

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Bertha Meyerhof

Claim Number: 500385/AC

Award Amount: 378,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Bertha Meyerhof (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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandmother, [REDACTED], née [REDACTED], who was born on 16 June, 1883 in Berlin, Germany, and was married to [REDACTED] on 8 October, 1911 in Shanghai, China. In a telephone conversation with the CRT on 20 October, 2004, the Claimant indicated that his grandmother, who was Jewish, was the daughter of [REDACTED] and [REDACTED], née [REDACTED]. According to the Claimant, his grandparents had four children, including the Claimant’s father, [REDACTED]. The Claimant indicated that his grandmother, who was a housewife, resided in Berlin, at Hilbertstrasse 21, from April 1932 onwards. The Claimant explained that his grandparents planned to flee Germany with their family to the United States, and that in May of 1939, his grandfather left the country, but was detained by the British under suspicion of being a German spy, and was interned as a prisoner of war on the Isle of Man, and subsequently in Australia, where he died on 21 July, 1942. According to the Claimant, his grandmother passed away on 30 March, 1959 in Berlin. The Claimant indicated that to his knowledge, he and his two paternal cousins, [REDACTED] and [REDACTED], are the only surviving members of the family.

The Claimant submitted documents in support of his claim. These documents include: 1) a copy of his grandmother’s birth certificate, listing her name as [REDACTED], indicating that she was born in June 1883 in Berlin, Germany, and indicating that her parents were [REDACTED] and [REDACTED], née [REDACTED], both of whom resided in Berlin; 2) a copy of his

grandparents' marriage certificate, indicating that [REDACTED], who was born in Hildesheim, Germany, and [REDACTED], who was born in Berlin, Germany, were married in Shanghai, China, on 8 October 1911; 3) copies of correspondence from the Commonwealth of Australia, the German Foreign Office, and the Bureau of Relief and Information for Prisoners of War in Geneva, some addressed to [REDACTED], confirming that her husband, [REDACTED] died on 21 July 1942 while being detained as a "German internee from the United Kingdom" in Victoria, Australia; 4) a copy of his grandmother's identification card for victims of Nazi persecution, issued on 25 November, 1946 by the Berlin magistrate, indicating that her name was [REDACTED], née [REDACTED] [sic], that she was born and resided in Berlin, and that she had been "persecuted by the special [N]azi legislation"; 5) a copy of his grandmother's German passport, issued on 6 September 1955, indicating that her name was [REDACTED], née [REDACTED], that she was born on 16 June 1883, and that she resided in Berlin; 6) a copy of his grandmother's death certificate, indicating that [REDACTED], née [REDACTED], who was born and resided in Berlin, Germany, died on 30 March 1959; 7) a copy of his father's birth certificate, indicating that [REDACTED] was born on 22 November 1913 in Shanghai, China, and that his parents were [REDACTED] and [REDACTED]; 8) a copy of his grandfather's birth certificate, indicating that [REDACTED]'s mother's maiden name was [REDACTED] and that his parents were Jewish; and 9) a copy of his parents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 3 June 1945 in Berlin, Germany, and that the parents of [REDACTED] were [REDACTED], who died in Australia, and [REDACTED], née [REDACTED], who resided in Berlin, and that the parents of [REDACTED] were [REDACTED] and [REDACTED], née [REDACTED], both of whom resided in Berlin.

The Claimant indicated that he was born on 14 August 1946 in Berlin.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Bertha Meyerhof, who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held two custody accounts and two demand deposit accounts.

The Bank's record indicates that the two custody accounts were closed on 27 June 1933 and 12 February 1937. The Bank's record further indicates that the demand deposit accounts were closed on 20 June 1933. The amounts in the accounts on the dates of their closures are not known.

There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandmother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant 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 his claim, the Claimant submitted documents, including 1) a copy of his grandmother's birth certificate, indicating that she was born in Berlin; 2) a copy of his grandparents' marriage certificate, indicating his grandmother's name and that she was born in Berlin; 3) copies of correspondence from the Commonwealth of Australia, the German Foreign Office, and the Bureau of Relief and Information for Prisoners of War in Geneva, some addressed to [REDACTED]; 4) a copy of his grandmother's German identification card for victims of Nazi persecution issued by the Berlin magistrate, indicating her name as [REDACTED]; 5) a copy of his grandmother's German passport, indicating her name as [REDACTED]; 6) a copy of his grandmother's death certificate, similarly indicating her name as [REDACTED]; 7) a copy of his father's birth and marriage certificates, indicating that his mother was [REDACTED]; providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the name Bertha Meyerhof 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"). Furthermore, the CRT notes that there are no other claims to these accounts.

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 of Jewish descent, and that her husband was Jewish. The CRT notes that documents submitted by the Claimant indicate that his grandmother was Protestant. However, the Claimant's grandfather's birth certificate indicates that he was Jewish, so even if the Claimant's grandmother were not Jewish, she would have been targeted by the Nazi regime as the spouse of a Jewish man. The CRT notes that the Account Owner and her husband had planned to leave Germany for the United States with their children, but that she and the children were unable to do so. The Claimant also submitted a copy of his grandmother's German identification card for victims of Nazi persecution, indicating that she had been "persecuted by the special [N]azi legislation."

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's grandmother. The CRT notes that the Claimant identified unpublished information about the Account Owner

as contained in the Bank's record. The CRT further notes that the Claimant submitted [REDACTED]'s birth, marriage and death certificates, as well as her identification card for victims of Nazi persecution and her German passport. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The CRT notes that the Claimant has paternal cousins, [REDACTED] and [REDACTED], who would be equally entitled to an award of his grandmother's accounts. However, the Claimant's cousins have not submitted a claim to the accounts of Bertha Meyerhof.

The Issue of Who Received the Proceeds

The Bank's record indicates that the two custody accounts were closed on 27 June 1933 and 12 February 1937, respectively. The Bank's record also indicates that the two demand deposit accounts were closed on 20 June 1933.

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 through the end of the Second World War, and would not have been able to repatriate her accounts to Germany without losing ultimate control over their proceeds; that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner and her heirs would not have been able to obtain information about her accounts 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; and 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 Appendix A and Appendix C),¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 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 his grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

Amount of the Award

In this case, the Account Owner held two custody accounts and two demand deposit accounts. 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"), and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 30,280.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 378,500.00.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
6 May 2006