

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

## **in re Account of Hans Fuchs**

Claim Numbers: 787834/CU;<sup>1</sup> 500905/CU

Award Amount: 11,570.88 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Hans Fuchs<sup>2</sup> and to the claim of [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Elsa Fuchs. This Award is to the unpublished account of Hans Fuchs (the “Account Owner”) at the [REDACTED] (the “Bank”).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 Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as his father, Hans Fuchs, who was born on 8 August 1908 in Vienna, Austria, and was married to [REDACTED] in 1929 in Vienna. Claimant [REDACTED 1] indicated that his father, who was Jewish, and his mother, who was Catholic, resided in Vienna, where his father was a businessman. According to the Claimant, following the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), his father’s business was confiscated, and he, his

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<sup>1</sup> The CRT will treat the claim to the account of Elsa Fuchs in a separate determination.

<sup>2</sup> [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0688-134, 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 787834.

parents, and his sister fled to Zagreb, Yugoslavia, where they remained until 1941. Claimant [REDACTED 1] indicated that his family then fled to Budapest, Hungary, where they stayed in a refugee camp until his father, Hans Fuchs, was deported to Kamenez-Podolski, Ukraine, where he perished on 28 July 1941. Claimant [REDACTED 1] explained that he, his mother, and his sister then returned to Vienna, where they stayed with family until 1944, when they moved to Salzburg, Austria, where his mother passed away in 1947. Claimant [REDACTED 1] stated that he and his sister emigrated to the United States.

Claimant [REDACTED 1] indicated that he was born on 28 March 1934 in Vienna, Austria.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her maternal uncle, Hans Fuchs, who was born approximately in 1920 in Teplice, Czechoslovakia. Claimant [REDACTED 2] indicated that Hans Fuchs, who was Jewish, was born to [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 2] stated that her uncle had three older siblings, [REDACTED] (Claimant [REDACTED 2]'s mother), [REDACTED], and [REDACTED]. According to Claimant [REDACTED 2], her uncle Hans was imprisoned together with his mother [REDACTED] in a concentration camp, where they both perished. In support of her claim, Claimant [REDACTED 2] submitted a copy of her mother's birth certificate, indicating that [REDACTED] was born on 14 December 1904 in Trnovany (Teplice), Czechoslovakia, to [REDACTED] and [REDACTED], née [REDACTED].

Claimant [REDACTED 2] indicated that she was born on 28 September 1938 in Benesov, Czechoslovakia.

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

The Bank's record consists of a report from 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"). According to this record, the Account Owner was Hans Fuchs. The auditor's report does not indicate the Account Owner's domicile. The record indicates that the Account Owner held a savings/passbook account, numbered 718. The auditor's report indicates that the amount in the account as of 1999 was 0.67 Swiss Francs ("SF"). The account remains open and dormant.

### **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

### *Claimant [REDACTED 1]*

Claimant [REDACTED 1] has plausibly identified the Account Owner. Claimant [REDACTED 1]'s father's name matches the unpublished name of the Account Owner. The CRT notes that the auditor's record does not contain any specific information about the Account Owner other than his name.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a Page of Testimony submitted by Claimant [REDACTED 1] in 1999, which indicates that Hans Ernst Fuchs was born in 1908 in Vienna, Austria, to [REDACTED] and [REDACTED], and was married to [REDACTED], née [REDACTED]. The Page of Testimony further indicates that Hans Fuchs was a merchant and resided during the Second World War in Budapest, Pest-Pilis-Solt-Kiskun, Hungary and that he perished in the concentration camp in Kamenets-Podolski, Ukraine in 1941, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

### *Claimant [REDACTED 2]*

Claimant [REDACTED 2] has plausibly identified the Account Owner. Claimant [REDACTED 2]'s uncle's name matches the unpublished name of the Account Owner. The CRT notes that the auditor's record does not contain any specific information about the Account Owner other than his name. In support of her claim, Claimant [REDACTED 2] submitted a copy of her mother's birth certificate, indicating that her mother was born to [REDACTED] and [REDACTED], providing independent verification that the family of the person who is claimed to be the Account Owner had the same last name recorded in the auditor's record as the name of the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all unpublished information about the Account Owner that is available in the auditor's record; that there is no additional information in the auditor's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

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

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner, who was Jewish, fled Vienna after the *Anschluss* to Zagreb and Budapest, and that he perished in the concentration camp in Kamenez-Podolski, Ukraine. As noted above, a person named Hans Fuchs was included in the CRT's database of victims.

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish and resided in Teplice, Czechoslovakia, and that he and his mother were imprisoned in a concentration camp, where they perished.

#### The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father, Hans Ernst Fuchs. The CRT notes that Claimant [REDACTED 1] indicated that he has other surviving relatives, a sister, but that because she is not represented in Claimant [REDACTED 1]'s claim, the CRT will not treat her potential entitlement to the Account Owner's account in this decision.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s maternal uncle, Hans Fuchs. The CRT notes that Claimant [REDACTED 2] submitted a copy of her mother's birth certificate, indicating that her mother's surname was [REDACTED]. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess and which provides independent verification that Claimant [REDACTED 2]'s relatives bore the same family name as the Account Owner. 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 Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as she has asserted in her Claim Form.

#### The Issue of Who Received the Proceeds

The auditor's report indicates that the account remains open and dormant.

#### 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, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his father and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her maternal uncle, and those relationships justify an Award. Third, the CRT has determined that it is plausible 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 savings/passbook account. The auditor's report indicates that the value of the savings/passbook account was SF 0.67 in 1999. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 925.00, which

reflects standardized bank fees charged to the savings/passbook account between 1945 and 1999. Consequently, the adjusted balance of the account at issue is SF 925.67. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 11,570.88.

#### Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is entitled to one-half of the Award amount. Consequently, each Claimant is entitled to SF 5,785.44.

#### **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  
18 December 2007