

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 2] and [REDACTED 3]
represented by [REDACTED 3]

in re Account of Emma Hartmann

Claim Numbers: 221811/MI¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of Iosif (Josef, Josif) Hartmann.² This Award is to the published account of Emma Hartmann (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 the Account Owner as her paternal grandmother, Emma Hartmann, who was born on 1 December 1881 in Arad, Romania, and was married to [REDACTED]. The Claimant indicated that her grandparents, who were Jewish, resided at Bd. Regele Ferdinand 28 in Arad, and that they had two sons: [REDACTED] (the Claimant’s father) and [REDACTED], who were also Jewish. The Claimant further indicated that her grandmother died in 1934, and that her grandfather died on 19 December 1947. According to the Claimant, her family owned textile factories, in both Arad and Bucharest, Romania, and both factories were confiscated in September 1941. The Claimant indicated that

¹ In 1999, [REDACTED 1] (the “Claimant”) submitted an Initial Questionnaire (“IQ”), numbered GER 0007 015, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 708480. The CRT will treat this claim in a separate determination

² The CRT did not locate an account belonging to Iosif (Josef, Josif) Hartmann in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

her father, [REDACTED], was born on 15 August 1901 in Arad, where he lived until 1941, when he was imprisoned at forced labor camps in Canapesti and Pankota until 1944. The Claimant further indicated that her father died on 30 October 1948 in Bucharest. The Claimant indicated that her paternal uncle, [REDACTED], was sent to a camp in Austria, where he perished on 24 May 1944.

In support of her claim, the Claimant submitted copies of: 1) her father's birth certificate, notarized 1 September 1945, indicating that [REDACTED] was born on 15 August 1901 in Arad, and that his parents were [REDACTED] and Ema Hartmann; 2) her parents' marriage certificate, indicating that [REDACTED] was born on 31 October 1931, that [REDACTED] was born on 15 August 1901; 3) a certified translation of her birth certificate, dated 6 April 1972, indicating that [REDACTED 1] was born on 14 August 1932 in Arad, and that her parents were [REDACTED] and [REDACTED]; and 4) a document issued by the city of Essen, Germany, dated 4 June 1973, indicating that [REDACTED 1] changed her name to [REDACTED 1].

The Claimant indicated that she was born on 14 August 1932 in Arad. The Claimant is representing her two sisters, [REDACTED 2], née [REDACTED], who was born on 9 February 1934 in Arad, and [REDACTED 3], née [REDACTED], who was born on 15 January 1948 in Bucharest.

Information Available in the Bank's Records

The Bank's records consist of extracts from the Bank's suspense account ledger. According to these records, the Account Owner was Emma Hartmann. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, numbered 4.7985, the type of which is not indicated. The Bank's records further indicate that the account was transferred on 8 February 1940 to a suspense account. The amount in the account on the date of its transfer was 3.55 Swiss Francs ("SF"). The Bank's records indicate that the account was closed by fees on 10 February 1949.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. In support of her claim, the Claimant submitted copies of documents, including her father's birth certificate, indicating that [REDACTED]'s parents were [REDACTED] and Ema Hartmann, providing independent verification that the person who is claimed to be the Account Owner had a substantially similar name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that the name Emma Hartmann appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be

probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”). The CRT further notes that the Claimant filed an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Josif Hartmann, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same surname as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her family 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. 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 CRT notes that while the Account Owner died before the Romanian alliance with Nazi Germany, the Account Owner’s sons and direct heirs were Victims of Nazi Persecution. The Claimant stated that the Account Owner’s sons were Jewish, and that [REDACTED] was imprisoned at forced labor camps in Canapesti and Pankota, and that [REDACTED] was deported to a camp in Austria, where he perished.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and copies of documents, demonstrating that the Account Owner was the Claimant’s grandmother. These documents include her father’s birth certificate, indicating that [REDACTED]’s parents were [REDACTED] and Ema Hartmann; her parents’ marriage certificate, indicating that [REDACTED] and [REDACTED] were married to each other; a certified translation of her birth certificate, indicating that [REDACTED 1]’s parents were [REDACTED] and [REDACTED]; and a document issued by the city of Essen, Germany, indicating that [REDACTED 1] changed her name to [REDACTED 1]. There is no information to indicate that the Account Owner has other surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank’s records indicate that the account was transferred to a suspense account on 8 February 1940 and closed by fees on 10 February 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 (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her grandmother, and that relationship justifies an Award. Third, 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 of unknown type. The Bank's records indicate that the value of the account of unknown type as of 8 February 1940 was SF 3.55. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to SF 3,950.00. 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. Consequently, the total award amount in this case is SF 49,375.00.

Division of the Award

According to Article 23(1)(c) 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. In this case, the Claimant is representing her two sisters, [REDACTED 2] and [REDACTED 3]. Accordingly, the Claimant, [REDACTED 2] and [REDACTED 3] are each entitled to one-third of the total award amount.

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 her claims to determine whether there are additional Swiss bank accounts to which she 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
18 December 2007