

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED]

to Claimant [REDACTED 2]

to Claimant [REDACTED 3]
also acting on behalf of [REDACTED] and [REDACTED]

and

to Claimant [REDACTED 4]
represented by [REDACTED]

in re Account of Emilie Rosa Hamburger

Claim Numbers: 004670/EZ, 205949/EZ, 210767/EZ, 212850/EZ ¹

Award Amount: 156,000.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”), [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”), and [REDACTED 4], née [REDACTED], (“Claimant [REDACTED 4]”) (together the “Claimants”) to the account of Emilie Rosa Hamburger (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms identifying the Account Owner, Emilie Rosa Hamburger, as their relative. Claimant [REDACTED 1] identified the Account Owner as her maternal great-grandmother. Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant

¹ Claimant [REDACTED 2] submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 500196. The CRT will treat the claim to this account in a separate decision.

[REDACTED 4] identified the Account Owner as their maternal grandmother. The Claimants stated that Emilie Rosa Hamburger was born on 24 August 1869 in Loeben, Germany, and was married to [REDACTED] on 12 July 1891 in Posen, Germany (today Poland). The Claimants further stated that Emilie and [REDACTED] Hamburger lived in Posen, where [REDACTED] Hamburger was a successful lawyer, and that they had three daughters: [REDACTED], née [REDACTED], who was Claimant [REDACTED 3]’s mother; [REDACTED], née [REDACTED], who was Claimant [REDACTED 4]’s and Claimant [REDACTED 2]’s mother; and [REDACTED], née [REDACTED], who was Claimant [REDACTED 1]’s grandmother. According to the Claimants, before the First World War the family moved to Berlin, Germany, where [REDACTED] died on 11 February 1914. The Claimants also provided their relative’s street addresses in Berlin, and stated that Emilie Rosa Hamburger remained in Berlin until 4 October 1942, when she was deported by the Nazis to Theresienstadt, where she perished in June 1944.

In support of their claims, the Claimants submitted the birth certificate of Claimant [REDACTED 1]’s mother, [REDACTED], née [REDACTED], demonstrating that she was born in Berlin; the birth certificates of Claimant [REDACTED 3] and Claimant [REDACTED 4]; photographs of family members including a photograph of Emilie Rosa Hamburger; and letters written and signed by Emilie Rosa Hamburger.

Claimant [REDACTED 1] stated that she was born on 4 October 1947 in Tel Aviv, Israel, where she currently resides. She is representing her brother, [REDACTED], who was born on 16 October 1943 in Tel Aviv, and currently resides in Israel. Claimant [REDACTED 2] stated that she was born on 6 July 1926 in Berlin, and now lives in England. Claimant [REDACTED 3] stated that she was born on 26 July 1921 in Berlin, and now lives in Australia. [REDACTED] and [REDACTED], who are represented by Claimant [REDACTED 3], were both born on 4 August 1957 in Australia, where they currently reside. Claimant [REDACTED 4] stated that she was born on 29 October 1921 in Berlin, and now lives in Israel.

Information Available in the Bank Record

The bank record consists of a printout from the Bank’s database. According to this record, the Account Owner was Emilie Rosa Hamburger from Berlin, Germany. The bank record indicates that the Account Owner held a custody account, numbered 7176. The account was opened on 21 December 1927 and closed on 2 September 1937, unknown to whom. There is no evidence in the bank record that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the

CRT's discretion. In this case, the CRT determines it appropriate to join the four claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Account Owner's name and place of residence match the published name of the Account Owner. The CRT notes that the bank record does not contain any specific information about the Account Owner other than her name and city of residence. In support of their claims, the Claimants submitted documents, including the birth certificate of Claimant [REDACTED 1]'s mother, [REDACTED], née [REDACTED], demonstrating that she was born in Berlin; the birth certificates of Claimant [REDACTED 3] and Claimant [REDACTED 4]; photographs of family members, including a photograph of Emilie Rosa Hamburger; and letters written and signed by Emilie Rosa Hamburger. The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Emilie Rosa Hamburger, and indicates that she was born on 24 August 1869, and perished in Theresienstadt in 1944, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and was deported by the Nazis to Theresienstadt, where she perished in June 1944. As noted above, a person named Emilie Rosa Hamburger was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner. They submitted documents demonstrating that the Account Owner is the grandmother of Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4], and the great-grandmother of Claimant [REDACTED 1].

The Issue of Who Received the Proceeds

Given that the Account Owner remained in Germany until her death in a concentration camp, making it implausible that she could have withdrawn the deposit in the Bank for her own use, and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their grandmother and great-grandmother, and those relationships justify an Award. Finally, the CRT has determined that it is plausible 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 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 present value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 156,000.00 Swiss Francs.

Division of the Award

According to Article 23 of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 3], who is the daughter of the Account Owner's daughter, [REDACTED], née [REDACTED], is entitled to one-sixth of the total award amount. [REDACTED] and [REDACTED], who are being represented by Claimant [REDACTED 3], and who are the grandchildren of [REDACTED], née [REDACTED], (and are Claimant [REDACTED 3]'s nephews) are each entitled to receive one-twelfth of the Award amount. Claimant [REDACTED 4] and her sister, Claimant [REDACTED 2], are both daughters of [REDACTED], née [REDACTED], the Account Owner's daughter. Therefore, they are each entitled to receive one-sixth of the Award amount. Claimant [REDACTED 1] and her brother, [REDACTED], who Claimant [REDACTED 1] is representing in these proceedings, are both grandchildren of [REDACTED], née [REDACTED], the Account Owner's daughter. Therefore, they are each entitled to receive one-sixth of the Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
May 15, 2003