

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Ernestine Reuter**

Claim Number: 204807/AK

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Ernestine Reuter (the “Account Owner”) at the Zurich branch of 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 maternal great-aunt, *Frl.* (Miss) Ernestine Reuter, who was born between 1860 and 1865 in Horb am Main, Germany, near Hochstadt am Main, Germany. The Claimant stated that his great-aunt, who was Jewish and never married, was the sister of his grandmother, [REDACTED], née [REDACTED], and that their parents were [REDACTED] and [REDACTED]. The Claimant further stated that his great-aunt resided in Hochstadt am Main, that she was a retail-store owner and a travelling salesperson, and that she travelled to Switzerland and Austria in the 1920s. Finally, the Claimant stated that Ernestine Reuter probably died in the 1930s because he did not hear of her after that time. The Claimant submitted a photo of his grandmother’s gravestone, indicating that [REDACTED], née [REDACTED], was born 28 September 1874 and died on 19 February 1954; his mother’s birth certificate, indicating that [REDACTED], née [REDACTED] was the mother of [REDACTED], who was born on 16 October 1902 in Munich, Germany; a copy of his mother’s German passport, indicating that [REDACTED], née [REDACTED], was born in Munich and resided in Cologne, Germany; two postcards from Ernestine Reuter to [REDACTED], indicating that Ernestine Reuter traveled to Switzerland and Austria in 1921; and his own birth certificate, indicating that his mother is [REDACTED], née [REDACTED], and that he was he was born on 16 October 1927 in Euskirchen, Germany.

## **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frl.* (Miss) Ernestine Reuter, who resided in Wiesbaden, Germany. The Bank's records indicate that the Account Owner held a demand deposit account. The Bank's record further indicates that the account was closed on 10 June 1933. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's great-aunt's name matches the published name of the Account Owner. The CRT notes that the Claimant stated that his great-aunt never married, and used the title *Fraülein* (Miss), which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that the Claimant indicated that his great-aunt resided in Hochstadt, which is located approximately 50 kilometers from Wiesbaden, the Account Owner's unpublished city of residence. The CRT also notes that the Claimant stated that his great-aunt frequently went on business travels, and that the Claimant was only a young child when he heard of his great-aunt. The CRT therefore determines that it is plausible that his great-aunt might have listed Wiesbaden as her city of residence for the purposes of opening a bank account, while residing in Hochstadt.

In support of his claim, the Claimant submitted documents, including postcards from Ernestine Reuter, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Ernestine Reuter, and indicates that her date of birth was approximately 1870 and her place of birth was Hochstadt am Main, which is consistent with information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

### 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 she resided in Nazi Germany. Moreover, the files from the Yad Vashem Memorial indicate that Ernestine Reuter of Hochstadt was deported to a concentration camp.

### The Claimant's Relationship to the Account Owner

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record, and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted copies of two postcards written by the Account Owner and addressed to his mother. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. The CRT further notes that the Claimant submitted a photo of his grandmother's gravestone; a copy of his mother's birth certificate; and a copy of his mother's German passport, which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner, and that they resided in Germany. 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 Issue of Who Received the Proceeds

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 there is no evidence that the Account Owner fled Germany prior to her deportation to a concentration camp, and would not have been able to repatriate her 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 her; that the Account Owner and her heirs would not have been able to obtain information about her 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 (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,<sup>1</sup> 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 great-aunt, 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 account.

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<sup>1</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

### Amount of the Award

In this case, the Account Owner held one demand deposit 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 demand deposit account was 2,140.00 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 26,750.00.

### **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  
21 December 2005