

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to the Estate of Claimant Annaliese Haymann<sup>1</sup>

## **in re Accounts of Max Haymann and Sophie Haymann**

Claim Numbers: 003584/JT; 003585/JT<sup>2</sup>

Award Amount: 373,320.00 Swiss Francs

This Certified Award is based upon the claim of Annaliese Haymann (the “Claimant”) to the accounts of Max Haymann (“Account Owner Max Haymann”) and Sophie Haymann (“Account Owner Sophie Haymann”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owners as her parents, Max Haymann, who was born on 18 December 1872 in Konstanz, Germany, and Sophie Haymann, who was born on 27 March 1885 in Eichstetten, Germany. The Claimant stated that her parents were both Jewish and were married on 19 November 1906 in Konstanz. The Claimant further stated that her parents had two children, the Claimant and her sister, Frieda Haymann, who was born on 28 March 1908 and died on 24 April 1994. The Claimant stated that her father was a businessman (*Kaufmann*), and that he owned a “Transmission and Raw Materials” business. The Claimant submitted a copy of her father’s business letterhead identifying ties to the Kreuzlingen and Frauenfeld branches of the Bank in Switzerland. The Claimant stated that her mother was not employed. The Claimant indicated that her father died on 4 April 1934 in Konstanz, and that her mother was killed in Auschwitz in 1942. The Claimant stated that she and her sister fled the Nazi regime in Germany for Great Britain, in 1936 or 1939. The Claimant was born on 31 May 1916 in Konstanz and passed away on 23 October 2001.

The Claimant listed Michael Bloch as her alternative contact. Michael Bloch identified himself as the Claimant’s friend and executor of her Estate. Upon request by the CRT, Michael Bloch

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<sup>1</sup> The Claimant passed away on 23 October 2001.

<sup>2</sup> The Claimant submitted an additional claim to the account of Frieda Haymann, which is registered under the Claim Number 003583. The CRT has treated the claim to this account in a separate decision.

submitted the Claimant's will, which divides her Estate among several associations and individuals, including Michael Bloch.

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

### Accounts of Max Haymann

The Bank's records for the accounts of Max Haymann consist of an account opening card and printouts from the Bank's database. According to these records, the Account Owner was Max Haymann, *Kaufmann* (businessman), of Konstanz, Germany. The Bank's records indicate that the Account Owner held two demand deposit accounts and a custody account. The two demand deposit accounts were closed on 24 July 1933 and 21 June 1937, respectively. The custody account was closed on 24 December 1934. The amounts in the accounts on their respective dates of closure are unknown.

### Accounts of Sophie Haymann

The Bank's records for the accounts of Sophie Haymann consist of an account opening card and printouts from the Bank's database. According to these records, the Account Owner was Sophie Haymann of Konstanz. The Bank's records indicate that the Account Owner held one custody account and one savings/passbook account. The custody account was opened on 1 January 1933, and closed on 8 February 1937; while the savings/passbook account was closed on 1 February 1937.

There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts 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 two claims of the Claimant in one proceeding.

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. Her parents' names match the published names of the Account Owners. The Claimant identified her parents' city of residence, Konstanz, and her father's business title, *Kaufmann* (businessman), which match unpublished information about the Account Owners contained in the Bank's records. In support of her claim, the Claimant submitted documents, including copies of her parents' marriage and death certificates, a copy of her father's business letterhead and a copy of her own birth certificate.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Sophie Haymann, and indicates that her date of birth was 27 March 1885, and her place of birth was Eichstetten, Germany, all of which matches the information about Account Owner Sophie Haymann provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Finally, the CRT notes that the other claims to these accounts were disconfirmed due to different name spellings and different cities of residence.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and that they lived and died in Nazi-occupied Germany. The Claimant submitted a letter from the Association of Jewish Refugees in Great Britain, stating that her mother was deported to the Auschwitz concentration camp on 8 August 1942. In addition, the CRT notes that the database discussed above containing the names of victims of Nazi persecution includes a person named Sophie Haymann.

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

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting documents demonstrating that she is their daughter. There is no information to indicate that the Account Owners have other surviving heirs. Because the Claimant died on 23 October 2001, after submitting her claim to the CRT, Michael Bloch provided a copy of her will. The Claimant's Estate was divided among several associations and individuals, including Michael Bloch.

#### The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures, including the confiscation of assets held in Swiss banks; that Account Owner Max Haymann remained in Germany until his death in 1934 and Account Owner Sophie Haymann remained in Germany until her death in Auschwitz in 1942, and thus they would not have been able to repatriate their accounts to Germany without their confiscation; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,<sup>3</sup> 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.

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<sup>3</sup> Appendix C appears on the CRT II website -- [www.crt.ii.org](http://www.crt.ii.org).

### 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 Owners were her parents, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owners held two custody accounts, two demand deposit accounts and one savings/passbook account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here for all five accounts, 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 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 average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a savings/passbook account was 830.00 Swiss Francs, giving a total of 31,110.00 Swiss Francs for Max Haymann’s one custody and two demand deposit accounts and Sophie Haymann’s custody and savings/passbook accounts. The current 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 373,320.00 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 her claim 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  
June 3, 2003