

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],

to Claimant [REDACTED 2],

to Claimant [REDACTED 3],

to Claimant [REDACTED 4],

and to Claimant [REDACTED 5]

in re Account of R. Hartmann

Claim Numbers: 004903/NB;¹ 501106/NB; 501557/NB; 720447/NB;² 725987/NB

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of Robert Hartmann;³ the claims of [REDACTED 2] (“Claimant [REDACTED 2]”) and [REDACTED 3] (“Claimant [REDACTED 3]”) to the

¹ [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) submitted two additional Claim Forms, which are registered under the Claim Numbers 400902 and 004818. In separate decisions, the CRT treated Claimant [REDACTED 1]’s claim numbered 004818 to the accounts of Max Hartmann and claim numbered 400902 to the account of Hermine Hartmann. See *In re Accounts of Max Hartmann* (approved on 9 November 2006) and *In re Account of Hermine Hartmann* (approved on 8 August 2007).

² [REDACTED 4], née [REDACTED], (“Claimant [REDACTED 4]”) and [REDACTED 5] (“Claimant [REDACTED 5]”) did not submit Claim Forms to the CRT. However, in 1999 Claimant [REDACTED 4] submitted three Initial Questionnaires (“IQs”), numbered HEB-0248024, HEB-0248023 and HEB-0248025, and Claimant [REDACTED 5] submitted an IQ numbered HEB-0380062, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those IQs, 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). These IQs were forwarded to the CRT and have been assigned Claim Numbers 720447, 720446, 720448, and 725987, respectively. In their IQs, Claimant [REDACTED 4] and Claimant [REDACTED 5] provided their names and some of their relatives’ names only in Hebrew characters. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the IQs with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

³ The CRT will treat Claimant [REDACTED 1]’s claim to the published account of Robert Hartmann in a separate decision.

account of Hans Hartmann;⁴ the claim of [REDACTED 4], née [REDACTED], (“Claimant [REDACTED 4]”) to the account of Miriam Lewartowski;⁵ and the claim of [REDACTED 5] (“Claimant [REDACTED 5]”) (together the “Claimants”) to the account of Rento-Menachen Hartmann.⁶

This Award is to the published account of R. Hartmann (the “Account Owner”) at the Weinfeld 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her paternal uncle, Robert Hartmann. Claimant [REDACTED 1] stated that her father, [REDACTED], was born in approximately 1895, and had three brothers, Robert, [REDACTED], and [REDACTED]. Claimant [REDACTED 1] explained that her parents divorced when she was one year old, and that two years later she lost contact with her father, when he moved to Berlin, Germany, where he owned a cosmetics and perfume business. Claimant [REDACTED 1] stated that at the age of sixteen, she moved to her paternal grandmother’s home in Cluj, Romania, and that she remembers that her grandmother told her that her uncle Robert Hartmann was a successful businessman dealing with finance. Claimant [REDACTED 1] stated that in 1943, her father and his brothers, including Robert Hartmann, all of whom were Jewish, were deported to Auschwitz, where they perished.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her own birth certificate and a translation of her marriage certificate, indicating that [REDACTED 1], née [REDACTED], was the daughter of [REDACTED]. Claimant [REDACTED 1] previously submitted an ATAG Ernst & Young claim form (“ATAG Form”), with the Court in 1998, asserting her entitlement to a Swiss bank account owned by her father, [REDACTED].

Claimant [REDACTED 1] indicated that she was born on 9 February 1923, in Edineț, Moldavia, formerly in the Soviet Union.

⁴ The CRT will treat the claims of Claimant [REDACTED 2] and Claimant [REDACTED 3] to the account of Hans Hartmann in a separate determination.

⁵ In a separate decision, the CRT treated Claimant [REDACTED 4]’s claim to the account of Miriam Lewartowski. See *In re Account of Miriam Lewartowski (Hartmann)* (approved on 1 August 2008).

⁶ The CRT notes that it did not locate an account belonging to Rento-Menachen 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”).

Claimant [REDACTED 2] and Claimant [REDACTED 3]

Claimant [REDACTED 2] and Claimant [REDACTED 3], who is the widow of Claimant [REDACTED 2]'s late brother [REDACTED], submitted similar Claim Forms identifying the Account Owner as Claimant [REDACTED 2]'s mother and Claimant [REDACTED 3]'s mother-in-law, Regina Hartmann, née Flieg, who was born on 28 April 1892 in Śrem, Poland to [REDACTED] and [REDACTED].

Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that Regina Hartmann, who was Jewish, resided with her husband, [REDACTED], who was an attorney, at Hübschmannstrasse 26, Chemnitz, Germany. These Claimants explained that in the early morning of *Kristallnacht* (Night of Broken Glass pogrom), [REDACTED] was arrested and imprisoned in Buchenwald until December 1938, and that in 1940, he was deported to Dachau, where he perished. According to these Claimants, Regina Hartmann subsequently moved to Holzmarkt Street, Berlin, Germany, where she was arrested and deported to Riga, Latvia, where she perished.

In support of his claim, Claimant [REDACTED 2] submitted copies of: 1) his certificate of identity issued in 1946, which indicates that [REDACTED] was the son of [REDACTED] and Regina Flieg; and 2) a handwritten letter dated 21 March 1939 sent by [REDACTED] to an acquaintance.

In support of her claim, Claimant [REDACTED 3] submitted copies of: 1) [REDACTED]'s family book, which indicates that he was married to Regina Flieg, who was Jewish and who was the daughter of [REDACTED] and [REDACTED] of Chemnitz, Germany; 2) her husband's death certificate, which indicates that [REDACTED], who was the son of [REDACTED] and Regina Flieg, passed away on 20 December 2001; and 3) her husband's last will, which designates his wife, Claimant [REDACTED 3], as his sole heir.

Claimant [REDACTED 2] indicated that he was born on 8 March 1926 in Chemnitz, Germany; and Claimant [REDACTED 3] indicated that she was born on 19 April 1921 in London, the United Kingdom.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an Initial Questionnaire ("IQ") identifying the Account Owner as her maternal grandmother, Rivka Rahel Hartmann, whose daughter was [REDACTED], née [REDACTED] (Claimant [REDACTED 4]'s mother). Claimant [REDACTED 4] stated that her grandmother, who was Jewish, was married to [REDACTED], who owned a candy and sweets factory in Warsaw, Poland. Claimant [REDACTED 4] did not indicate the exact fate of her grandmother during the Second World War, but stated that her own parents and her brother attempted to enter Switzerland to retrieve their family assets deposited in Switzerland, with the hope of fleeing to Palestine (now Israel), but that they were not permitted into the country, and were sent back to Poland. Claimant [REDACTED 4] stated that all the members of her family, except for her mother and brother, perished in the Holocaust.

In support of her claim, Claimant [REDACTED 4] submitted a copy of a contract agreement for the purchase of a graveyard in honor of [REDACTED], which indicates that Claimant [REDACTED 4]’s mother’s maiden name was Hartmann.

Claimant [REDACTED 4] indicated that she was born on 28 January 1940.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted an IQ identifying the Account Owner as her father-in-law, Robert Hartmann. Claimant [REDACTED 5] explained that her late husband, [REDACTED] was born in 1924 in Split, Yugoslavia (now Croatia) and that he, together with his parents, who were Jewish, lived in Split until 1940, when they fled to Italy. Claimant [REDACTED 5] further stated that her relatives attempted to flee to Switzerland, but were unsuccessful. According to Claimant [REDACTED 5], her father-in-law remained in Italy until 1945 and passed away in Split on an unknown date. Claimant [REDACTED 5] stated that her husband managed to cross the Swiss border twice before being sent back to Italy and that he survived the War and moved to Israel, where he passed away on 16 June 1986.

Claimant [REDACTED 5] indicated that she was born on 27 January 1929.

Information Available in the Bank’s Record

The Bank’s record consists of a printout from the Bank’s database. According to this record, the Account Owner was R. Hartmann. The Bank’s record does not indicate the Account Owner’s place of residence. The Bank’s record indicates that the Account Owner held an account, the type of which is not indicated, numbered 2202, which was transferred to the Bank’s suspense account on 18 October 1961, when it had a balance of 4.00 Swiss Francs (“SF”). The Bank’s record indicates that the account remains suspended.

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 five claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant [REDACTED 5] have plausibly identified the Account Owner. The first initial and last name of Claimant [REDACTED 1]’s paternal uncle, Claimant [REDACTED 2]’s mother and Claimant [REDACTED 3]’s mother-in-law, Claimant

[REDACTED 4]'s maternal grandmother, and Claimant [REDACTED 5]'s father-in-law match the published first initial and last name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his or her name.

The CRT notes that Claimant [REDACTED 1] filed an ATAG Form with the Court in 1998, and that Claimant [REDACTED 4] and Claimant [REDACTED 5] filed IQs with the Court in 1999, each asserting entitlement to a Swiss bank account owned by a family member named Hartmann, prior to the publication in February 2001 of the 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"). This indicates that these claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on a direct family relationship that was known to them before the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1], Claimant [REDACTED 4], and Claimant [REDACTED 5].

In support of their claims, Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted documents, including Claimant [REDACTED 2]'s certificate of identity, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. Additionally, the CRT notes that a database containing the names of Victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 2] in 1980, which indicates that Regina Hartmann, née Flieg, was born on 28 April 1892 in Śrem, Poland, to Helene and [REDACTED]; that she was married to [REDACTED]; that she resided in Chemnitz prior to the Second World War, and in Berlin during the Second World War; and that she was deported on 14 December 1942 from Berlin to Riga, Latvia, where she perished. This matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Finally, the CRT notes that the Claimants' relatives are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's record; that there is no additional information in that record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other equally plausible claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.⁷

⁷ As detailed in the section entitled "Information Available in the Bank's Record," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based

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 all stated that the Account Owner was Jewish. Claimant [REDACTED 1] stated that her paternal uncle was deported to Auschwitz, where he perished. The Yad Vashem page of testimony submitted by Claimant [REDACTED 2] indicates that his mother, who was Claimant [REDACTED 3]'s mother-in-law, was deported on 14 December 1942 from Berlin to Riga, Latvia, where she perished. Claimant [REDACTED 4] did not specifically indicate the fate of her grandmother, but did state that her grandmother was Jewish, that she resided in Poland, and that her grandmother's family perished in the Holocaust. Finally, Claimant [REDACTED 5] indicated that her father-in-law was Jewish and resided in Yugoslavia.

The Claimants' Relationships to the Account Owner

The Claimants have each plausibly demonstrated that they are related to the Account Owner.

Claimant [REDACTED 1] submitted specific biographical information, demonstrating that the Account Owner was her paternal uncle. Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted specific information and documents, including Claimant [REDACTED 2]'s certificate of identity, which indicates that he was the son of Regina Hartmann. Claimant [REDACTED 4] submitted specific biographical information demonstrating that the Account Owner was her maternal grandmother; and Claimant [REDACTED 5] submitted biographical information indicating that the Account Owner was her father-in-law.

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

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to the Bank's suspense account on 18 October 1961, and that it remains suspended.

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 in their respective cases that the Account Owner was Claimant [REDACTED 1]'s paternal uncle, Claimant [REDACTED 2]'s mother, Claimant [REDACTED 3]'s mother-in-law, Claimant [REDACTED 4]'s maternal grandmother, and Claimant [REDACTED 5]'s father-in-law, and these relationships justify an Award. Finally, the CRT has determined that neither the Account Owner nor his or her heirs received the proceeds of the claimed account.

upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

Amount of the Award

The Bank's record indicates that the value of the account of unknown type as of 18 October 1961 was SF 4.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 255.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1961. Consequently, the adjusted balance of the account at issue is SF 259.00. 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 be SF 3,950.00. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5 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 26 of the Rules, in cases where the identity of the Account Owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the Account Owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 4], and Claimant [REDACTED 5] are each entitled to one-fourth of the Award amount, or SF 12,343.75, and Claimant [REDACTED 2] and Claimant [REDACTED 3] are entitled to share equally one-fourth of the Award amount.

With regard to the share of the Award amount for Claimant [REDACTED 2] and Claimant [REDACTED 3], the CRT notes that 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. Further, Article 23(1)(f) of the Rules provides that if a child of the Account Owner is deceased, that child's spouse but none of that child's descendants have submitted a claim, that child's spouse shall be considered a child of the Account Owner for the purposes of this Article. The CRT notes that Claimant [REDACTED 3] provided her husband's death certificate and will, which designates his wife, Claimant [REDACTED 3] as his sole heir. Accordingly, Claimant [REDACTED 2], as one of the children of the Account Owner, and Claimant [REDACTED 3], as the surviving spouse and entitled heir of another of the Account Owner's children, are each entitled to one-eighth of the Award Amount.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
16 April 2010