

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Rudolf Haas

Claim Numbers: 400928/BW; 400914/BW¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of Rudolf Haas and Friedrich Haas.² This award is to the 2005 published account of Rudolf Haas (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).³

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 great-uncle, Rudolf Haas, who was born in approximately 1878 in Bingen, Germany, and lived in Frankfurt am Main, Germany until 1939. The Claimant stated that his great-uncle, who was Jewish, was a buyer for a jewelry store in Frankfurt am Main and traveled to Switzerland often in this capacity. The Claimant also indicated that his great-uncle traveled to many other cities in Germany and Europe on business, including Berlin and locations in Belgium, Holland and France, especially Paris. The Claimant stated that his grandmother (his great-uncle’s sister-in-law) often told him that his *Onkel* (Uncle) Rudi had many contacts in Paris and that those contacts might prove useful for the family as the situation for Jews in Nazi Germany deteriorated. The Claimant indicated that in 1940, his great-uncle was deported to the Dachau concentration camp, where he ultimately perished in 1942.

¹ The Claimant submitted five additional claims, which are registered under the Claim Numbers 202870, 400909, 400923, 500286, and 500287. In a separate decision, the CRT awarded the accounts of Katharina Haas to the Claimant. See *In re Accounts of Katharina Haas* (approved on 8 August 2004). The CRT will treat the remaining claims in separate determinations.

² The CRT will treat the claim to the account of Friedrich Haas in a separate determination.

³ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Rudolf Haas also appears. The CRT will treat the Claimant’s claim to the accounts of a person named Rudolf Haas that were published on the ICEP List in a separate determination.

The Claimant indicated that he is his great-uncle'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 destroyed or confiscated by the Nazis. The CRT notes that in a previous decision, the Claimant was awarded accounts belonging to his great-aunt, Katharina Haas, of Cologne, Germany.

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

Information Available in the Bank's Record

The Bank's record consists of an address notification form, signed by the Account Owner on 19 September 1937. According to this record, the Account Owner was Dr. Rudolf Haas, whose banking correspondence was to be sent to the following address: 82 rue Compans, Paris 19e, France. The Bank's record indicates that the Account Owner held a custody account, numbered 42378-II.

The Bank's record does not show when the account at issue was closed, nor does this record indicate the value of this account.

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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name matches the published name of the Account Owner. The Claimant also stated that his great-uncle traveled often to Paris in his capacity as a buyer for a jewelry business and had many contacts there. The CRT notes that it is plausible that the Claimant's great-uncle used a business address in Paris to receive his banking correspondence. This information matches unpublished information about the Account Owner's correspondence address contained in the Bank's record.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Dr. Rudolf Haas, and indicates that his date of birth was 8 April 1879, which is consistent with the information about the Account Owner provided by the Claimant, and which matches unpublished information regarding the Account Owner's title in the Bank's record. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the Claimant was previously awarded accounts belonging to his great-aunt, Katharina Haas, of Cologne, Germany. In that case, the CRT noted that the Claimant identified the city of residence of the account owner, and that he had filed an Initial Questionnaire 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, Hans Isidor Oster, from Cologne, Germany, and indicated that his late uncle’s last name was Haas. This indicates that the Claimant has based his claims 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 and the subsequent publication of additional account owner names in 2005. 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 both lists. This supports the credibility of the information provided by the Claimant.

The CRT notes that the Claimant stated that his relative was a buyer for a jewelry store, while the Bank’s records indicate that the Account Owner used a doctor title. The CRT considers that the Claimant’s relative could have used a doctor title in his capacity as businessman, and that the Claimant, who was young at the time, might not have been aware of his title. In this case, therefore, the CRT concludes that this does not affect the Claimant’s identification of the Account Owner.

Finally, the CRT notes that there are no other claims to this account. 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, that he resided in Nazi Germany, and that he perished in the Dachau concentration camp in 1942.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant’s great-uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank’s record; and that the Claimant also identified information which matches information contained in the Yad Vashem records. 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 the Claimant as a family member, and all of this information 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

Given that the Account Owner resided in Nazi Germany and that he perished in the Dachau concentration camp in 1942; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his great-uncle, and that relationship justifies 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 a custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 162,500.00.

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
27 February 2007