

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED], represented by [REDACTED]

in re Accounts of E. Heinemann

Claim Number: 221437/PY

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of E. Heinemann (the “Account Owner”) at 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 grandfather, Ernest Heinemann (Heinnemann), who was born on 25 September 1873 in St. Ouen sur Seine, Paris, France, to [REDACTED] and [REDACTED], née [REDACTED], and who was married to [REDACTED], née [REDACTED], on 6 December 1902 in St. Gilles, Brussels, Belgium. The Claimant stated that her grandparents had one child, [REDACTED], the Claimant’s father. The Claimant indicated that Ernst Heinemann, who resided in St. Josse-ten-Noode in Brussels, held both French and Belgian citizenship. According to the Claimant, her grandfather, whose wife was Jewish, helped Jewish people in St. Josse go into hiding during the Second World War and because of this, he and his entire family were arrested by the Nazis. The Claimant stated that her grandfather died on 25 November 1956 in St. Josse-ten-Noode. In support of her claim, the Claimant submitted her grandfather’s marriage and death certificates, which indicate that he lived in Brussels. The Claimant also submitted her grandfather’s family book, which indicates that his name was Ernest Heinemann, that he was born in St. Ouen sur Seine, France, that he was married to [REDACTED] on 6 December 1902 in Brussels, and that they were the parents of [REDACTED]. In addition, the Claimant submitted her father’s death certificate, which indicates that his father was Ernest Heinemann. Finally, the Claimant submitted her own birth certificate, which indicates that her father is [REDACTED].

The Claimant indicated that she was born on 21 February 1948 in Etterbeek, Belgium. The Claimant is representing [REDACTED], her sister, who was born on 27 December 1949, also in Etterbeek.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was E. Heinemann, who resided in Lausanne, Switzerland; Biarritz, France; and Brussels, Belgium. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened in 1923, and a custody account numbered L6219, which was opened on an unknown date. The demand deposit account was closed on 21 February 1940, and the custody account numbered L6219 was closed on 9 May 1942. The amount in the accounts on the dates of their closures is unknown. The Bank's record does not show to whom the accounts were paid, nor does this record indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's first initial and last name match the published first initial and last name of the Account Owner. The Claimant's grandfather's country of residence also matches the published country of residence of the Account Owner. The Claimant identified her grandfather's city of residence as Brussels, Belgium, which matches unpublished information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted documents including her grandfather's family book, marriage and death certificates, which indicate that he lived in Brussels, providing verification that the person who is claimed to be the Account Owner resided in the city recorded in the Bank's records as the residence of the Account Owner. The CRT notes that the Claimant also stated that her grandfather was born in St. Ouen sur Seine, a town located on the northern border of Paris, France, indicating that he resided in France at some point, which also matches unpublished information about the Account Owner's places of residence contained in the Bank records. Furthermore, the Claimant submitted her father's death certificate and her own birth certificate, which indicate that the Claimant's paternal grandfather was Ernest Heinemann. Finally, the CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the countries of residence of 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's wife was Jewish, and that he was

arrested together with his entire family for having helped Jewish people in St. Josse-ten-Noode go into hiding from the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her grandfather's family book and her father's birth certificate, which both state that his son was [REDACTED]. In addition, the Claimant submitted her own birth certificate, which indicates that her father was [REDACTED].

The Issue of Who Received the Proceeds

Given that there is no indication in the records regarding who authorized the closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquires by account owners because of the Banks' concern regarding double liability; and 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), 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 her grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs and the average value of a custody account was 13,000.00 Swiss Francs, producing a historical total of 15,140.00 Swiss Francs. 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 189,250.00 Swiss Francs.

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. The Claimant is the granddaughter of the Account Owner and is representing her sister, [REDACTED]. Accordingly, the Claimant and her sister are each entitled to one-half 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 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
August 20, 2003