

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED], [REDACTED] and [REDACTED]

in re Accounts of Armand Bloch

Claim Number: 219911/MBC¹

Award Amount: 98,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Armand Bloch (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 paternal grandfather, Armand Bloch, who was born on 19 April 1879 in Mulhouse, France, and was married to [REDACTED], née [REDACTED]. The couple had two children: [REDACTED], née [REDACTED], who was born in Mulhouse on 25 October 1906 and died on 19 February 2000 in Levallois-Perret, France; and [REDACTED], the Claimant’s father, who was born in Mulhouse on 25 October 1906 and perished on 15 December 1942 in Auschwitz. The Claimant indicated that his grandfather, who was Jewish, resided on rue Thiers in Mulhouse. According to the Claimant, his grandfather passed away in Martigny, Switzerland on 29 July 1934. The Claimant, who was born in Mulhouse on 26 March 1936, is representing his sister, [REDACTED], née [REDACTED], and his first cousins [REDACTED], and [REDACTED], née [REDACTED]. In support of his claim, the Claimant submitted documents including his grandfather’s, his father’s and his birth certificates. These documents indicate that the Claimant, his father, and his grandfather were all born in Mulhouse.

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 217758. The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank's Records

The Bank's records consist of a list of account owners and a printout from the Bank's database. According to these records, the Account Owner was Armand Bloch, who resided at rue Cambetta 31 in Mulhouse, France. The Bank's records indicate that the Account Owner held two accounts of unknown type. The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. There is an indication in the records that the accounts were in existence in 1936.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors could not determine whether there was activity on these accounts after 1945. 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 Claimant's grandfather's name and city and country of residence match the published name and city and country of residence of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and city and country of residence. The CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], the Account Owner's son, and indicates that he was born in Mulhouse, France on 25 October 1906, which matches the information about the Account Owner's son provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

In support of his claim, the Claimant submitted numerous documents, including his grandfather's, his father's and his birth certificates, which all indicate that they were born in Mulhouse, which provides independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's records as the residence of the Account Owner. The CRT notes that the name Armand Bloch appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT also notes that no other claims have been filed to these accounts. 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 indicated that his grandfather was Jewish, that he resided in France, and that he passed away in Martigny, Switzerland, in 1934. The CRT notes that the Account Owner's son,

Roger Bloch, one of the beneficial owners of the account, perished in Auschwitz in 1942. As noted above, a person named [REDACTED] was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owner was his grandfather by submitting his grandfather's, his father's and his birth certificates. There is no information to indicate that the Account Owner has other surviving heirs other than the Claimant and the family members whom he is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner died in 1934, there is an indication in the records that the accounts were in existence in 1936 two years after the Account Owner's death, and the deportation of the Account Owner's heir to Auschwitz in 1942, where he 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 Governing the Claims Resolution Process, as amended (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 his grandfather, and that relationship justifies an Award. Finally, 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 accounts of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. Therefore, the 1945 total average value of the two accounts is 7,900.00 Swiss Francs. 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 98,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be made to any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sister, [REDACTED], née [REDACTED], and his first cousins [REDACTED] and [REDACTED], née [REDACTED]. Therefore, the Claimant, his sister and two cousins are each entitled to receive one-fourth of the total award amount.

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
September 30, 2003