

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Viktor Fischer

Claim Number: 201573/MG¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Viktor Fischer (the “Account Owner”) at the Biel 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, Viktor Emanuel Fischer, who was born on 14 July 1885 in Gaya (Kyjov), Austro-Hungary (today part of Czechoslovakia), and was married to [REDACTED], née [REDACTED], on 29 June 1924 in Brünn, Czechoslovakia. The Claimant stated that his father was a self-employed butcher at the Krautmarkt in Brünn, and that, between the years 1929 and 1941, he resided at Adlergasse 7 in Brünn. The Claimant stated that his father, who was Jewish, was detained in Theresienstadt between 1941 and 1944, before he was deported to Auschwitz, where he and his wife were murdered in October 1944. The Claimant submitted various documents, including his parents’ Jewish marriage certificate dated 29 June 1924 in Brünn, his father’s birth certificate, and his own birth certificate indicating that his father was Viktor Fischer. The Claimant indicated that he was born on 7 April 1925 in Brünn.

Information Available in the Bank Records

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 201573 and 210905. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 201573/MG.

The bank records consist of a list of collective accounts and printouts from the Bank's database. According to these records, the Account Owner was Viktor Fischer. The bank records indicate that the Account Owner held an account of unknown type numbered 35344.

The account was transferred on an unknown date to a collective account. The amount in the account on the date of its transfer is unknown. The bank records show that the account balance on 28 February 1977 was 99.00 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. In support of his claim, the Claimant submitted various documents, including his parents' marriage certificate, his father's birth certificate, and his own birth certificate indicating that his father was Viktor Fischer.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Viktor Fischer, and indicates that his date of birth was 14 July 1885, 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 also notes that there were no other claims to this account.

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 and was detained in Theresienstadt between 1941 and 1944, before he was deported to Auschwitz, where he was murdered in October 1944. Furthermore, as noted above, the Account Owner is listed in a database containing names of victims of Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting his own birth certificate indicating that his father was Viktor Fischer. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a collective account, and the account 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 23 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. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the account of unknown type as of 28 February 1977 was 99.00 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 2,244.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 28 February 1977. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 2,343.00 Swiss Francs. According to Article 35 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Initial Payment

In this case, the Claimant is aged 75 or older and is therefore entitled to receive 100% of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

November 26, 2002