

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Katharina Haas

Claim Number: 500287/ES¹

Award Amount: 27,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Katharina Haas and Else Haas.² This Award is to the published account of Katharina Haas (the “Account Owner”) at the Zurich 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 maternal great-aunt, Katharina Haas, who was born in Mainz, Germany. The Claimant stated that his great-aunt, who was Jewish, resided at Blumenstrasse 15 in Cologne (Köln), Germany until 1943. The Claimant indicated his great-aunt, who was unmarried and childless, was transported to Theresienstadt in 1943, and that she perished either there or in Auschwitz.

The Claimant indicated that he was born on 5 November 1928 in Cologne, and that he is his great-aunt’s sole surviving heir. The Claimant explained that he does not have any documents to support his claim as he is a Holocaust survivor who survived three concentration camps, including Auschwitz and Buchenwald, and because all of his family’s possessions were either destroyed or confiscated by the Nazis.

The Claimant indicated that he was born on 5 November 1928 in Cologne.

¹ The Claimant submitted two additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 208270 and 500286. The CRT will treat the claims to these accounts in separate decisions.

² The CRT will treat the claim to the account of [REDACTED] in a separate decision.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED], who was also from Cologne. In his IQ, the Claimant stated that as a child he heard talk of Swiss assets. The Claimant also indicated that his late uncle, [REDACTED], might have had information regarding his father’s bank account. The Claimant also stated in his IQ that his parents were killed in Germany, that he is the sole survivor of his family, and that all their assets were confiscated.

Information Available in the Bank’s Records

The Bank’s records consist of account statements, correspondence between the Bank and the Swiss Compensation Authority regarding the 1945 freeze of German assets held in Switzerland (the “1945 Freeze”), extracts from lists of account balances, and an extract from a list of accounts registered in 1945 Freeze. According to these records, the Account Owner was *Frau* (Mrs.) *Dir.* (Director) Katharina Haas, who resided at Kaiser Wilhelmring 6 in Cologne, Germany. The Bank’s records indicate that the Account Owner’s address was last updated sometime before 1925.

The Bank’s records indicate that the Account Owner held a *Depositenkonto* (a time deposit account), numbered 11144. According to the Bank’s records, the balance of the account was 74.25 Swiss Francs (SF) as of 15 December 1937; SF 76.50 as of 17 December 1940; and 76.00 Swiss Francs as of 18 September 1945. The Bank’s records indicate that the account was frozen in the 1945 Freeze, and that the freeze on the account was lifted on 5 February 1954.

The Bank’s records indicate that the account was transferred to a suspense account for dormant assets on 1 June 1957, at which time the amount in the account was SF 64.95. The Bank’s records also indicate that the account was closed to bank fees on 10 February 1971.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s great-aunt’s name and city of residence match the published name and city of residence of the Account Owner. The CRT notes that there is a discrepancy between the street addresses provided by the Claimant and the address in the Bank’s records. However, the CRT notes that the Claimant has no documentation relating to his great-aunt because he is a Holocaust survivor, who was detained in three concentration camps during the Second World War, and that he therefore cannot be expected to have complete information regarding his great-aunt’s addresses. The CRT further notes that the Bank’s records indicate that the Account Owner’s address was last updated sometime before 1925, prior to the Claimant’s birth.

Additionally, the CRT notes that the Claimant filed an IQ with the Court in 1999 prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) to be probably or possibly those of

Victims of Nazi Persecution (the “ICEP List”). In his IQ, the Claimant asserted his entitlement to a Swiss bank account owned by his father, [REDACTED], from Cologne, Germany, and indicated that his late uncle’s last name was [REDACTED]. 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 one of his relatives 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 notes that there are no other claims to this account, and that the name Katharina Haas appears only once on the ICEP List. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 that she perished either in Theresienstadt or in Auschwitz in 1943.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's great-aunt. The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying an uncle with the same last name as the Account Owner’s last name, prior to the publication in February 2001 of the ICEP list, which supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank’s records indicate that the account was closed to bank fees in 1971.

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, as amended (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was his great-aunt, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account known as a *Depositenkonto*, a time deposit account. These accounts are defined as accounts of “other” type under the Rules. The Bank’s

records indicate that the value of the account as of 17 December 1940 was SF 76.50. According to Article 29 of the Rules, if the amount in an account of other type was less than SF 2,200.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,200.00. 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, to produce a total award amount of SF 27,500.00.

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
8 August 2004