

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Ernst Handel

Claim Number: 206164/ES

Award Amount: 61,180.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the accounts of Ernst Handel (the “Account Owner”) at the Geneva 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 Ernst Handel as his uncle, the husband of his paternal aunt, [REDACTED], née [REDACTED]. Ernst Handel was Jewish and resided in Vienna, Austria. The Claimant stated that his father, [REDACTED] ([REDACTED] brother), was born on 4 June 1893 in Böhm Trübau, Austria, and also lived in Vienna. The Claimant stated that his father moved from Austria to Timisoara, Romania, in 1927 because of an economic depression at that time. The Claimant stated that his father managed a factory called *Kawe Prima Fabrica Romana* and travelled to Switzerland for business. The Claimant also indicated that his father had a bank account in Palestine and he believes that his father had an account in Switzerland as well. The Claimant stated that around 1939, his father sent his two sisters, Amalia and [REDACTED], to Shanghai, China, to save them from Nazi persecution. Thereafter, Amalia and Ernst Handel, who never had any children, fled to the United States. The Claimant stated that his father went to Palestine in 1940. The Claimant stated that his aunt passed away, and that his father died on 22 May 1945 in Jerusalem, Palestine. The Claimant submitted his father’s birth and death certificates, his father’s Austrian passport and his own birth certificate. The Claimant indicated that he was born on 13 September 1924 in Vienna.

¹ The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank Records

The bank records consist of a power of attorney form dated 26 May 1939, a customer card and a printout from the Bank's database. According to these records, the Account Owner was Ernst Handel, who resided at Untere Viaduktgasse 11 in Vienna III, Austria, and the Power of Attorney Holders were his wife, Amalia Handel, and her brother, Arthur Reiss, who resided at Müllnergasse 35 in Vienna and at Spl. Prota Dreghici 2 in Timisoara, Romania. The bank records indicate that the Account Owner resided at and had mail directed to 277 Liaoyang Road in Shanghai, China. The bank records show that the Account Owner held a custody account numbered 22488. The account was opened on 26 May 1939 and 3,000.00 Swiss Francs were transferred from the Zurich branch to the Geneva branch on 20 May 1939. The Account Holder also held a demand deposit account that was also opened on 26 May 1939.

The accounts were closed to fees by the Bank on 1 December 1949. The demand deposit account on the date of its closure had a negative balance of 141.90 Swiss Francs. The amount in the custody account on the date of its closure is unknown.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of an Ernst Handel and an Amalia Handel.

These documents, numbered 39156, indicate that Ernst Handel was born on 17 June 1893, that he was married to Amalie Handel, née Reiss, that he was a businessman, and that he was domiciled at Müllnergasse 35, in Vienna IX, Austria. According to these documents, Ernst Handel registered with the Nazi authorities that he owned a food shop at Biberstrasse 14, Vienna I, worth 3,311.00 Reichsmarks, and securities worth 1,803.75 Reichsmarks. A letter from Amalia Handel to the agency for Jewish assets (*Vermögensverkehrsstelle*) dated 9 December 1938 states that the shop had been closed in the meantime, and that the securities were finally sold for 1,548.36 Reichsmarks. These records make no mention of assets held in a Swiss bank account.

These documents, numbered 39092, indicate that Amalia Handel, née Reiss, was born on 7 September 1895, that she was married to Ernst Handel, that she was a businesswoman, and that she was domiciled at Müllnergasse 35, in Vienna IX, Austria. According to these documents, Amalia Handel registered with the Nazi authorities that she owned farmland in Doubravo, close to Pilsen, Czechoslovakia, worth 1,000.00 Reichsmarks, a small shop at Müllnergasse 35, worth 4,148.65 Reichsmarks, and other valuables worth 200.00 Reichsmarks. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His uncle's name matches the published name of the Account Owner, and his uncle's wife, Amalia Handel and her brother, Arthur Reiss, match the published names of the Power of Attorney Holders. The Claimant also indicated that his family lived at one point in Timisoara, Romania, and Shanghai, China which matches unpublished information contained in the bank records. Furthermore, the information provided by the Claimant is consistent with information contained in the Austrian census records. In support of his claim, the Claimant submitted his father's birth and death certificates, his father's Austrian passport and his own birth certificate. The CRT notes that the other claims to this account were disconfirmed because the claimed account owners were from different countries and cities of residence and did not provide information relating to the Power of Attorney Holders in this case.

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 had to flee from Vienna to Palestine.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific details demonstrating that the Account Owner was his uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate both accounts were closed to fees by the Bank on 1 December 1949.

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 uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account. The bank records indicate that the value of the custody account as of 20 May 1939 was 3,000.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the

historic account value by a factor of 12, in accordance with Article 31(1) of the Rules. Consequently, the total account amount in this case is 36,000.00 Swiss Francs.

The bank records indicate that the value of the demand deposit account as of 1 December 1949 was –141.90 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total account amount of 25,680.00 Swiss Francs.

The total award amount is therefore 61,180.00 Swiss Francs.

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
April 21, 2003