRT will treat the claim to this account in a separate decision.

incarcerated four times between 1933 and 1943. The Claimants stated that their uncle was deported to Auschwitz in March 1943 and is believed to have been killed either on, or soon after, his arrival. The Claimants indicated that their father, [REDACTED], was the brother of Fritz Wolff. The Claimants stated that [REDACTED] was first married to [REDACTED], née [REDACTED], the mother of Claimant [REDACTED 1], Claimant [REDACTED 3], and [REDACTED], and that he was later married to [REDACTED], the mother of [REDACTED 2].

In support of their claims, the Claimants submitted their uncle's birth, marriage, and death certificates; their uncle's certificate of inheritance; the death certificate of [REDACTED], indicating that on 18 December 1933 she and her husband lived in Berlin-Hermsdorf; [REDACTED 2]'s mother's death certificate; the will of [REDACTED], the Claimants' father; and a transport list identifying their uncle. Claimant [REDACTED 1] indicated that she was born on 22 January 1922 in Berlin. Claimant [REDACTED 3] indicated that he was born on 29 December 1924 in Berlin. Claimant [REDACTED 2] indicated that he was born on 1 March 1940 in Tel Aviv, Palestine. [REDACTED] indicated that she was born on 2 October 1927.

Information Available in the Bank's Record

The Bank's record consists of an account opening card. According to this record, the Account Owner was Fritz Wolff, who resided in Berlin-Hermsdorf, Germany. The Bank's record indicates that the Account Owner held a custody account, numbered L49415, which was opened on 22 March 1933 and was closed on 23 February 1934. The Bank's record does not show to whom the account was paid, nor does the record indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

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.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their uncle's name matches the published name and country of residence of the Account Owner. The Claimants identified their uncle's city and area of residence on the date that the account was opened, which matches unpublished information about the Account Owner contained in the Bank's record. In support of their claims, the Claimants submitted documents, including their uncle's wife's death certificate, identifying their uncle and that he lived in Berlin-Hermsdorf in 1933, which is the year that the account was opened.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Fritz Wolff, and indicates that his place of birth was Berlin, and that he was an engineer, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the other claims to this account were disconfirmed because those claimants provided different cities of residence and addresses than the city of residence and address 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, that he was arrested and incarcerated by the Nazis four times between 1933 and 1943, and that he was deported to Auschwitz, where he was killed. As noted above, a person named Fritz Wolff was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents, including his birth, marriage and death certificates, demonstrating that he was their uncle.

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 confiscation of assets held in Swiss banks; that the Account Owner was arrested by the Nazis four times between 1933 and 1943, exposing him to the coerced disclosure and confiscation of his assets including those located abroad; that the Account Owner remained in Germany until his deportation to and murder at Auschwitz, such that he would not have been able to repatriate his account to Germany during this period without its confiscation; and the application of Presumptions (a), (h) and (j) contained in Article 28 of the Rules (see Appendix A) and Appendix C³ 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.

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 uncle, and that

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

relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or “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, in accordance with Article 31(1) of the Rules, to produce a total award amount of 156,000.00 Swiss Francs.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted the certificate of inheritance of Account Owner Fritz Wolff dated 2 October 1952, which names the Claimants' father, [REDACTED], as Fritz Wolff's sole heir. Claimant [REDACTED 2] and Claimant [REDACTED 3] also submitted the will of [REDACTED] dated 1 June 1964, which bequeaths his entire estate to his second wife, [REDACTED], should he predecease her, and to his sons Claimant [REDACTED 2] and Claimant [REDACTED 3], in equal shares, should [REDACTED] predecease him. Claimant [REDACTED 2] and Claimant [REDACTED 3] also submitted the will of [REDACTED], dated 1 July 1973, and an addendum to her will, dated 16 January 1978, which in turn bequeaths her entire estate to Claimant [REDACTED 2] and Claimant [REDACTED 3], in equal shares. Accordingly, Claimant [REDACTED 2] and Claimant [REDACTED 3] are each entitled to one-half of the award amount.

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
June 23, 2003