

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Hans Meyer

Claim Number: 784657/AZ¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an account of Edgar Meyer.² This Award is to the published account of Hans Meyer (the “Account Owner”) at the [REDACTED] (the “Bank”).³

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as her father, Hans Jacob Meyer, who was born on 28 April 1904 in Hamburg, Germany, and was married to [REDACTED], née [REDACTED]. The Claimant provided additional information about her family in phone calls with the CRT on 28 June 2005, 13 July 2005, and 14 July 2005. The Claimant indicated that her father, who was one of four siblings, was from a well-known Jewish family and that he lived in Hamburg, where he helped run the family import-export business, started by his grandfather, [REDACTED], in 1868 and continued by his father, [REDACTED]. The Claimant indicated that the company was known as *H. Meyer & Co.* and then as *Otto Meyer & Sons*.

¹ The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0574174, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 784657.

² The CRT will treat the claim to this account in a separate determination.

³ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), several persons named Hans Meyer are listed as owning accounts. The CRT will treat the Claimant’s claims to the other accounts belonging to individuals named Hans Meyer in separate determinations.

The Claimant stated that her father moved from Hamburg to the Netherlands with his parents ([REDACTED] and [REDACTED], née [REDACTED]), wife, and children (the Claimant and her sister [REDACTED]), in December 1937. There, the Claimant stated, her father and grandfather opened branches of the family business in Rotterdam under the name *Tentler & Co.*, and in Amsterdam under the name *H. Meyer & Co.* The Claimant stated that her family lived in Marlot (The Hague) until 1941.

According to the Claimant, in 1941, her parents' and grandparents' household goods were confiscated by the Nazis and they were forced to leave their homes. The Claimant stated that both families moved to Van Ostadelaan 4 in Huis ter Heide, Utrecht, the Netherlands, where they lived in hiding. The Claimant stated that in late 1943, her grandparents fled to Switzerland, where a cousin, Dr. [REDACTED], had arranged for them to live, but that they were refused entry, sent back over the border, and captured by the Nazis. The Claimant indicated that her grandparents were deported to Drancy, France, and then to Auschwitz, where they perished. Finally, the Claimant indicated that her parents remained in hiding in the Netherlands until the end of the War, after which they emigrated first to the United States and eventually to Israel. The Claimant indicated that she has a sister, who is not represented in this claim.

The Claimant submitted documents in support of her claim, including: 1) a copy of her paternal grandfather's birth certificate, indicating that [REDACTED], was born in Lübeck, Germany on 12 March 1874 and that his parents were [REDACTED], a merchant, and [REDACTED], née [REDACTED]; 2) a copy of her paternal grandparents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married in Hamburg on 27 May 1903; 3) her paternal grandfather's residency certificate for Hamburg, dated 4 May 1909; 4) a copy of a character reference, dated 9 June 1941, from a rabbi in Hamburg supporting her paternal grandparents for American citizenship;⁴ 5) a copy of a letter, dated 29 October 1941, to the Claimant's grandparents at van Ostadelaan 4 in Huis ter Heide, in which the head of the SS and police for the occupied Netherlands informed them that they had officially lost their German citizenship and were required to turn in their passports; 6) a copy of the Claimant's birth certificate, indicating that [REDACTED] was born in Hamburg on 6 January 1933 and that her parents were Hans Jakob Meyer and [REDACTED], née [REDACTED]; and 7) a copy of the Claimant's certificate of marriage to [REDACTED], dated 25 March 1956, indicating that her parents were Hans Jacob Meyer and [REDACTED]. The Claimant also submitted excerpts from an account of her paternal grandparents' fate written by her father in 1964, an extensive family tree, and various family photographs.

The Claimant indicated that she was born on 6 January 1933 in Hamburg.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Hans Meyer, who resided in Hamburg, Germany. The Bank's record indicates that the Account Owner held a custody account, numbered L 4691, which was closed on 14 April 1934.

⁴ The letter noted that the Claimant's paternal grandparents currently lived in the Netherlands and stated that the Claimant's grandfather was a merchant in Hamburg and then in the Netherlands.

The Bank's record does not 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

Identification of the Account Owner

The Claimant's father's name and original country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including copies of her birth and marriage certificates, indicating that she was born in Hamburg and that her father was Hans Jakob Meyer, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], and indicates that he was born on 12 March 1874 and that he was transported from Drancy to Auschwitz on 31 July 1943. The database further indicates that a person named [REDACTED], born on 22 April 1879, was included on the same transport. This information matches information about the Account Owner's parents provided by the Claimant.⁵ The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the Claimant filed an IQ with the Court in 1999 asserting his/her entitlement to a Swiss bank account owned by her relative, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to this account were disconfirmed because those claimants failed to identify the city of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

⁵ Moreover, the CRT notes, the database includes testimony submitted in 1978 by a person named Hans J. Meyer, regarding his parents [REDACTED] and [REDACTED], née [REDACTED]. The information contained in this testimony is consistent with the information provided by the Claimant and corroborated by the documents she has submitted, as well as by the deportation records contained in the database.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that in 1941, his house and possessions were confiscated and he was forced to live in hiding. The Claimant further stated that the Account Owner's parents perished in a concentration camp. The Claimant also submitted letters from the Account Owner's parents' rabbi supporting them for American citizenship, and from a Nazi official informing them that they had been rendered stateless and should surrender their German passports.

As noted above, persons named [REDACTED] and [REDACTED] were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's birth certificate and marriage certificate, which indicate that her father was Hans Meyer. The Claimant indicated that she has a sister, but because she is not represented in her claim and did not submit a claim on her own behalf, her potential entitlement to the account will not be considered in this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed on 14 April 1934.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until December 1937, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),⁶ 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.

⁶ Appendix C appears on the CRT II website -- www.crt-ii.org.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her 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 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 the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). 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 162,500.00.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
7 June 2006