

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Gad Haas
acting on behalf of himself and Tamar Demayo

in re Accounts of Anna Haas and Gertrud Haas

Claim Number: 211631/MBC

Award Amount: 94,800.00 Swiss Francs

This Certified Award is based upon the claim of Gad Haas (the “Claimant”) to the account of Anna Haas. This Award is to the account of Anna Haas (“Account Owner Anna Haas”) and the account of Gertrud Haas (“Account Owner Gertrud Haas”) (together the “Account Owners”) at the Murten branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Anna Haas, who was born in Michelstadt, Germany, on 15 January 1892, and married Karl Haas in Rülzheim, Germany. The Claimant stated that his mother had three children, Tamar (formerly Gertrud), the Claimant, and Lilly. The Claimant stated that his father died in 1927, and he provided details of his mother’s address in Mannheim from 1938 to 1939. The Claimant stated that he and his siblings immigrated to Palestine in 1936 or 1937 and that his mother intended to join them, paying 37,500.00 Reichsmarks for this purpose to a company called “Haawarah,” and that she was waiting for the necessary visa when the Second World War broke out. The Claimant stated that his mother, who was Jewish, was not able to escape Germany and was deported first to Gurs, France, and later to Auschwitz, where she was murdered by the Nazis. According to the Claimant, the money his mother paid to emigrate never reached Palestine, and the Claimant believed it remained in a Swiss bank. The Claimant stated that his mother could have also deposited the money in the name of her eldest daughter, Gertrud Haas, who was the first to immigrate to Palestine. The Claimant stated that his sister Lilly died in 1953, but his sister Tamar (formerly Gertrud) Demayo, née Haas, is still living and he is representing her. In support of his claim, the Claimant submitted documents, including his birth certificate and a copy of a letter from his mother dated 1939.

The Claimant previously submitted an ATAG Ernst & Young claim in 1998, asserting his entitlement to a Swiss bank account owned by Anna Haas.

Information Available in the Bank Records

The bank records consist of printouts from the Bank's database. These printouts show the existences of two accounts, both of unknown type, one of which was solely owned by Anna Haas and one of which was solely owned by Gertrud Haas. The printouts show that both accounts were held at the Bank's Murten branch and were transferred into a collective account for bookkeeping and administrative purposes, where the accounts remain open today. The balance of the account owned by Anna Haas was 11.50 Swiss Francs on 27 October 1961. The balance of the account owned by Gertrud Haas was 19.00 Swiss Francs on 2 May 1955. There is no evidence in the bank records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His mother's and sister's names match the published names of the Account Owners. Despite the fact that the Account Owners were listed separately on the list of bank accounts published by the ICEP Investigation on 5 February 2001, the Claimant stated that the Account Owners were related, which matches unpublished information about the accounts contained in the bank records.

The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Anna Haas, 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.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and that Gertrud Haas lived in Germany under the Nazi regime until 1936 or 1937, and that Anna Haas was murdered by the Nazis in Auschwitz.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting documents, including his birth certificate and a family tree, which indicate that he is the son of Anna Haas and the sister of Gertrud Haas.

The Issue of Who Received the Proceeds

The bank records indicate the accounts at issue were transferred to a collective account and remain open and dormant. Therefore, it is clear that the Account Owners or their heirs have not received the proceeds of the accounts.

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 Owners were his mother and sister, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

The bank records indicate that the value of the two accounts of unknown type held by Anna Haas and Gertrud Haas were 11.50 Swiss Francs as of 27 October 1961 and 19.00 Swiss Francs as of 2 May 1955, respectively. In accordance with Article 37(1) of Rules, these amounts are increased by an adjustment of 255.00 Swiss Francs and 165.00 Swiss Francs respectively, which reflects standardized bank fees charged to these accounts between 1945 and the dates of the known balances. Consequently, the adjusted balance of the accounts at issue is 266.50 Swiss Francs and 184.00 Swiss Francs, respectively. According to Article 35 of the Rules, if the amount in an account of unknown type is 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. Thus, the total value of the two accounts is 7,900.00 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 94,800.00 Swiss Francs.

Articles 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the Claimant shall be 35% of the Certified Award, and the Claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the accounts values, and 35% of the total award amount is 33,180.00 Swiss Francs.

Division of the Award

The Claimant is representing his sister, Tamar (formerly Gertrud) Demayo, in these proceedings. With regard to the account held by Gertrud Haas, according to Article 29 of the Rules, his sister

is entitled to receive 47,400.00 Swiss Francs, which represents the entire value of the account held in her own name. With regard to the account held by Anna Haas, according to Article 29 of the Rules, the Claimant and his sister are entitled to 23,700.00 Swiss Francs each, representing 50% of the value of the account held by their mother.

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