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**Report on the Claims Resolution Process**  
**(as of June 30, 2003)**

This report describes the progress made by the Claims Resolution Tribunal (the "CRT") in resolving the 33,496 claims filed with it since the publication on February 5, 2001 (the "ICEP List") of 21,000 "probable or possible" accounts of victims of Nazi persecution in Swiss banks from the 1933-1945 period. The CRT operates under the supervision of Special Masters Paul Volcker and Michael Bradfield on behalf of Chief Judge Edward R. Korman of the United States District Court for the Eastern District of New York (the "Court"). The report covers the period from February 5, 2001, when the ICEP List was published, through June 30, 2003. General information regarding the CRT, as well as press releases and the texts of the approved decisions, are available on its website -- [www.crt-ii.org](http://www.crt-ii.org).

**Introduction**

The CRT's current mandate is to process claims brought by Victims or Targets of Nazi Persecution<sup>1</sup> or their heirs to Swiss bank accounts under the Settlement Agreement reached in the Holocaust Victim Assets Litigation. In January 1999, the defendant banks agreed to create a US\$ 1.25 billion Settlement Fund.

Pursuant to a distribution plan proposed by Special Master Judah Gribetz and approved by the Court, the amount of up to US\$ 800 million was set aside to satisfy claims to bank accounts.<sup>2</sup> As proposed by Special Master Gribetz, the CRT was designated as the organization responsible for processing claims to deposited assets. In addition, the CRT was subsequently also made responsible for processing insurance claims against two Swiss insurance carriers.<sup>3</sup>

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<sup>1</sup>A "Victim or Target of Nazi Persecution" is defined in the Settlement Agreement as "any individual, corporation, partnership, sole proprietorship, unincorporated association, community, congregation, group, organization or other entity persecuted or targeted for persecution by the Nazi Regime because they were or were believed to be Jewish, Romani, Jehovah's Witness, homosexual, or physically or mentally disabled or handicapped."

<sup>2</sup>The Settlement Agreement defined the following five Settlement Classes: Deposited Assets Class; Looted Assets Class; Slave Labor Class I; Slave Labor Class II; and the Refugee Class. Apart from the Deposited Assets Class, a claims program was set up for the two Slave Labor Classes and the Refugee Class. No claims program was created for the Looted Assets Class; instead, US\$ 100 million (subsequently increased to \$145 million) was allocated for humanitarian programs serving needy Nazi victims.

<sup>3</sup>The Settlement Agreement was amended to cover claims against two Swiss insurance carriers, Swiss Re and Swiss Life. The Settlement Fund and the insurance carriers are each responsible for up to US\$ 25 million to cover the amounts awarded on the policy claims.

## Background

The CRT was established in October 1997 in connection with the investigation of Swiss banks conducted by the Independent Committee of Eminent Persons ("ICEP" or the "Committee"). The CRT's initial task, which became known as the "CRT-I process," was to adjudicate claims to accounts in Swiss banks that were open and were dormant since the end of the Second World War and that had been published by Swiss banks in 1997. The purpose of the ICEP investigation was to conduct a forensic audit of Swiss banks (1) to identify accounts in Swiss banks of Victims of Nazi Persecution that had been dormant since the Second World War or had otherwise not been made available to the Victims or their heirs and (2) to assess the Swiss banks' treatment of the accounts of Victims of Nazi Persecution.

The ICEP investigation was concluded in December 1999, when the Committee published its final report.<sup>4</sup> The Committee identified accounts in Swiss banks from the 1933-1945 period that had a "probable or possible" relationship with Victims of Nazi persecution, and it recommended the publication of the account owner names for those accounts that have a strong probability of a relationship with victims.<sup>5</sup> The Committee recommended that the CRT be given the responsibility for processing claims by Victims of Nazi Persecution or their heirs to accounts identified during the investigation. Among other things, the Committee made additional recommendations relating to (1) the creation of, and access to, a database of Victim accounts identified during the audit; (2) notice to potential claimants; and (3) rules for valuing the accounts.

In accordance with the ICEP recommendations and pursuant to Special Master Gribetz's distribution plan, the Court by its Order of November 22, 2000 designated the CRT as the organization responsible for processing the deposited assets claims. As previously noted, a total of US\$ 800 million was allocated by the Court from the Settlement Fund to satisfy these "CRT-II" claims.

By Order of December 8, 2000, the Court appointed Messrs. Paul Volcker and Michael Bradfield as Special Masters to establish, organize and supervise the claims resolution process.

On July 26, 2001, the United States Court of Appeals for the Second Circuit affirmed the Court's approval of the Settlement Agreement. It concluded that the Court "did not abuse its discretion in allocating \$800 million to the 'Deposited Assets' class. The existence and estimated value of the claimed deposit accounts was established by extensive forensic accounting. In addition, these claims are based on well-established legal principles, having the ability of being proved with concrete documentation, and are readily valued in terms of time and inflation. By contrast, the claims of the other four classes are based on novel and untested legal theories of liability, would have been very difficult to prove at trial, and will be very difficult to accurately value. Any allocation of a settlement of this magnitude and comprising such different types of claims must be based, at least in part, on the comparative strengths and weaknesses of the asserted legal claims." In re Holocaust Victim Assets Litigation, 2001 WL 868507 (2<sup>nd</sup> Cir. (N.Y.)) (unpublished opinion).

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<sup>4</sup> Independent Committee of Eminent Persons, Report on Dormant Accounts of Victims of Nazi Persecution in Swiss Banks (December 1999), <http://www.icep-iaep.org>.

<sup>5</sup> The number of probable or possible Victim accounts was subsequently adjusted downwards to approximately 36,000. The CRT's "Account History Database" comprises these 36,000 accounts. See *infra*.

## Structure and Procedures

The CRT, which has the status of an association under the Swiss law, has a Secretariat consisting of approximately 70 staff members. The CRT's procedures are defined in the Rules Governing the Claims Resolution Process (the "Rules"), which were proposed by Special Masters Volcker and Bradfield and approved by the Court. The Rules were most recently amended on February 28, 2003 and April 25, 2003. (See Appendix A showing these amendments to the Rules).<sup>6</sup> Under the Rules, the CRT has access to the data resources compiled during the ICEP investigation. These include both electronic and hard copy information about the accounts identified by the ICEP auditors as "probably or possibly" belonging to Holocaust Victims. The electronic data is consolidated into an Account History Database ("AHD"), which is maintained at the offices of the CRT by a Data Librarian. The Rules also provide that the CRT will have access to the Total Accounts Databases ("TADs"), consisting of electronic data relating to the approximately 4.1 million accounts that were open or opened during the relevant period and for which records still exist in Swiss banks. The Special Masters and the CRT have initiated the process of accessing the TADs.

Unlike the CRT-I process, which involved arbitration between individual claimants and banks, the CRT-II process is largely an administrative process. In the CRT-II process, the banks are not parties, but may be requested by the CRT to provide voluntary assistance in the process. Where possible, the CRT attempts to assist claimants by contacting archives in search of additional relevant information and by performing historical research. The procedures used thus far to process the claims are as follows. Account Owner names provided in the claim forms are matched through a computerized process to the names of the account owners contained in the AHD. The computer-generated matches are reviewed to determine whether the claimed account owner is the same as the owner of the account according to the bank records assembled by the ICEP auditors. If the CRT determines that there is an identity match and that the claimant is entitled to an award from the Settlement Fund, it certifies its decision through the Special Masters to the Court for its approval. Awards approved by the Court are paid out of the Settlement Fund, which is also used to cover the administrative expenses of the process.

## The Claims

A total of 32,814 claims were filed with the CRT by the filing deadline of August 31, 2001, and 682 claims were received after the deadline but before December 31, 2002. Prior to the expiration of the deadline, the Court ordered that those Initial Questionnaires that can be processed as claim forms be treated as timely claims under the CRT-II program. The Initial Questionnaires are being analyzed to identify those that can be processed as CRT-II claim forms.

In addition to the claims to deposited assets, some 1,500 insurance policy claims are being handled by the CRT pursuant to the amended Settlement Agreement.

The CRT also received a number of late claims. Between August 31, 2001 and December 31, 2002, the CRT received 682 late claims to deposited assets. Between January 1, 2002 and December 31, 2002, it received 809 claims to insurance policies. On April 8, 2003, Judge Korman approved an order authorizing the CRT to treat these late claims received before

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<sup>6</sup> In addition, in 2002, certain amendments were made to the Rules Governing the Claims Resolution Process. The Rules, as amended, are posted on the CRT website ([www.crt-ii.org](http://www.crt-ii.org)).

December 31, 2002, provided that such claims do not prejudice a timely filed claim. (See Appendix B.)

### Claimant Information

Claimants seeking information about the Claims Resolution Process can find information on the CRT's website. In addition, the CRT receives phone calls from claimants using its toll-free number -- 011-800-0123-0456 (from the United States). (The first digits of the toll-free number vary depending on the country from which the claimant is calling.) In response to claimant inquiries, the CRT provides general information regarding the status of a claim.

### Statistical Information

#### **Total Number and Value of Approved Awards**

For both CRT I and CRT II, 1,643 accounts belonging to Victims of Nazi persecution have been awarded, with a current value of \$125.9 million, as of August 11, 2003. The Court has approved a total of 905 CRT II awards as of August 11, 2003. For CRT I, which took place in 1997 through 2001, 207 accounts were determined to be accounts of Victims of Targets of Nazi Persecution. The Awards for these accounts amounted to \$11.7 million when adjusted for current value.

As of June 30, 2003, for both CRT I and CRT II, 1,590 accounts belonging to Victims of Nazi persecution have been awarded, with a current value of \$122.7 million. The following statistics are with respect to the 865 CRT II awards (for 1,383 accounts) approved by the Court as of June 30, 2003. These awards total \$111 million. The largest award was for \$4.8 million, and the smallest award was for \$459. The average award amount is \$128,350. All awards are published on the CRT's website.

#### **Characteristics of Awards**

Each award contains a description of the facts known regarding the account owner and his or her fate, which is derived from the claim form, and the information that is available in the bank records. The awards share certain characteristics as noted below.

In the 865 awards approved as of June 30, 2003, there were 1,383 accounts awarded. The accounts fall into the following disposition categories:

Presumed closed	518	Suspended/collectivized and later closed	41
Closed - unknown to whom 1937-1945	327	Unknown <sup>7</sup>	11
Open and dormant	125	Other <sup>8</sup>	5
Closed - unknown to whom after 1945	93	Paid to the Hungarian Government	2
Closed unknown when	73	Paid to the Polish Government	2
Transferred to a Nazi controlled bank	71	Paid to the Unclaimed Assets Fund	1
German accounts closed - unknown to whom before 1937	57		
Paid to Bank as Fees or Profit	57	<b>Total</b>	<b>1,383</b>

As shown in Table A, there is specific documentary evidence that 71 accounts were transferred to Nazi controlled banks. With respect to 42 of these 71 accounts, the awards indicate the specific Nazi controlled bank to which the accounts were transferred. The CRT believes that many other accounts were transferred to Nazi authorities, especially with respect to account owners from Germany (in the period 1933-1945) and from Austria (in the period 1938-1945). Detailed information regarding the 71 accounts transferred to Nazi controlled banks is available in Appendix C to this Report.

As shown on Table B, the most commonly awarded accounts are custody accounts and demand deposit accounts. In most cases, depositors that opened custody accounts also opened demand deposits to receive payments of interest and dividends.

Custody Account	446	Safe deposit box	61
Demand Deposit Account	436	Other Type of Account	6
Unknown Type of Account	361		
Savings/Passbook Account	73	<b>Total</b>	<b>1,383</b>

<sup>7</sup> The accounts with a disposition listed as "Unknown" are from: 5 awards involving accounts identified in census forms obtained from the Austrian State Archives (In re Accounts of Alfred Benesch, Else Benesch and Josef Benes, In re Account of Irma Braun and Felix Harry Braun, In re Account of David Israel Frischer, In re Account of Dr. Rudolph Löbl, In re Accounts of Anna Marcus and Susanne Marcus) and 3 other awards -- In re Account of Wilhelmine Schoenholz (an account of unknown type was awarded based on German government documents provided by the Claimant and no disposition was indicated), In re Accounts of Anna Tempel and Dr. Alexander Brat (two accounts of unknown type were awarded based on 5 January 1939 and 20 April 1940 letters included in the Bank records; there is no indication of the accounts' disposition in the letters), and In re Accounts of Wilhelm Löwbeer and Paul Löwbeer (a custody account and a demand deposit account were transferred from Account Owner Wilhelm Löwbeer to Account Owner Paul Löwbeer on 14 March 1938; there are no separate bank records for Account Owner Paul Löwbeer and therefore no indication of when or if these accounts were closed).

<sup>8</sup> The following awards include accounts with a disposition listed as "Other": In re Account of Moritz Bettelheim (an account of unknown type was transferred to a Swiss Government fund pursuant to the 1962 Federal Decree), In re Account of Dr. Jenö Kozma, Dr. Jenö Kozma's son (Sohn), Jenöme Kozma and Stephanie Haasz (a demand deposit account was transferred to the Swiss Federal Accounting Department on 24 July 1973), In re Account of Hugo Maier and Paula Maier (on 20 December 1939, the Bank transferred two demand deposit accounts into a third demand deposit account, which was closed unknown by whom on 20 June 1941), and In re Account of Avram Micu Rabner (an account of unknown type was transferred on 3 March 1994 into a collective account containing the assets of customers who were presumably deceased).

Of the 1,383 accounts awarded, 1,269 accounts were published in the ICEP List of Accounts Owners and Power of Attorney Holders and 114 accounts were not published in the ICEP List but were awarded based on records from the Austrian State Archives, contemporaneous documentation provided by the claimants, or bank records for accounts identified in the ICEP investigation but not published.

The 865 awards approved by the Court to date involve 1,097 account owners.<sup>9</sup> As shown on Table C, the largest number of Account Owners came from Germany, Austria, and France. The Account Owners were from the following countries:

Austria	201	Hungary	83	Slovakia	1
Belarus	1	Italy	28	Switzerland <sup>10</sup>	10
Belgium	11	Latvia	13	The Netherlands	18
Bulgaria	2	Lithuania	7	Ukraine	2
Croatia	8	Luxembourg	3	Yugoslavia	21
Czechoslovakia	94	Mexico <sup>11</sup>	1	Unknown	4
Estonia	1	Palestine <sup>12</sup>	2		
France	117	Poland	51		
Germany	315	Romania	101		
Greece	1	Russia	1		
				<b>Total</b>	<b>1,097</b>

As shown in Table D, more Account Owners died in concentration camps, ghettos or slave labor camps than those who had any other fate. For a detailed look at the fates of the Account Owners, Appendix D contains a list of each Account Owner's name, country of residence and fate, including information regarding concentration camps, ghettos or slave labor camps where available.

<sup>9</sup> Of the 1,097 account owners, 25 account owners are companies. When determining the account owner's fate in situations where the account owner is a company, the fate of the company's principal owner was used. The companies' owners had the following fates: 7 died of natural causes before the end of the War; 7 fled their country of residence; 4 died in a concentration camp, ghetto or slave labor camp; 2 were imprisoned in a concentration camp, ghetto, or slave labor camp and then fled their country of residence; 1 was imprisoned in a concentration camp, ghetto or slave labor camp and then hid; 1 committed suicide; 1 survived a concentration camp, ghetto, or slave labor camp; 1 otherwise survived the Holocaust; and 1 is a Jewish organization.

<sup>10</sup> The source for the country of residence of the Account Owner is the bank records, and if no country of residence is available, then the information provided by the claimant is used. Consequently, although 10 account owners are identified as having Switzerland as their country of residence, some of them had only provided a Swiss address but resided elsewhere. In the following cases the account owner or his or her relative traveled to Switzerland or lived in Switzerland for a brief period: In re Account of Frl. (Miss) Flora Baer, In re Account of Selma Corti and Hildegard Aeberhard (2 account owners), In re Account of Henri Csango, In re Account of Daniela Heimler, In re Account of Jean Hurtig and Jenny Hurtig, née Cornea, In re Account of Bertha Siegal, and In re Account of Anna Wyss. In one case, the Account Owner lived in Switzerland, left during the War, and his account was frozen after he had left Switzerland. See infra In re Accounts of Alexandre Rado, Helene Rado and Geopress S.A.

<sup>11</sup> Although Mexico City was the city included in the bank records, the claimant provided an explanation as to why the Account Owner may have provided such city as his place of residence. The account awarded remained open and dormant with the Bank. See In re Accounts of Max Haendler.

<sup>12</sup> In two cases, the bank records refer to the account owner residing in Palestine, but there are no records to whom the accounts were closed. See In re Account of David Katz and In re Account of Jozef Goldberg.

<b>Table D. Account Owner Fate</b>	
Died in concentration camp, ghetto, or slave labor camp	318
Fled country of residence	309
Died of natural causes before the end of the War	90
Fate unknown	84
Survived concentration camp, ghetto, or slave labor camp	79
Otherwise survived the Holocaust	77
Otherwise killed by Nazis	49
Hid from Nazi authorities during the War	35
Imprisoned in concentration camp, ghetto, or slave labor camp then fled	28
Committed suicide in anticipation of incarceration by Nazi authorities	19
Imprisoned in concentration camp, ghetto, or slave labor camp then hid	4
Died in combat	4
Other <sup>13</sup>	1
<b>Total</b>	<b>1,097</b>

Table E shows the statistics with respect to the status of Account Owners as Victims or Targets of Nazi Persecution.

<b>Table E. Account Owner's Status as a Victim or Target of Nazi Persecution</b>	
Jewish	1,044
Jewish Spouse	20
Unknown, but joint Account Owner is Jewish	20
Unknown, but Yad Vashem name match	6
Believed Jewish	4
Homosexual	1
Unknown, but joint Account Owner's spouse is Jewish	1
Jehovah's Witness	1
<b>Total</b>	<b>1,097</b>

With respect to the 865 awards, 999 Claimants received awards. As shown in Table F, the 999 Claimants come from 38 different countries. Although more Claimants reside in the United States than any other country, more than half of the Claimants are from Europe, South America, and Israel. The Claimants are from the following countries:

<sup>13</sup> In *In re Account of Ath. Philon*, the Account Owner is the Athens, Greece lodge of the Jewish organization *B'nai B'rith International*.

Andorra	1	Greece	1	Slovakia	2
Argentina	13	Hungary	25	Slovenia	2
Australia	41	Ireland	1	Spain	2
Austria	20	Israel	146	Sweden	2
Belgium	9	Italy	9	Switzerland	29
Bosnia and Hercegovina	1	Jamaica	1	The Netherlands	14
Brazil	6	Luxembourg	1	United Kingdom	52
Bulgaria	4	Mexico	5	United States	399
Canada	47	Norway	1	Uruguay	6
Chile	5	Peru	1	Yugoslavia	1
Croatia	4	Poland	1		
Czech Republic	17	Portugal	1		
France	82	Romania	9		
Germany	35	Russia	3	<b>Total</b>	<b>999</b>

Of the 999 Claimants, 27 are themselves the Account Owner and 579 are direct descendants of the Account Owner. The 579 direct descendants include 354 children, 204 grandchildren and 21 great-grandchildren. Table G shows the claimant's relationship to the Account Owner.

Brother/Sister-in-law	5	Other <sup>15</sup>	27
Child	354	Same Person	27
Cousin	53	Sibling	12
Daughter-in-law	20	Son-in-law	3
Grandchild	204	Spouse	20
Grandchild-in-law	5	Step-child	2
Great Niece/Nephew	86	Step-grandchild	1
Great-Grandchild	21		
Niece/Nephew	159	<b>Total</b>	<b>999</b>

As shown in Table H, a substantial number of Claimants had filed claims with other organizations to recover the account awarded prior to filing a claim with the CRT after the publication of the ICEP List. In addition, in 4 awards, the account owners or their heirs requested information from a bank and did not receive a response; in 10 awards, either a bank or the Swiss Bankers Association refused to help the account owners or heirs; in 18 awards, the account owners or heirs were either unsuccessful when they tried to access their accounts or were told that they would be charged a substantial fee to search for the account; and in 30 awards, the account owners or their heirs were deliberately misinformed by a bank about the

<sup>14</sup> When determining the Claimant's relationship to the Account Owner in awards where more than one Account Owner is listed, the closest relationship between Claimant and Account Owner is used. For example, if the Account Owners were the Claimant's father and uncle, the relationship is listed as "child."

<sup>15</sup> The "other" category includes a broad range of extended relationships, including, husband's paternal aunt, cousin's husband, aunt's sister-in-law, great uncle by marriage, grandfather's cousin, and mother's cousin's husband. Pursuant to Article 23 of the Rules Governing the Claims Resolution Process, the CRT may "make an award to any relative of the Account owner, whether by blood or by marriage, who has submitted a claim . . ."

existence of an account. Moreover, the existence of a prior claim indicates that these claimants based their claims not only on the presence of their relative's name on ICEP List of Account Owners, but on information known to them prior to the publication of the ICEP List.

Filed Initial Questionnaire in the Holocaust Victim Assets Litigation	222
Filed ATAG Ernst & Young claim form	75
Filed claim with the New York State Holocaust Claims Processing Office	58
Filed Initial Questionnaire for someone other than the Account Owner	38
Filed claim with the Swiss Banking Ombudsman	12
Filed ATAG Ernst & Young claim form for someone other than the Account Owner	7
Filed claim with CRT I	6
Filed claim with CRT I for someone other than the Account Owner	2
<b>Total</b>	<b>420</b>

As shown on Table I, most claimants were able to provide information in their claim forms that matched unpublished information in the bank records available to the CRT. Unfortunately, in many cases, no unpublished information is available in the bank records for the CRT to use to determine the validity of a claim. During the three-year investigation of the Swiss banks by ICEP, no records were found for some 2.8 million accounts, while minimal records were found for some 4.1 million accounts. With respect to the 4.1 million accounts, in many cases, the sole source of information regarding an account is a ledger listing the name of the account owner without further identifying information or an account opening card providing little detail concerning the account owner. Consequently, in cases where there is little or no unpublished information, the CRT focuses on additional factors that strengthen the plausibility of the claim -- for example, the existence of claims made by the claimant to an account held by such account owner before the publication of the account owner's name and any documentation (e.g., birth/death certificates, immigration papers, etc.) provided by the claimant listing the account owner's name.

Matched unpublished information	747
No unpublished information to match	83
No match to unpublished information but filed Initial Questionnaire	80
No match to unpublished information but matched information in Yad Vashem	42
Provided information matching Austrian Census Records	22
No match to unpublished information but filed ATAG Ernst & Young claim	13
No match to unpublished information but filed claim with the HCPO	5
No match to unpublished information	5
No match to unpublished information but filed claim with Swiss Banking Ombudsman	2
<b>Total</b>	<b>999</b>

### **Illustrative Awards**

Below are descriptions of some significant awards rendered by the CRT in the period January 1, 2003 to June 30, 2003. Five categories of awards are described: awards involving accounts paid to the Nazis, awards involving accounts that remain open and dormant, awards

involving accounts taken into bank profits, awards involving accounts that were closed unknown by whom, and awards in which the account owners' heirs were turned away or intentionally misinformed by the bank.

**Accounts Paid to the Nazis. In In re Accounts of Albert Gerngross, Paul Gerngross, Martha Gerngross and A. Gerngross A.G.**, the Claimant is the estate of the late niece of Account Owner Albert Gerngross. Account Owners Albert and Paul Gerngross were brothers, and Account Owner Martha Gerngross was married to Paul Gerngross. All of the Account Owners, who were Jewish, resided in Vienna, Austria, and were shareholders in their business, *A. Gerngross A.G.* In 1939, after the *Anschluss*, Albert Gerngross fled to Switzerland, while Martha and Paul Gerngross fled first to England and then to Uruguay, where they remained until returning to Austria after the end of the Second World War. Before fleeing Austria, the Account Owners were forced to submit census forms registering their assets in accordance with the Nazi Regime's decree of April 26, 1938. These records indicate that Paul and Martha Gerngross had savings and bank assets worth approximately 270,000.00 Reichsmarks, including SFr. 84.61 held in a demand deposit account by Paul Gerngross at the Bank. The Bank's records indicate the Account Owners held five accounts: Albert Gerngross held a custody account and a demand deposit account; Paul and Martha Gerngross both held one custody account each; and *A. Gerngross A.G.* held an account of an unknown type. Albert Gerngross's custody account was transferred on April 14, 1938 to the *Oesterreichische Creditanstalt-Wiener Bankverein* in Vienna, with a balance of SFr. 47,000.00. Paul and Martha Gerngross's custody accounts were transferred to the *LänderBank Wien A.G.* in Vienna on August 16, 1938, with balances of SFr. 16,500.00 and SFr. 1,900.00. The ICEP auditors determined that the three custody accounts had been paid to the Nazi authorities. Because of the evidence regarding the closure of accounts to the Nazis, the CRT awarded them to the claimant. In addition, the CRT considered Albert Gerngross's demand deposit account and *A. Gerngross A.G.*'s account of unknown type, which were presumed to have been closed at an unknown date. Given that the other accounts of these Account Owners were paid to the Nazi authorities, and given that there is no evidence in the Bank's records that the Account Owners or their heirs closed these two accounts and received the proceeds themselves, the CRT concluded in this case that it was plausible that the proceeds of these two accounts were not paid to the Account Owners or their heirs. Because the values of these accounts were unknown, the average values for a demand deposit account, SFr. 2,140.00, and an account of unknown type, SFr. 3,950.00, were used in calculating the award. The Austrian census records also show that Account Owner Paul Gerngross held a demand deposit account not mentioned in the Bank's records, with a balance of SFr. 84.61 as of June 29, 1938. The CRT concluded that this account had also been paid to the Nazi authorities. The total amount awarded was \$622,387.91.

In In re Accounts of Bertha Rothschild, the Claimant is the great-niece of the Account Owner. Account Owner Bertha Rothschild, who was Jewish, was a wealthy German national and held a custody account that contained securities valued at SFr. 434,083.00. The account was closed unknown to whom on December 31, 1936, shortly after the promulgation of Nazi legislation that required all residents of Germany to deposit their foreign shares with a designated German foreign exchange bank (The Seventh Ordinance Regarding Implementation of the Foreign Exchange Control Law, effective November 19, 1936). The award noted that the proceeds of the custody account were transferred to an account at the Nazi-controlled *Deutsche Bank* in December 1936. Consequently, given the apparent transfer in December 1936 of the proceeds of the custody account to a Nazi-controlled bank, the CRT concluded that the account

was to be awarded. The CRT noted that Bertha Rothschild emigrated from Germany in 1936 and paid a flight-tax and other discriminatory taxes to the Nazis from the *Deutsche Bank* account. The CRT concluded that all but 6.1% of the Account Owner's assets at *Deutsche Bank*, or approximately SFr. 4,976,271.72, were confiscated by the Nazis. The remaining 6.1% (or SFr. 323,272.18) were deposited in an account held at a Swiss bank in 1939. The CRT concluded that the Account Owner received these proceeds. The CRT also had information indicating that the heirs of Bertha Rothschild received some compensation from the German Government for assets confiscated by the Nazis. Specifically, the Account Owner's brother filed a restitution claim with the German Government seeking compensation for discriminatory levies and stolen assets, and in a decision dated May 30, 1974, the German Government agreed to compensate him and paid him approximately \$1.6 million dollars. As the approximate value of Bertha Rothschild's estate as of November 11, 1938 was \$4.8 million, to date, her heirs have received only one-third of the value of Bertha Rothschild's assets in 1938. This award provided an additional SFr. 434,083.00 of restitution, which brings the total restitution to approximately 40% of the original value of her assets leaving 60% of her confiscation losses still uncompensated. Consequently, the total award amount was \$4,037,981.40.

***Accounts That Remain Open and Dormant.*** In In re Account of Hedwig Hauser, the Claimant is the Account Owner. Account Owner Hedwig Hauser, who is Jewish, was born on December 9, 1915 in Prosimerice (Prossmeritz) near Znaim, Czechoslovakia. Until 1939, she lived in Znojmo and Ung. Hradisch, Czechoslovakia. In the 1930s, Hedwig Hauser's mother told her that she had opened an account into which she deposited 30,000.00 Czech Crowns for her benefit. Hedwig Hauser fled Czechoslovakia immediately after the Nazi occupation of the country in 1939. She tried to flee on a refugee ship bound for Palestine, but it was intercepted by British forces and redirected to Mauritius, where she was detained until 1945. Both of Hedwig Hauser's parents perished in Treblinka. The Bank's records indicate that Hedwig Hauser held a savings account, numbered 2153. The account was transferred to a collective account for dormant assets on September 4, 1985. Accordingly, the CRT concluded that the Account Owner did not receive the proceeds of the account. The amount in the account on the date of its transfer was SFr. 41.45. Because the account remains open and dormant, it was awarded to the Claimant, who received \$7,720.93.

In In re Account of Leon Kroll, the Claimants are the brothers of the Account Owner. Account Owner Leon Kroll (Kröl), who was Jewish, was married and had one daughter. The family lived in Lodz, Poland, where Leon Kroll worked in the family textile business. In the early 1940s, Leon Kroll was deported with his wife and daughter to a concentration camp in Germany. Later he was returned to the Lodz ghetto, and on an unknown date, he was deported by the Nazis from the ghetto and did not return. The only survivors of Leon Kroll's family were his brothers (the Claimants), and two other siblings, who subsequently died of natural causes. The Bank's records indicate that Leon Kroll held an account of unknown type. The balance of the account as of June 30, 1937 was SFr. 179.00. The Bank's records indicate the account was transferred to a suspense account on an unknown date and remains open and dormant. Accordingly, the CRT concluded that the Account Owner did not receive the proceeds of the account. Because the amount in the account was less than SFr. 3,950.00, the average value for an account of unknown type, the average value was used in calculating the award for this account. The amount awarded to the Claimants for the open and dormant account was \$36,183.21.

In In re Account of J. Lecher, the Claimant is the son of the Account Owner. Account Owner J. Lecher, who was Jewish, was married and resided in Berhomet Village, Wiznice Quarter, Czernowitz County in Romania. The Account Owner, her husband and their son, the Claimant, were forced to live in a ghetto and were later transferred to a slave labor camp in Romania, where they remained for four years between 1941 and 1945. The Claimant stated that the family immigrated to Palestine in 1947. The Bank's record indicates that J. Lecher held a savings/passbook account numbered 607. The amount in the account on December 14, 1938 was SFr. 862.20. The Bank's record indicates the account was transferred to a suspense account on December 29, 1959 and remains open and dormant. Accordingly, the CRT concluded that the Account Owner did not receive the proceeds of the account. Using the known value for the account adjusted to a current value, the Claimant was awarded \$7,897.71 for this open and dormant account.

***Accounts Taken into Bank Profits.*** In In re Account of Ernst Handel, the Claimant is the nephew of the Account Owner. Account Owner Ernst Handel, who was Jewish, was married and resided in Vienna, Austria. The Account Owner's brother-in-law, the Claimant's father, managed a factory called *Kawe Prima Fabrica Romana* and traveled to Switzerland for business. Around 1939, he sent his two sisters, the Account Owner's wife and her sister, to Shanghai, China, to save them from Nazi persecution. Thereafter, the Account Owner and his wife, who never had any children, fled to the United States, while the Account Owner's brother-in-law went to Palestine in 1940. The Bank's records indicate that Ernst Handel of Vienna, Austria, held a custody account numbered 22488 that was opened on 26 May 1939, and into which SFr. 3,000.00 were transferred from the Zurich branch to the Geneva branch on May 20, 1939. Ernst Handel also held a demand deposit account that was opened on May 26, 1939. The Bank's records indicate both accounts were closed to fees by the Bank on December 1, 1949, on which date the demand deposit account had a negative balance of SFr. 141.90. Accordingly, the CRT concluded that the Account Owner did not receive the proceeds of the accounts. Because the amount in the demand deposit account was less than the average value for a demand deposit account, SFr. 2,140.00, the average value was used in calculating the award for this account. The total amount awarded to the Claimant for the accounts closed by the application of fees was \$44,656.93.

In In re Account of Ferdinand Müller, the Claimant is the son of the Account Owner. Account Owner Ferdinand Müller was born in 1883 in Nyek, Galanta, Czechoslovakia, and was married in 1910 in Trinava, Czechoslovakia. The couple resided in Galanta and had five children including the Claimant. Ferdinand Müller, who was Jewish, was an independent businessman who worked in construction and transportation until the spring of 1944, when he and his family were deported to Auschwitz, where Ferdinand Müller, his wife and two of their daughters perished. Ferdinand Müller, as well as his cousin, sent 200,000.00 Korona to Switzerland in 1938, via their insurance agent, for safe keeping because of the impending war. In 1949, one of the Claimant's sisters told him that she had begun corresponding with a Swiss bank with regards to the family funds. The Claimant also made some attempts to locate the bank with which his sister had been in contact, but was unsuccessful. The Claimant's sister died in 1950 in Budapest, Hungary, from injuries inflicted while she was in Auschwitz. The family's house was destroyed during the Second World War and an art collection, among other assets, was looted from the house. Despite being insured by *Riunione Adriatica di Sicurta* (a subsidiary of *Generali*), no response was made to the claim submitted by the family for compensation for the house. The Bank's records indicate that Ferdinand Müller held an account of unknown type.

On June 30, 1937, the account was transferred to a suspense account. The amount in the account on the date of its transfer was SFr. 13.00. The Bank's records indicate that on an unknown date, the account was closed by the Bank to its profit and loss account. Accordingly, the CRT concluded that the Account Owner did not receive the proceeds of the account. Because the amount in the account was less than the average value for an account of unknown type, SFr. 3,950.00, the average value was used in calculating the award for this account. The total amount awarded for the account taken into the Bank's profits was \$36,183.21.

**Accounts Closed Unknown by Whom.** In In re Accounts of Rose Herz, Margarethe Cohen and Max Seeler-Herrmann, the Claimant is the daughter of Account Owner Rose Herz. Account Owner Rose Herz and Account Owner Max Seeler-Herrmann were Jewish and siblings, and Account Owner Margarethe Cohen was their niece. Rose Herz was born on September 15, 1883, and was married. In 1938, she was forced to flee Germany for Palestine, and she died on September 22, 1970 in Haifa, Israel. Max Seeler-Herrmann was born in 1890 in Landsberg an der Warthe, Germany, and was married. He resided in Berlin, Germany, where he owned a company named *Seeler & Cohn*. In 1938, Max Seeler-Herrmann and his wife were deported and both were murdered by the Nazis. Margarethe Cohen was born in 1902 and was married. She resided in Nazi Germany, but managed to survive the Holocaust and died in the 1980s. The Bank's records indicate the Account Owners held four accounts: each held one custody account and Rosa Herz also held an account of unknown type. Rosa Herz's custody account was opened in 1931 and closed on September 16, 1937. Max Seeler-Herrmann's custody account was closed on September 16, 1937. Margarethe Cohen's custody account was opened in 1931 and closed on June 26, 1936. With respect to these three accounts, the CRT noted 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 Account Owner Herz remained in Germany until 1938, while her account was closed in 1937; that Account Owner Seeler-Herrmann remained in Germany before being deported and then murdered; that Account Owner Margarethe Cohen apparently remained in Germany throughout the War; and that the Account Owners therefore would not have been able to repatriate their accounts to Germany during this time without their confiscation. With respect to the account of unknown type held by Account Owner Herz, closed on an unknown date, given that there is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves, the CRT concluded that it was plausible that the account proceeds were not paid to the Account Owner or her heirs. The amounts in all of the accounts on their closure dates are unknown, and therefore the average value of a custody account, SFr. 13,000.00, and the average value of an account of unknown type, SFr. 3,950.00, were used to calculate the award amount. The Claimant was awarded \$393,435.11.

In In re Account of Edith Oppenheim, the Claimant is the granddaughter of the Account Owner. Account Owner Edith Oppenheim, née Schachnow, was born on March 5, 1894 in Hohensalza (Inowroclaw), Poland, was married, and had two children. Edith Oppenheim came from a family of successful bankers and was a financial advisor and stockbroker for the bank *Brüder Ginsberg* in Berlin. She also married into another successful banking family. Her husband died in 1928 in Berlin, and from 1930 until approximately 1942, Edith Oppenheim, who was Jewish, lived in Berlin. She was in hiding for some time and was captured by the Nazis on August 25, 1943. She was deported on July 12, 1944 to Auschwitz, where she perished. The Bank's records indicate that Edith Oppenheim held two custody accounts. These records do not

show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. Given Edith Oppenheim's death in Auschwitz in 1944 and the closure of her accounts by the Bank without a record of their disposition, the CRT concluded that it was plausible that the account proceeds were not paid to the Account Owner or her heirs. The amounts in both custody accounts are unknown, and therefore the average value of a custody account, SFr. 13,000.00, was used to calculate the award amount. The Claimant was awarded \$238,167.94.

In In re Accounts of Alexandre Rado, Helene Rado and Geopress S.A., the Claimant is the nephew of the Account Owners. Account Owner Alexandre (Sandor) Rado was born on 5 November 1899 in Ujpest, Hungary, and Account Owner Helene Rado, née Jansen, was born in approximately 1906 in Germany. Account Owner *Geopress S.A.* was a company owned by Alexandre Rado. Alexandre and Helene Rado were married in 1930 in Berlin, Germany, and had two children. Alexandre Rado, who was Jewish, was a Hungarian citizen who conducted a clandestine intelligence operation on behalf of the Russians during the Second World War while based in Switzerland. Between 1934 and 1943, he resided at 116 Rue de Lausanne in Geneva, Switzerland. Alexandre Rado's company, *Geopress S.A.*, was based in Geneva, had been established in France before 1934 and was in the business of producing maps. Alexandre Rado maintained bank and safe deposit accounts with the Bank in Geneva and New York during this period. His intelligence operation was exposed in 1943, and all the property in his apartment in Geneva was seized by the Swiss military police. By this time, Alexandre Rado had fled to France. He was tried by a Swiss court in 1947 in absentia, sentenced to three years in prison and banned from entering Switzerland for fifteen years, and was therefore unable to return to retrieve his assets in Switzerland. Alexandre Rado was handed over to the Soviet authorities in 1945 by the British authorities in Egypt, where he had tried to seek asylum, and was imprisoned by the Russian authorities until 1955 in Gulag for collaborating with the United States and Great Britain. Alexandre Rado died in Budapest, Hungary around 1980, while his wife, Helene Rado, died in 1959, also in Budapest. The Bank's records indicate that Account Owners Alexandre and Helene Rado held a joint custody account numbered 39040, as well as an account of unknown type, which they owned together with *Geopress S.A.* and which was frozen on January 3, 1944. The records also indicate that Alexander Rado held an account of unknown type at the Bank's New York branch, which was frozen in 1941. The records include a memorandum identifying Alexandre Rado as a Jewish Russian spy in Switzerland during the Second World War, who was expelled from Switzerland around the time that his accounts were frozen, and stating that he resurfaced behind the Iron Curtain in Hungary in 1955. The Bank's records do not show when the accounts at issue were closed or to whom they were paid, nor do these records indicate the value of these accounts. Given that there is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves, the CRT concluded that it was plausible that the account proceeds were not paid to the Account Owners or their heirs. The amounts in three accounts are unknown, and therefore the average value of a custody account, SFr. 13,000.00, and the average value of an account of unknown type, SFr. 3,950.00 (for each of the two accounts of unknown type), were used to calculate the award amount. The Claimant was awarded \$181,739.13.

***Cases In Which The Account Owners' Heirs Were Turned Away by Bank.*** In In re Account of Dr. Julius Homburger, the Claimant, who originally filed her claim with the New York State Holocaust Claims Processing Office, is the daughter of the Account Owner. Account Owner Dr. Julius Homburger was born on October 26, 1894 in Karlsruhe, Germany, and was

married on June 22, 1926 in Leipzig, Germany. Julius Homburger, who was Jewish, was a physician in Frankfurt, Germany, and his wife was a nurse. Julius Homburger and his family were able to escape Germany through Switzerland in 1935 and immigrated to Palestine, where he died in Haifa, Israel on June 28, 1950. The Claimant attempted to locate accounts belonging to her parents after the Second World War, but was unable to find any such accounts. She contacted the Swiss Bankers Association in 1989 and 1996, and inquired with the Swiss Consulate in Montreal in 1989 about locating accounts belonging to her parents. The Claimant's mother, Julius Homburger's wife, also contacted the Bank in 1987 inquiring about any accounts belonging to her husband or herself, but was unsuccessful in her attempts to locate any such accounts. In responding to the Claimant's inquiries, the Bank stated that, because records were kept only for ten years and subsequently shredded, an investigation would be fruitless. The Bank further explained that, in order to search all its branches, it required death certificates, letters testamentary or letters of administration, as well as a check for SFr. 2,000.00. The Claimant stated that she provided the Bank with a notarized power of attorney from her mother and evidence that her father had died some 40 years previously, but the Bank responded with letters restating its ten-year document retention policy and emphasizing that the Claimant had not proved her right to inquire about possible accounts of her parents. The Bank's records indicate that Julius Homburger held an account of unknown type, which was opened on September 19, 1935, and closed on March 19, 1936. Given the Bank's withholding of information about the Account Owner's account in response to his wife's inquiries and that there is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves, the CRT concluded in this case that it was plausible that the account proceeds were not paid to the Account Owner or his heirs. The amount in the account on the date of its closure is unknown, and therefore, the average value of an account of unknown type, SFr. 3,950.00, was used. The Claimant was awarded \$34,347.83.

In In re Account of Oskar Kraus, the Claimant is the son of the Account Owner. Account Owner Oskar Kraus was born in Vienna, Austria, on December 12, 1881, was married in Vienna in 1915, and had one child, the Claimant. Oskar Kraus, who was Jewish, was the director of a factory called "*Hammerbrotwerke*," which was located in Vienna. According to the Claimant, Oskar Kraus owned at least two bank accounts in Zurich, Switzerland, and received monthly statements for the accounts; however, after the Nazi annexation of Austria in the spring of 1938 (the "*Anschluss*"), the bank statements for one of the accounts were no longer received. The Claimant indicated that he was able to retrieve the second account owned by his father, which was valued at approximately 5,000.00 United States Dollars, before he was forced to emigrate to the United States in August of 1938. Oskar Kraus died on December 12, 1939, in Vienna, while his wife died on April 13, 1939, also in Vienna. Oskar Kraus was forced to submit census forms registering his assets in accordance with an Nazi Regime's decree of April 26, 1938. The Austrian census records indicate that Oskar Kraus held assets including various Swiss and German shares and an account at a Swiss bank. The records show that the value of the above-mentioned Swiss shares was later transferred to a German bank. The records from the two Swiss banks indicate that Oskar Kraus held three accounts: one custody account at Bank I, one custody account at Bank II, and one demand deposit account at Bank II. The records at Bank I indicate that Oskar Kraus's custody account, numbered 30797, was opened in 1931 and closed on August 5, 1938. With regard to the custody account at Bank I, the CRT found that the facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census, and, subsequently, their accounts are closed unknown to whom or are transferred to Nazi-controlled

banks. Given that this account was closed after the *Anschluss* and almost simultaneously with the accounts at Bank II, which were apparently transferred to the Nazis as described below, the CRT concluded that it was plausible that the account proceeds were not paid to the Account Owner or his heirs. Because the records do not indicate the value of this account, the average value of a custody account, SFr. 13,000.00, was used to calculate the award amount.

The records at Bank II indicate that Oskar Kraus held an unnumbered custody account and a demand deposit account. A document from May 24, 1946, indicates that on August 8, 1938, the custody account was liquidated. The Swiss shares in this account were sold for the benefit of the Account Owner; however, the proceeds of the shares, together with the value of the demand deposit account, were transferred to a German bank. The German bonds and shares were transferred on the same date to a bank in Vienna. The ICEP auditors determined that the amounts in both the custody and demand deposit accounts at Bank II had been paid to the Nazi authorities. Documents from Bank II also indicate that on May 19, 1946, the Claimant wrote to the Bank requesting a list of the stocks, bonds, and other holdings held by his late father as of March 1938. A handwritten notation on this letter indicates that a Bank employee ascertained that the account for which information was sought was closed in 1938. An internal memorandum, dated May 24, 1946, prepared by Bank II after the receipt of the Claimant's letter, shows that the custody account was liquidated "by the order of the Account Owner" and transferred, as stated above, to a German bank and an Austrian bank. The Bank replied by letter dated May 25, 1946, stating that for reasons of principle it could not disclose the information sought, and it requested official documentation establishing the death of the Claimant's father and the fact that the Claimant was his heir. Based on these facts, the CRT concluded that the Account Owner did not receive the proceeds of his deposits. Records from Bank II and the Austrian State Archives indicate that as of August 8, 1938, the value of the securities in the custody account and the value of the demand deposit account at Bank II totaled SFr. 46,683.10. The total amount awarded was \$555,191.63.

### Denials of Claims

The efforts of the CRT have been focused on identifying awards for approval by the Court; consequently, no denials have been submitted to the Court for approval. It is expected that denials of claims will be submitted to the Court in 2003. After the Court has reviewed and approved such denials, they will be sent to claimants.

### **Status of Insurance Claims Processing**

#### Number of Claims

The CRT received a total of 1,526 claims to insurance policies. Of these, 747 claims came directly from Claimants and 779 claims came from the International Commission on Holocaust Era Insurance Claims ("ICHEIC"). In addition, the CRT also received a number of insurance claims after the December 31, 2001 deadline: 809 were received between December 31, 2001 and December 31, 2002; and, to date, six have been received after December 31, 2002. As noted above, the late claims received before December 31, 2002 have been determined by order of the Court to be eligible for processing. (See Appendix B.)

### Processing of Claims

Of the 1,526 timely claims received by the CRT, all have been through an initial screening review. The initial screening review set aside claims with respect to non-participating countries, non-participating companies, non-victim claims, non-insurance claims, and duplicate claims. Of the 1,526 claims reviewed, 288 were determined to be ineligible for further processing. (The 809 late claims are now going through the initial screening review.)

Of the 1,238 claims eligible for processing, 1,179 claims have been sent to insurance companies for research and 59 claims remain to be sent to insurance companies.

- Number of claims sent to Swiss Re: 644
- Number of claims sent to Swiss Life: 245
- Number of claims sent to both Swiss Re and Swiss Life: 290

### Awards

The CRT has received few positive responses from the insurance companies. Swiss Life reported only 9 matches to the CRT and recommended payment with respect to only 1 of the matches. Swiss Re reported 28 matches to the CRT and recommended payment of 3 of them by the CRT and referral of 25 of them to the German Foundation Initiative. The CRT is now preparing awards with respect to the 4 cases recommended for payment from the Settlement fund, and the German Foundation Initiative is being contacted with respect to the other matches. Additional awards with respect to certain plausible matches reported to the CRT by these Swiss insurance companies are also being prepared by the CRT.