

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Pierre Klein

in re Account of Albert Hecker

Claim Number: 215681/WT

Award Amount: 125,000.00 Swiss Francs

This Certified Award is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Albert Hecker (the “Account Owner”), over which [REDACTED], née [REDACTED], (the “Power of Attorney Holder”) held power of attorney, at the Geneva branch of the [REDACTED] (the “Bank”).¹

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 father, Albert Hecker, who was born on 10 April 1884 in Le Thillot, France, and was married to [REDACTED], née [REDACTED], on 11 May 1931 in Metz, France. The Claimant stated that her father, who was Jewish, was a wholesale merchant who lived and worked at 1 place Jules Ferry in Lyon, France. According to the Claimant, after the Nazi occupation of the Free Zone of France under the Vichy regime on 11 November 1942, her family went into hiding until the last week of December 1942, when they were able to enter Switzerland illegally at Saint-Julien-en-Genevois. The Claimant explained that her family remained in Switzerland until February 1945, when they were able to return to France. The Claimant indicated that her father died on 4 January 1971 in Lyon.

In support of her claim the Claimant submitted documents, including: (1) her father’s signed identity card, indicating that Albert Hecker resided at 1 place Jules Ferry in Lyon; (2) her

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Albert Hecker is indicated as having three accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account.

father's First World War veteran identification card (*Carte du Combattant*), which bears his signature; (3) her father's military mobilization card, indicating that Albert Hecker was born on 10 April 1884 and that he was a merchant (*négociant*); (4) her parents' marriage certificate, indicating that Albert Hecker was married to [REDACTED], née [REDACTED]; (5) her parents' certificates of repatriation (*Rapatriement de Réfugiés*), issued by the French consulate in Geneva on 28 December 1944, indicating that Albert Hecker, his daughter [REDACTED], who was born on 8 May 1932, and [REDACTED], née [REDACTED], resided at 1 place Jules Ferry in Lyon and were permitted to return to France from Switzerland; and (6) the Claimant's own marriage certificate, indicating that [REDACTED], née [REDACTED], is the daughter of Albert and [REDACTED]. The Claimant indicated that she was born on 8 May 1932 in Lyon.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form and a customer card. According to these records, the Account Owner was Albert Hecker and the Power of Attorney Holder was his wife, [REDACTED], née [REDACTED], both of whom resided at 1 place Jules Ferry in Lyon, France, and who provided a correspondence address in care of Mr. S. Altyzer, 9 rue du Mont-Blanc, Geneva, Switzerland. The Bank's records indicate that on 1 October 1942, Mr. Fred. Erismann transferred 9,950.00 Swiss Francs ("SF") to the Bank in the Account Owner's name, and that on 21 October 1942 a demand deposit account was opened in the Account Owner's name. According to the Bank's records, this account was subject to the Freeze of French Assets in Switzerland as set forth by the Swiss Federal Decree of 8 July 1940. The Bank's records further indicate that on 20 January 1943 the Account Owner wrote to the Bank from the refugee camp "Champel" in Val Fleuri, Geneva, in order to post a bond in favor of the canton of Geneva in the amount of SF 10,000.00, and that the Bank took action to secure this bond.² The signatures of the Account Owner and the Power of Attorney Holder appear on the power of attorney form in the Bank's records, which was signed on 11 May 1943 in Geneva, and on the reverse of the customer card. According to the Bank's records, the account was closed on 30 May 1949. There is no indication in the Bank's records that the Account Owner or his heirs received the proceeds of this account, nor do these records indicate to whom it was paid or the amount in the account on the date of its closure.

² The CRT notes that pursuant to the Swiss Federal Council's Decree of 12 March 1943, the assets of all refugees who had entered Switzerland after 1 August 1942 were confiscated by the Swiss Federal authorities and held for them in accounts at the Bank, which accounts were managed by the Swiss police authorities. See Independent Commission of Experts, *Switzerland - Second World War, Switzerland, National Socialism, and the Second World War: Final Report* (2002), pp. 158-59 (hereinafter the "Bergier Final Report"). See also *In re Accounts of Emma Kuckel-Pipersberg*, *In re Account of Franco di Alberto Levi* (approved by the Court on 23 June 2006), and *In re Accounts of Gerson Goldschmidt and Cecile Goldschmidt* (approved by the Court on 23 June 2006) (hereinafter referred to collectively as the "Kuckel-Pipersberg, Levi, and Goldschmidt Awards").

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name, city and country of residence match the published name, city and country of residence of the Account Owner, and her mother's name matches the unpublished name of the Power of Attorney Holder. The Claimant also indicated that her father resided at 1 place Jules Ferry in Lyon, which matches the Account Owner's unpublished address contained in the Bank's records. In addition, the Claimant indicated that her father sought refuge in Geneva, which matches unpublished information in the Bank's records that the Account Owner was interned at the refugee camp "Champel" in Val Fleuri in the canton of Geneva.

In support of her claim, the Claimant submitted documents, including her father's signed identity card and her parents' certificates of repatriation to France, indicating that Albert Hecker and [REDACTED], née [REDACTED], resided at 1 place Jules Ferry in Lyon, providing independent verification that the person who is claimed to be the Account Owner and the Power of Attorney Holder have the same names and resided at the same address recorded in the Bank's records as the names and address of the Account Owner and the Power of Attorney Holder. The Claimant also submitted samples of her father's signature, which matches the Account Owner's signature samples contained in the Bank's records.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Albert Hecker, and indicates that he was born on 10 April 1884, that he was French, and that he entered Switzerland as a refugee, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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 entered Switzerland illegally in December 1942, where they remained as refugees until February 1945.

As noted above, a person named Albert Hecker was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents demonstrating that the Account Owner and Power of Attorney Holder were the Claimant's parents. These documents include the Claimant's own marriage certificate, which indicates that [REDACTED], née [REDACTED], is the daughter of Albert and [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner fled to Switzerland in the last week of December 1942, where he remained in a refugee camp until February 1945; that the Account Owner wrote to the Bank on 20 January 1943 from a Swiss refugee camp in Val Fleuri, regarding a bond to the canton of Geneva; that the Bank cooperated with the Account Owner to secure this bond; that the owners of refugee accounts generally could not freely dispose of their accounts;³ that a significant number of refugee accounts could not be retrieved by account owners after the Second World War;⁴ that complaints of refugees in Switzerland mostly concerned the fact that their deposited assets were not returned;⁵ that there is no contemporaneous record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner 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 Presumption (h), 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. 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. Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's documents indicate that the value of the demand deposit account as of 20 January 1943 was SF 10,000.00, which the Account Owner used in order to post a bond in favor of the canton of Geneva. The current value of the amount of the award is determined by multiplying the historic value 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 125,000.00.

³ *Unabhängige Expertenkommission Schweiz - Zweiter Weltkrieg: Die Schweiz und die Flüchtlinge zur Zeit des Nationalsozialismus*, UEK Band 17, Chronos, Zürich, 2001, pp. 295, 315 (hereinafter the "Bergier Refugee Report"). See also the Kuckel-Pipersberg, Levi, and Goldschmidt Awards.

⁴ Bergier Refugee Report, pp. 309, 312 ff. See also the Kuckel-Pipersberg, Levi, and Goldschmidt Awards.

⁵ Jung, Joseph (ed.), *Zwischen Bundeshaus und Paradeplatz - Die Banken der Credit Suisse Group im Zweiten Weltkrieg* (Between Parliament and Paradeplatz: The Banks of the Credit Suisse Group in the Second World War), NZZ Verlag, Zürich, 2001, p. 704. See also the Kuckel-Pipersberg, Levi, and Goldschmidt Awards.

Certification of the Award

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

Claims Resolution Tribunal
17 December 2010