

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Accounts of Hans Enoch

Claim Number: 211908/PY¹

Award Amount: 172,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Dr. Hans Enoch (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 father, Dr. *med.* (medical) Hans Emanuel Neumann Enoch, who was born on 5 August 1896 in Hamburg, Germany, and was married to [REDACTED], née [REDACTED], on 3 May 1951 in London, the United Kingdom. The Claimant stated that his father was a physician who owned a serum laboratory known by the name of *Ruete-Enoch GmbH* (also known by the name of *Hamburger Serumwerke*), which was located at Ulmenstrasse 38-40 in Hamburg 39. The Claimant stated that his father resided and worked at this address from 1922 until 1935. According to the information provided by the Claimant, his father, who was Jewish, was imprisoned in Fühlsbüttel, Hamburg, and was deprived of his citizenship in the 1930s. The Claimant stated that his father’s home and other assets were confiscated by the Nazis before he fled to the United Kingdom in 1935, where he remained until his death on 15 November 1991 in London.

In support of his claim, the Claimant submitted his father's German passport, which indicates that he resided in Hamburg and held the title of medical doctor (Dr. *med.*); a card from his father's laboratory in Hamburg, indicating that it was located in Hamburg

¹ The Claimant submitted two additional claims to the account of [REDACTED], and one additional claim to the account of [REDACTED], which are registered under the Claim Numbers 213070, 213076, and 213071, respectively. The CRT will treat the claims to these accounts in separate decisions.

39 at Ulmenstrasse 38-40; the Claimant's birth certificate, indicating that his father was Hans Enoch; his father's will, in which Hans Enoch indicated that he had deposited assets in Switzerland, and in which Hans Enoch names his wife [REDACTED] and his sons [REDACTED] and [REDACTED] as his heirs; and Hans Enoch's death certificate. The Claimant indicated that he was born on 29 May 1954 in London. The Claimant is representing [REDACTED], his brother, who was born on 6 November 1951 in London.

Information Available in the Bank's Records

The Bank's records consist of an account-registry card and printouts from the Bank's database. According to these records, the Account Owner was Dr. *med.* Hans Enoch, who resided at Ulmenstrasse 38-40, Hamburg 39, Germany. The Bank's records indicate that the Account Owner held a custody account, numbered 28979, and a savings/passbook account, numbered 10496. The Bank's records further indicate that the custody account was opened in 1930. The Bank's records indicate that the accounts were closed, but the closing dates are not recorded. The amounts in the accounts at the time that they were closed are unknown. 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 has plausibly identified the Account Owner. His father's name, city, and country of residence match the published name, city, and country of residence of the Account Owner. The Claimant identified his father's title, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimant also identified his father's exact street address in Hamburg, Germany, which also matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted his father's German passport, which indicates that he resided in Hamburg and held the title of medical doctor (Dr. *med.*); a card from his father's laboratory in Hamburg, indicating that it was located in Hamburg 39 at Ulmenstrasse 38-40, which confirms unpublished information in the Bank's records; the Claimant's birth certificate, indicating that his father was Hans Enoch; his father's will, in which Hans Enoch indicated that he had deposited assets in Switzerland; and Hans Enoch's death certificate. The CRT notes that the other claim to this account was disconfirmed because that Claimant provided a different city of residence than that of the Account Owner and did not identify his title. 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 was imprisoned by the Nazis, that his home and assets were confiscated by the Nazis, and that he fled Nazi Germany to the United Kingdom in 1935.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his birth certificate and his father's will, demonstrating that the Account Owner was his father.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1935, and the Account Owner would not have been able to repatriate his account to Germany without its confiscation during the period of his residence in Germany; that before fleeing Germany to the United Kingdom, the Account Owner was imprisoned by the Nazis, which, as indicated in CRT precedents, provided the accession for coerced disclosure of account owners' foreign bank accounts, he was deprived of his citizenship, and his home and other assets were confiscated; that there is no record of the payment of the Account Owner's accounts to him or his heirs; that the Account Owner or his heirs would not have been able to obtain information about his account after the Second World War 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 father, 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 one custody account and one savings/passbook 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 present 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 custody account was 13,000.00 Swiss Francs, and the average value of a savings/passbook account was 830.00 Swiss Francs, producing a total of 13,830.00 Swiss Francs in this case. 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 172,875.00 Swiss Francs.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, the Claimant submitted his father's will, which names the Claimant and his brother, [REDACTED], whom he represents, as beneficiaries. Accordingly, the Claimant and his brother are each entitled to receive one-half 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
31 December 2003