

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Jacques Haim

Claim Number: 201060/AX

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Jacques Haim (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 maternal grandfather, Jean Jacques (Jacob) Haim, who was born on 21 March 1889 in Budapest, Hungary, and was married to [REDACTED], née [REDACTED]. The Claimant stated that his grandparents, who were Jewish, had two children: the Claimant’s mother, [REDACTED], née [REDACTED], who was born on 25 October 1913 in Budapest, and [REDACTED], who was born on 15 May 1918 in Budapest. The Claimant stated that his grandfather was a banker and moved with his family to Vienna, Austria, in 1918 or 1919; that his grandparents lived in Vienna for many years, and that he is certain his grandfather traveled to Switzerland prior to the Second World War. The Claimant further stated that although his grandparents later moved back to Budapest, they spent a considerable part of the year in Vienna or various resorts in Austria. According to the Claimant, his grandparents fled to France and eventually fled Europe in late 1939 or early 1940, settling in Sao Paulo, Brazil. The Claimant stated that his grandmother died on 18 August 1970 in Sao Paulo; that his grandfather died on 24 December 1974, also in Sao Paulo; that his mother died on 16 February 1982 in Sao Paulo; and that [REDACTED] died on 24 April 1985 in Sao Paulo.

In support of his claim, the Claimant submitted his grandfather’s birth and death certificates, indicating his name was Jean Jacob Haim; the birth and death certificate of his grandmother, indicating her name was [REDACTED]; the death certificate of [REDACTED], née [REDACTED]; the birth and death certificates of [REDACTED], all indicating their parents were Jean Jacob and [REDACTED] Haim; and the birth certificate of the Claimant, indicating

his mother was [REDACTED]. The Claimant stated that he was born on 28 November 1935 in Budapest.

Information Available in the Bank's Records

The Bank's records consist of two customer cards and printouts from the Bank's database. According to both of the customer cards, the Account Owner was Jacques Haim, who resided in Vienna, Austria. One of the customer cards also indicates that the Account Owner had an additional residence in Geneva, Switzerland. The Bank's records indicate that the Account Owner held two demand deposit accounts, one of which was a foreign currency account, and one custody account. The first demand deposit account was closed on 24 June 1938, and the second demand deposit account was closed on 25 January 1951.

The Bank's records indicate that the custody account was closed, but the date of closure is not legible. 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") indicated that there was no evidence of activity on the custody account after 1945.

The Bank's records do not indicate the value of the accounts on the dates of their closure. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name matches the published name of the Account Owner.¹ The Claimant identified his grandfather's city of residence as Vienna, which matches published information about the Account Owner contained in the Bank's records.² In support of his claim, the Claimant submitted documents, including his grandfather's birth and death certificates, indicating his name was Jean Jacob Haim, and the death certificate of [REDACTED], née [REDACTED], and the birth and death certificates of [REDACTED], all indicating their parents were Jean Jacob and [REDACTED] Haim, providing independent verification that the person who is claimed to be the Account Owner had substantially the same name as that of the Account Owner recorded in the Bank's records.³ Furthermore, the CRT notes that there are no other

¹ The CRT notes that the documents provided by the Claimant indicate that his grandfather's first name was Jacob, while the Bank's records indicate that the Account Owner's first name was Jacques, but further notes that Jacques is the French version of Jacob, and that the account was opened in the French part of Switzerland.

² The CRT notes that the Claimant did not identify Geneva, one of the addresses used by the Account Owner, but finds that this does not adversely affect the identification because the Claimant was very young prior to the Second World War, and may not be aware of all the addresses used by his grandfather.

³ As indicated above, the CRT notes that Jacques is the French version of the name Jacob.

claims to these accounts. 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 he fled Europe in late 1939 or early 1940 in order to escape Nazi persecution.

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 and documents, demonstrating that the Account Owner was the Claimant's grandfather. These documents include the death certificate of [REDACTED], née [REDACTED], indicating that her parents were Jean (Jacob) and [REDACTED] Haim; and the birth certificate of the Claimant, indicating that his mother was [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner fled Europe in late 1939 or early 1940; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his accounts 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 claim is 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 grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts and one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here with all three accounts, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the accounts being awarded. Based on the ICEP Investigation,

in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”), and the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value of the accounts at issue is SF 17,280.00. 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 216,000.00.

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
24 December 2004