

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of R. Barth

Claim Number: 776506/BI¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Kamila Barth.² This Award is to the unpublished account of R. Barth (the “Account Owner”) at the Zurich-Seefeld branch of the [REDACTED] (the “Bank”).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 an Initial Questionnaire identifying the Account Owner as her brother, Richard Barth, who was born on 4 February 1923 in Susice, Czechoslovakia (now the Czech Republic). According to the Claimant, during the Second World War, her family’s property was confiscated, and her brother, who was Jewish, performed forced labor on a farm in Ceska Lipa, Czechoslovakia (now the Czech Republic). The Claimant explained that her brother escaped in the fall of 1941, fled to Switzerland, and was deported from Switzerland back to Czechoslovakia, where he was jailed in the *Gestapo* headquarters in Klatovy. According to the Claimant, her brother was later deported to Theresienstadt and finally Auschwitz, where he perished on 9 February 1942. The Claimant further indicated that her mother, [REDACTED], was murdered in Klatovy later that year, and that many of her close relatives also perished in the Holocaust.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0246107, 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 776506.

² The CRT did not locate an account belonging to Kamila Barth 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 or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

The Claimant indicated that she was born on 18 June 1919 in Susice.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was R. Barth. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held an account of unknown type, which was transferred to a suspense account on 21 October 1974. The Bank's record indicates that on the date of the transfer the balance of the account was 98.95 Swiss Francs ("SF"). The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother's first initial and surname match the unpublished first initial and surname of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his or her first initial and surname.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Richard Barth, and indicates that he was born on 4 February 1923 in Schuettenhofen (the German name for Susice), Czechoslovakia, that his mother was [REDACTED], née [REDACTED], and that he perished in Auschwitz in 1942, which matches the 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 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 performed forced labor, and that after his escape to Switzerland he was deported back to Czechoslovakia, where he was jailed by the *Gestapo* and later deported to Auschwitz, where he perished. As noted above, a person named Richard Barth was 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, demonstrating that the Account Owner was the Claimant's brother. There is no information to indicate that the Account Owner has other surviving heirs.

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. 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 she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account on 21 October 1974, and that it remains open and dormant.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her brother, and that relationship justifies an Award. Third, the CRT has determined 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 an account of unknown type. The Bank's record indicates that the value of the account as of 21 October 1974 was SF 98.95. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 450.00, which reflects standardized bank fees charged to an account of unknown type between 1945 and 1974. Consequently, the adjusted balance of the account at issue is SF 548.95. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

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
31 August 2007