

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1] and [REDACTED 2],  
also acting on behalf of [REDACTED], [REDACTED], [REDACTED]

## **in re Account of Joseph Fischer**

Claim Numbers: 500395/ES; 500615/ES

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 2] and [REDACTED 1], née [REDACTED], (together the “Claimants”) to the account of Joseph Fischer (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as Claimant [REDACTED 2] 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 Claimants**

The Claimants submitted two Claim Forms identifying the Account Owner as their maternal grandfather, Joseph Fischer, who was born on 15 August 1871 in Siofok, Hungary, and was married to [REDACTED] on 21 May 1901 in Copenhagen, Denmark. The Claimants stated that their maternal grandfather was a rabbi, a teacher, and a librarian in the Jewish community in Eisenstadt, Austria and, from 1901, in Copenhagen. The Claimants indicated that their grandfather had five children: the Claimants’ mother, [REDACTED], née [REDACTED], who was born on 18 February 1905 in Copenhagen and died on 8 February 2001 in Copenhagen; [REDACTED], who died on 29 August 1992 in Copenhagen; [REDACTED], who never married and died on 12 June 2002 in Copenhagen; [REDACTED], who never married and died on 3 April 1997; and [REDACTED], who never married. The Claimants added that their grandfather’s late brother, [REDACTED], was married to [REDACTED], who resided in Basel, Switzerland. The Claimants explained that their grandfather, who was Jewish, was transported in October 1943 to Theresienstadt, where he remained until the liberation in April 1945. The Claimants added that their grandfather died on 9 July 1949 in Copenhagen.

In support of their claims, the Claimants submitted documents including their birth certificates, indicating their mother was [REDACTED]; their mother’s birth certificate, stating she was born in Copenhagen and that her father was Joseph Fischer; their

mother's death certificate and will, indicating that the Claimants and their children as her heirs; their maternal aunt's ([REDACTED]) death certificate and will, indicating the Claimants' mother, the Claimants' maternal aunt, [REDACTED], the Claimants and their children as her heirs.

Claimant [REDACTED 1] indicated that she was born on 3 July 1937 in Copenhagen. Claimant [REDACTED 2] indicated that he was born on 1 February 1943 in Copenhagen. Claimant [REDACTED 2] is representing [REDACTED], his maternal aunt, who was born on 13 July 1910 in Copenhagen; [REDACTED], his son, who was born on 4 January 1964 in Copenhagen; and [REDACTED], his son, who was born on 24 September 1975 in Copenhagen.

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

The Bank's record consists of a list of accounts that were suspended. According to this record, the Account Owner was Joseph Fischer, who resided in Copenhagen, Denmark. The Bank's record indicates that the Account Owner held a demand deposit account. According to the Bank's record, the account was considered dormant by the Bank and transferred to a suspense account for dormant assets on 11 September 1939. The amount in the account on the date of its transfer was 6.95 Swiss Francs. The account remains open in the Bank's suspense account.

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

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

#### Identification of the Account Owner

The Claimants' maternal grandfather's name matches the published name of the Account Owner. The Claimants stated that their grandfather resided in Copenhagen, Denmark, which also matches published information about the Account Owner's residence as contained in the Bank's record. In support of their claims, the Claimants submitted numerous documents, including their birth certificates, indicating their mother was [REDACTED], their mother's birth certificate, stating she was born in Copenhagen and that her father was Joseph Fischer, which provides independent verification that the person who is claimed to be the Account Owner had the same name as the person recorded in the Bank's record as the Account Owner, and that the Account Owner had been present in Copenhagen, Denmark, which is the stated residence of the Account Owner in the Bank's record. Furthermore, the CRT notes that the other claim to this

account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he was transported in October 1943 to Theresienstadt, where he remained until the liberation in April 1945.

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

The Claimants have plausibly demonstrated that the Account Owner was their grandfather by submitting documents, including their birth certificates which state that their mother was [REDACTED], and their mother's birth certificate which states that her father was Joseph Fischer and that she was born in Copenhagen.

#### The Issue of Who Received the Proceeds

According to the Bank's record, the account remains open in the Bank's suspense account.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their grandfather, and that relationship justifies an Award. Finally, 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 demand deposit account. The Bank's record indicates that the value of the demand deposit account as of 11 September 1939 was 6.95 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. 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. Consequently, the total award amount in this case is 26,750.00 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 in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 2] is representing [REDACTED], his maternal aunt, and his two children, [REDACTED] and [REDACTED]. As the daughter of the Account Owner, [REDACTED] is entitled to receive one-half of the total award amount. As the children of the Account Owner's late daughter, [REDACTED], the Claimants are each entitled to receive one-fourth of the total award amount. Claimant [REDACTED 2]'s children are not entitled to receive any portion of the award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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