

# 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 Graf**

Claim Number: 215961/EZ

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Hans Graf (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 Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his father, Hans Graf, who was born on 15 September 1909 in Bohemia, and was married to [REDACTED], née [REDACTED]. The Claimant stated that his father was a doctor of jurisprudence from Prague University, and worked as an attorney in Czechoslovakia; that he was Jewish and was in Switzerland on business with the Claimant's grandfather when the Nazis occupied Czechoslovakia. His father survived the Second World War in as a refugee in Britain and died in a road traffic accident on 10 April 1945. The Claimant previously submitted an ATAG Ernst & Young claim form in 1997, asserting his entitlement to a Swiss bank account owned by Hans Graf. The Claimant indicated that he was born on 2 November 1943.

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

The bank records consist of a suspense account ledger card and printouts from the Bank's database. According to these records, the Account Owner was Hans Graf. The bank records indicate that the Account Owner held a demand deposit account. The account was transferred on 26 April 1965 to a suspense account, which is a grouping of open and dormant accounts. The amount in the account on the transfer date was 53.50 Swiss Francs and the account remains open and dormant today.

## **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. The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1997, asserting his entitlement to a Swiss bank account owned by Hans Graf, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply 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 also notes that there are no other claimants 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 survived the Second World War as a refugee in England.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner. In his Claim Form, the Claimant indicated that he was representing his mother [REDACTED], née [REDACTED], and his sister [REDACTED]. However, in a telephone conversation with the CRT, the Claimant stated that he does not wish to represent them and therefore did not provide power of attorney forms from them. His mother and sister have not submitted separate claims.

### The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a suspense account and 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 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. 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 records indicate that the value of the account as of 26 April 1965 was 53.50 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 present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

### **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  
March 11, 2003