

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Carl Wolff

Claim Number: 501003/AZ

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Hans Wolff.¹ This Award is to the published accounts of Carl Wolff (the “Account Owner”) at the [REDACTED] (the “Bank”).²

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 Karl Wolff, the father-in-law of the Claimant’s maternal aunt. In a telephone conversation with the CRT on 6 June 2005, the Claimant specified that Karl Wolff, who was Jewish, was born in approximately 1870 and that he owned a jewelry business in Berlin, Germany. The Claimant indicated that Karl Wolff had a son, [REDACTED], who also worked as a jeweler and was married to [REDACTED], née [REDACTED], who was the sister of the Claimant’s mother. The Claimant stated that [REDACTED] and [REDACTED] had a son, [REDACTED], who was born in 1927. The Claimant further stated that the jewelry store owned by the Wolff family was located in Berlin-Charlottenburg and that the Wolff family owned a house close to the store. According to the Claimant, his uncle [REDACTED] often traveled on business to France, the Netherlands, Switzerland, and Poland. The Claimant explained that after the outbreak of the Second World War, his parents lost all contact with [REDACTED]’s family in Berlin. The Claimant explained

¹ In a separate decision, the CRT awarded the accounts of Hans Wolff to the Claimant. See *In re Accounts of Hans Wolff* (approved on 6 May 2006).

² 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”), the name Carl Wolff appears twice. This decision refers to the account published as “Carl Wolff [Germany] [2].” The CRT has determined that the account published as “Carl Wolff [Germany] [1]” belongs to another individual named Carl Wolff, whom the Claimant has not identified as his relative.

that his parents inquired with various organizations after the Second World War about the fate of [REDACTED]'s family, but they could not obtain any information. The Claimant further stated that his parents learned from other relatives that [REDACTED]'s house and jewelry store were confiscated by the Nazis and that he was deported with his wife and son to Auschwitz, where he perished in approximately 1940 or 1941. The Claimant stated that Karl Wolff was deported to a concentration camp in Poland, where he presumably perished.

The Claimant indicated that he was born on 14 March 1932 in Warsaw, Poland.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this document, the Account Owner was Carl Wolff who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held two demand deposit accounts. The Bank's record further indicates that the accounts were closed on 15 June 1933 and 21 March 1938. The Bank's record does not indicate the value of these accounts. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The name and country of residence of the father-in-law of the Claimant's maternal aunt match the published name and country of residence of the Account Owner.³ The Claimant identified the Account Owner's city of residence, which matches unpublished information contained in the Bank's record.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Karl Wolff, who resided in Berlin, and indicates that his date of birth was in 1874 and place of birth was Germany, which matches the information about the Account Owner provided by the Claimant. The further database further states that Karl Wolff was deported to a concentration camp in 1942 and that he perished in the Holocaust, which corresponds to information about the Account Owner's fate provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT also notes that, in a previous decision, the Claimant was awarded accounts belonging to Hans Wolff, who resided in Berlin-Charlottenburg, Germany, that were also held at the Bank. In that decision, the CRT noted that the Claimant identified the district of residence of Hans Wolff, which matched unpublished information about the owner of the account in the Bank's records. The CRT therefore determined that the Claimant plausibly identified the account owner

³ The CRT notes that the first name of the Claimant's relative differs slightly from that of the spelling of the Account Owner's first name listed in the Bank's record. The CRT determines that this slight variation in name spelling does not affect the Claimant's identification of the Account Owner.

Hans Wolff and that he was entitled to his accounts. In this case, the Bank's records also indicate that the Account Owner was from Berlin, and that the account was held at the same bank as the account owned by Hans Wolff, the Claimant's uncle. This strengthens the likelihood that the Account Owner and [REDACTED] were related, and that the Account Owner was [REDACTED]'s father and the father of the Claimant's uncle.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city or country of residence than that of the Account Owner. Taking all of 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, that he resided in Nazi Germany, and that he was deported to a concentration camp, where he presumably perished. As noted above, a person named Karl Wolff was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the father-in-law of the Claimant's aunt. The CRT notes that the Claimant indicated that Account Owner's son was married to the Claimant's maternal aunt.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. The CRT notes that the Claimant also identified information matching data contained in the Yad Vashem records. 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 of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the accounts were closed in 1933 and 1938, respectively. With respect to the account closed on 15 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 taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Claimant stated that the Account Owner's other assets were seized by the Nazis; that the Account Owner resided in Berlin until his deportation to a concentration camp, where he presumably perished; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner's heirs would not have been able to obtain information about his 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 Appendices A and C),⁴ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs.

With respect to the account closed in 21 March 1938, given that the Account Owner resided in Nazi Germany until he was deported to a concentration camp, where he presumably perished; that there is no record of the payment of the Account Owner's accounts to him; 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 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 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 the father-in-law of his maternal aunt and that 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.

Amount of the Award

In this case, the Account Owner held 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 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"). Thus, the total 1945 average value of the accounts at issue is SF 4,280.00. 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 53,500.00.

⁴ Appendix C appears on the CRT II website -- www.crt-ii.org.

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
27 February 2007