

# 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 Hans Wilhelm Fischer**

Claim Numbers: 702368/AZ<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Hans Fischer. This Award is to the published account of Hans Wilhelm Fischer (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>2</sup>

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 his father, Hans Fischer, who was born on 29 October 1898 and was married to [REDACTED]. The Claimant indicated that his parents, who were Jewish, lived at Pernersdorfergasse 29 in Vienna, Austria, where the Claimant was born on 14 December 1926. The Claimant further indicated that his father owned a clothing store located at Victor Adlerplatz 13 in Vienna, and that the store was looted in 1938, along with his parents’ home and other assets. The Claimant indicated that he was separated from his parents in 1938, when he was sent to school in Sweden. According to the Claimant, after several unsuccessful attempts to flee to Switzerland, Australia, and various other places, his parents emigrated to the United States in 1941, where they were reunited with

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<sup>1</sup> The Claimant did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0098-021, 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 702368.

<sup>2</sup> 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 names Hans Fischer and Hans Jakob Fischer also appear and that on the additional List of Account Owners Published in 2005 (the “2005 List”), the name Hans Fischer also appears. Upon careful review, the CRT has determined that the Claimant has not identified these any of these other account owners as his relative.

the Claimant. The Claimant indicated that his father died in March 1986 in the United States, and that his mother also died in the United States on 18 February 1996.

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

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Hans Wilhelm Fischer. The Bank's records do not indicate the Account Owner's place of residence.

The Bank's records indicate that the Account Owner held one account, the type of which was not indicated, numbered 23259. The records indicate that the account was suspended by the Bank with a balance of 1.05 Swiss Francs ("SF") as of 28 February 1977. The Bank's records further indicate that the last contact between the Account Owner and the Bank occurred on 13 January 1937.

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Hans Fischer, numbered 24612. These documents indicate that Hans Fischer was born on 26 October 1898, that he was married to [REDACTED], née [REDACTED], and that he resided at Pernersdorfergasse 28 in Vienna. These documents further indicate that Hans Fischer was a *Schneidermeister* (master tailor) and that he owned a business called *Wilhelm Fischer & Sohn*, located at Victor Adlerplatz 13 in Vienna. According to the 1938 Census records, this business, which generated an average annual gross income of 72,829.33 Reichsmark ("RM"), was aryanized in 1939 with the purchaser paying a greatly discounted rate. These records make no mention of assets held in a Swiss bank account.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's father's first and last names match the published first and last name of the Account Owner. The CRT notes that the Claimant did not identify the Account Owner's middle name; however, the CRT further notes that name of the Claimant's father's business recorded in the 1938 Census matches the middle and last name 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.

The CRT notes that the Claimant filed his Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by the Account Owner, prior to the publication in

February 2001 of the 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”). This indicates that the Claimant has based his claim not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there were 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 resided in Vienna after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), that his business and other assets were looted by the Nazi authorities, and that he fled Austria to the United States in approximately 1941. The CRT notes that the Account Owner was required to register his assets in the 1938 Census, and that the 1938 Census records indicate that the Account Owner’s business was aryanized in 1939.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting biographical information, demonstrating that the Account Owner was the Claimant’s father. The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. 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 Initial Questionnaire. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank’s records indicate that the account was suspended on 28 February 1977, and it remains suspended today.

#### 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 his father, 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 one account of unknown type. The Bank's records indicate that the value of the account as of 28 February 1977 was SF 1.05. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the account between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 496.05. 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 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  
23 March 2007