

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Estate of [REDACTED]<sup>1</sup>  
represented by [REDACTED] and Henry Norton

### **in re Account of Hans Hartmann**

Claim Number: 704908/AC<sup>2</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of the Estate of [REDACTED] (the “Claimant”) to the account of Hans Hartmann (the “Account Owner”) at the Bale 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 an Initial Questionnaire (“IQ”) identifying the Account Owner as [REDACTED]’s nephew, Hans Hartmann, who was born on 25 July 1925 in Tworog, Germany (now Tworog, Poland). In a telephone conversation with the CRT on 19 August 2004, [REDACTED]’s nephew, [REDACTED], who represents the Claimant, indicated that [REDACTED] and his three siblings, [REDACTED], née [REDACTED], [REDACTED], and [REDACTED], were all born in Tworog to [REDACTED] and [REDACTED], née [REDACTED]. [REDACTED] further indicated that during the Second World War, [REDACTED]’s family was in Palestine, [REDACTED]’s family was in South America or the

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<sup>1</sup> The co-executors of [REDACTED]’s estate, [REDACTED] and Henry Norton, filed this claim on behalf of the Estate of [REDACTED]. In a telephone conversation with the CRT on 19 August 2004, [REDACTED] indicated that [REDACTED], who was his paternal uncle, passed away in 1998 in Miami Beach, Florida, United States, and Henry Norton subsequently submitted [REDACTED]’s will and probate documents to the CRT on 29 November 2004.

<sup>2</sup> The Claimant did not submit a Claim Form to the CRT. However, in 1999 it submitted an Initial Questionnaire (“IQ”), numbered ENG-0576062 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 704908.

United States, [REDACTED] was in the United States, and [REDACTED]'s family was in Tworog, as were the Claimant's parents, [REDACTED] and [REDACTED]. According to [REDACTED], [REDACTED] and [REDACTED] had two children, [REDACTED], who was born on 11 August 1923 in Tworog, and Hans Hartmann, who was born on 25 July 1925, also in Tworog. [REDACTED] stated that his family believes that Hans Hartmann traveled to Switzerland for family vacations, and that he and his family later attempted to seek refuge from Nazi persecution in Switzerland, but that they were turned away. The Claimant indicated that Hans Hartmann, his brother, parents, and grandparents, were deported by the Nazis in June 1942 to a concentration camp, and they were never heard from again. [REDACTED] indicated that the only surviving members of the family are [REDACTED] and [REDACTED], the sons of [REDACTED], and he himself, [REDACTED], the son of [REDACTED].

The Claimant stated that he was born on 21 January 1899 in Tworog.

### **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was Hans Hartmann, who resided in Germany. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated. The Bank's record further shows that the account was opened in 1940, and that the Account Owner instructed the Bank to hold any correspondence.

The Bank's record indicates that the account was closed on 19 January 1988. The amount in the account on the date of its closure is unknown. 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 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

[REDACTED]'s nephew's name and country of residence match the published name and country of residence of the Account Owner.

The CRT also notes that the Claimant filed an IQ with the Court in 1999, asserting its entitlement to a Swiss bank account owned by Hans Hartmann, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based its present claim 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 it before the publication of the ICEP List. It also indicates that the Claimant had reason to

believe that [REDACTED]'s relative owned Swiss bank accounts 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 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 and his family were deported to a concentration camp in June 1942 where they later perished.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that it is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was [REDACTED]'s nephew.

The CRT further notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and [REDACTED], prior to the publication in February 2001 of the ICEP List. Furthermore, 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 [REDACTED]'s family member, and all this information supports the plausibility that [REDACTED] is related to the Account Owner, as the Claimant has asserted in its IQ.

There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account at issue was closed on 19 January 1988.

Given that the Account Owner perished in a concentration camp and that the account was only closed more than 40 years thereafter; that there is no record of the payment of the Account Owner's account to him or his heirs; 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 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 [REDACTED]'s nephew, 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 one account of unknown type. 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 an account of unknown type was 3,950.00 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 49,375.00.

### **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 its 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  
30 December 2004