

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Walter Friedrich

and to Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3]

in re Accounts of Siegfried Geyerhahn

Claim Numbers: 501485/AK, 500702/AK¹

Award Amount: 172,875.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the

¹ Claimant [REDACTED 2] submitted additional claims to the following accounts: [REDACTED], née [REDACTED], which is registered under the Claim Number 216036; [REDACTED], which is registered under the Claim Number 216039; [REDACTED], which is registered under the Claim Number 216090; [REDACTED], née [REDACTED], which is registered under the Claim Number 500692; [REDACTED], née [REDACTED], which is registered under the Claim Number 500693; [REDACTED], née [REDACTED], which is registered under the Claim Number 500694; [REDACTED], which is registered under the Claim Number 500695; [REDACTED], née [REDACTED], which is registered under the Claim Number 500696; [REDACTED], which is registered under the Claim Number 500697; [REDACTED], which is registered under the Claim Number 500699; [REDACTED], which is registered under the Claim Number 500700; [REDACTED], née [REDACTED], which is registered under the Claim Number 500701; Ernest Spitzer, which is registered under the Claim Number 500703; [REDACTED], which is registered under the Claim Number 500704; [REDACTED], née [REDACTED], which is registered under the Claim Number 500705; [REDACTED], which is registered under the Claim Number 500706; [REDACTED], née [REDACTED], which is registered under the Claim Number 500707; [REDACTED], which is registered under the Claim Number 500708; [REDACTED], which is registered under the Claim Number 500709; [REDACTED], née [REDACTED], which is registered under the Claim Number 500710; [REDACTED], which is registered under the Claim Number 500711; [REDACTED], which is registered under the Claim Number 500712; Leon Cohen, which is registered under the Claim Number 500713; [REDACTED], which is registered under the Claim Number 500714; [REDACTED], which is registered under the Claim Number 500717; [REDACTED], née [REDACTED], which is registered under the Claim Number 500749; [REDACTED], which is registered under the Claim Number 500752; [REDACTED], which is registered under the Claim Number 500753; [REDACTED], which is registered under the Claim Number 500754; [REDACTED], née [REDACTED], which is registered under the Claim Number 500755; [REDACTED], which is registered under the Claim Number 500963; [REDACTED], née [REDACTED], which is registered under the Claim Number 500982; [REDACTED], née [REDACTED], which is registered under the Claim Number 500698; and [REDACTED], which is registered under the Claim Number 500751. The CRT did not locate an account belonging to Claimant [REDACTED 2]’s relatives, [REDACTED], [REDACTED], [REDACTED], née [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], née [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], née [REDACTED], or [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The CRT has already issued decisions to Claimant [REDACTED 2] with respect to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. See *In re* Accounts of [REDACTED] and [REDACTED], which was approved by the Court on 25 October 2002, *In re* Accounts of Alfred Spitzer, which was approved by the Court on 15 September 2003, *In re* Accounts of [REDACTED], [REDACTED] and [REDACTED], which was approved by the Court on 8 April 2004, and *In re* Accounts of [REDACTED] and [REDACTED], which was approved by the Court on 18 November 2004. The CRT will treat the claims to the remaining accounts in separate decisions.

published accounts of Siegfried Geyerhahn (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

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his father, Dr. Siegfried Geyerhahn, who was born on 30 November 1879 in Nikolsburg, Moravia (today Czech Republic) and was married to [REDACTED] on 4 February 1912 in Vienna, Austria. Claimant [REDACTED 1] stated that his parents, who were Jewish, had another child, [REDACTED], who was born on 4 Oktober 1914 in Vienna. Claimant [REDACTED 1] further stated that his father was a lawyer, and that he lived at Hartäckerstrasse 20/4 in Vienna until 25 March 1938, when he was imprisoned. On 16 June 1938, he was deported to Dachau and then to Buchenwald. According to information submitted by Claimant [REDACTED 1], his father was later released and resided at Währingerstrasse 33/35 from 2 February 1939 until 28 March 1939, after which he immigrated to the United States. Claimant [REDACTED 1] stated that his father died in April 1960 in New York, New York, the United States, that his mother died in October 1971 in Portland, Maine, the United States, and that his sister died on 22 July 2002 in San Diego, California, the United States. Claimant [REDACTED 1] did not state whether his sister, [REDACTED], was married or whether she had any children.

In support of his claim, Claimant [REDACTED 1] submitted an excerpt of a record of the Austrian State Archive (Archive of the Republic, Finance), concerning the assets of Dr. Siegfried Geyerhahn.

Claimant [REDACTED 1] indicated that he was born on 4 July 1913 in Vienna.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her paternal uncle by marriage, Dr. Siegfried Geyerhahn, who was born on 30 November 1879 in Nikolsburg, Moravia (today Czech Republic), and was married to [REDACTED], on 4 February 1912 in Vienna, Austria. Claimant [REDACTED 2] stated that her uncle and aunt, who were Jewish, had two children: [REDACTED 1], who was born 4 July 1913 in Vienna, and [REDACTED], who was born on 4 Oktober 1914 in Vienna. Claimant [REDACTED 2] further stated that her uncle was a lawyer, that his business address was Hohenstaufengasse 10 in Vienna in 1937, and that he resided at Währingerstrasse 33/55 in 1938, and Hartackergasse 20/4 in 1939. Claimant [REDACTED 2] also stated that her uncle was arrested on 25 March 1938, deported to Dachau on 16 June 1938, and interned in Buchenwald on 12 November 1938, and that he fled Austria for the United States in 1939 and left behind all his assets that had not been confiscated.

Claimant [REDACTED 2] stated that her uncle died in 1960 in New York, New York, the United States.

Claimant [REDACTED 2] submitted a detailed family tree, indicating that Siegfried Geyerhahn was her uncle and the father of George and [REDACTED], and records of the Austrian State Archive (Archive of the Republic, Finance), concerning the assets of Dr. Siegfried Geyerhahn.

Claimant [REDACTED 2] indicated that she was born on 15 January 1938 in Vienna. Claimant [REDACTED 2] is representing her brother, [REDACTED 3], formerly Langer, who was born on 26 January 1935 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Siegfried Geyerhahn, who resided at Hartäckerstrasse 20 in Vienna XIX, Austria. The Bank's record indicates that the Account Owner held a savings/passbook account, numbered 44339 and a custody account, numbered L36065. The Bank's record further indicates that the savings/passbook account was closed on 28 March 1939 and the custody account was closed on 3 April 1939. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Siegfried Geyerhahn, numbered 40774, indicating that he resided at Hartäckerstrasse 20 and that his wife later lived at Währingerstrasse 33/35 in Vienna, that he was born on 30 November 1879 in Nikolsburg, Moravia, and that he was married to [REDACTED]. The records further indicate that Siegfried and [REDACTED] Geyerhahn had two children: Georg, who was born on 4 July 1913 in Vienna, and Elisabeth, who was born on 4 Oktober 1914, also in Vienna. The file contains correspondence and official records showing that Siegfried Geyerhahn had been taken into custody on 25 March 1938 and was thereafter interned in Dachau and Buchenwald. The records indicate that, on 17 July 1938, while interned in Dachau, Siegfried Geyerhahn gave power of attorney concerning all matters relating to regulations affecting his assets to Dr. Erwin Löwenthal, an attorney in Vienna. In December 1938, noting that her husband remained interned, Siegfried Geyerhahn's wife filed an amendment to his asset declaration. This amendment states that between April 1938 and 12 November 1938 (the set date for determining atonement tax liabilities), his assets had been reduced by RM 12,600.00 to cover living costs and expenditures relating to the emigration of their children. Of this sum, RM 6,257.75 had come from the sale of securities, however as the rest of the securities had been blocked, the remainder came from a loan from [REDACTED]'s brother. As a consequence, by

12 November 1938 Siegfried Geyerhahn's assets had fallen below the reporting limit of RM 5,000.00. The file further contains a document stating that notice had been received that the Geyerhahn's had moved from Währingerstrasse 33 to an unknown destination on 2 February 1939. A further internal note, dated 28 March 1939 states that Siegfried Geyerhahn had immigrated to the United States. The records also contain a confiscation order dated 12 November 1941, stating that all remaining assets of the family were thereby confiscated. The records make no mention of assets held in a Swiss bank account.

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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant [REDACTED 1]'s father's and Claimant [REDACTED 2]'s uncle's name and country of residence match the published name and country of residence of the Account Owner. The Claimants also identified the Account Owner's city of residence, street address, and title, all of which match unpublished information about the Account Owner contained in the Bank's record.

In support of their claims, the Claimants submitted documents, including excerpts from the 1938 Census records pertaining to Siegfried Geyerhahn, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided at the same address recorded in the Bank's record as the name and address of the Account Owner.

The CRT notes that the name Siegfried Geyerhahn appears only once 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"). The CRT notes that there are no other claims to these accounts.

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 interned in the concentration camps Dachau and Buchenwald, and that his assets were confiscated by the German authorities in Vienna.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father and Claimant [REDACTED 2]'s uncle. These documents include excerpts of the 1938 Census records pertaining to Siegfried Geyerhahn, indicating that Claimant [REDACTED 1] was his son.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the savings/passbook account was closed on 28 March 1939 and the custody account was closed on 3 April 1939, at which time, according to information provided by the Claimants, the Account Owner was outside Nazi-dominated territory. However, in this case, the CRT notes that the Account Owner had previously been interned in the concentration camps at Dachau and Buchenwald, where he was likely coerced into revealing information regarding his assets to secure his freedom and the future emigration of his family. Given these circumstances; that the Bank's record does not indicate to whom the accounts were closed, 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.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his 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. Further, the CRT notes that Claimant [REDACTED 1], as the Account Owner's son, has a better entitlement to the accounts than Claimant [REDACTED 2] and her brother, who are the Account Owner's niece and nephew, respectively.

Amount of the Award

In this case, the Account Owner held one savings/passbook account and a 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a savings/passbook

account was 830.00 Swiss Francs (“SF”) and the average value of a custody account was SF 13,000.00, which equals a total 1945 average value of SF 13,830.00. The current value of these amounts is calculated by multiplying them 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.

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. Accordingly, Claimant [REDACTED 1], as the son of the Account Owner, has a better entitlement to the accounts than Claimant [REDACTED 2] and her brother, [REDACTED 3], who are the Account Owner’s niece and nephew, respectively. Accordingly, Claimant [REDACTED 1] is solely entitled to the total 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
31 March 2005