

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED] and [REDACTED]

in re Accounts of Henri Arthur Marie Hermann and Albertine Hermann

Claim Numbers: 217665/MBC; 217666/MBC

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the published accounts of Henri Arthur Marie Hermann and Albertine Hermann, née Aubrun, (the “Account Owners”) 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 two Claim Forms identifying the Account Owners as her paternal grandparents, Henri Marie Arthur Hermann and Albertine Hermann, née Aubrun. The Claimant indicated that her grandfather, who was born on 18 July 1879 in Paris, France, and her grandmother, who was born on 27 July 1884, also in Paris, were married there in 1910. According to the information provided by the Claimant, her grandparents had two children, [REDACTED] (the Claimant’s father), who was born on 2 January 1908 in Paris, and [REDACTED], who was born on 4 March 1923, also in Paris. The Claimant indicated that her grandfather, who was a jeweler, owned the shop *Bijouterie Hermann* at 46 rue de Provence in Paris. The Claimant stated that her grandparents resided at 14 boulevard Emile Augier in Paris from 1930 to 1937, and then at 46 rue de Provence. The Claimant further indicated that following the Nazi invasion of France in 1940, her grandparents, who were Jewish, fled to Saint Dier d’Auvergne, France, where they resided until the Claimant’s grandfather’s death on 21 December 1944. The Claimant added that her grandmother died on 17 August 1968 in Paris, and

¹ 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”), Henri Hermann and Albertine Hermann, née Aubrun, (the “Account Owners”) are each indicated as having two accounts. However, upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts, which the Account Owners held jointly.

that her father died on 13 January 1996 in Athis-Mons, France. In a telephone conversation with the CRT on 23 March 2005, the Claimant indicated that her father's brother, [REDACTED], died many years before her father, and that she is her grandparents' only surviving heir.

The Claimant submitted documents, including: (1) her grandparents' marriage certificate, dated in Paris in 1910, indicating their names, their residence in Paris, and their relationship to one another; (2) extracts from the Claimant's family booklet (*livret de famille*), indicating her grandparents' names, those of their two children, and her own name; (3) an extract from the marriage registry of the 16th arrondissement of Paris, dated in 1930, indicating that [REDACTED]'s parents were Henri Marie Arthur Hermann and Albertine Hermann, née Aubrun, of Paris; (4) the Claimant's own birth certificate, dated in 1936, indicating that [REDACTED] was her father; (5) her grandfather's death certificate, dated in 1944, indicating that his wife was Albertine Hermann, née Aubrun; (6) the Claimant's marriage certificate, dated in 1958, indicating that her father was [REDACTED]; (7) her grandmother's death certificate, dated in 1968, indicating her name, the name of her late husband, and their previous residence in Paris; and (8) [REDACTED]'s death certificate, dated in 1996, indicating that his parents were Henri Marie Arthur Hermann and Albertine Hermann, née Aubrun.

The Claimant indicated that she was born on 30 April 1936 in Paris.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a list of suspended accounts. According to these records, the Account Owners were Mr. Henri Arthur Marie Hermann, who was a real estate and antique dealer, and his wife, Albertine Hermann, née Aubrun. The Bank's records list a correspondence address of 49 Avenue de St. Mandé, Paris, France, which was crossed out on an unknown date. The Bank's records indicate that the Account Owners held a numbered demand deposit account in French Francs ("FF"), which was held under the designation A.M. 12396. These records further indicate that the account was opened on 13 August 1928, that the Bank did not hear from the Account Owners after 30 June 1929, and that the account was frozen on 6 July 1940 under the Swiss freeze of French assets located in Switzerland. These records further indicate that on 3 November 1949 the account was transferred to a suspense account. The balance of the account on the date of the transfer was FF 181.00.

The Bank's records further indicate that the Account Owners also held a demand deposit account in United States Dollars ("US \$"), and that this account was also transferred to the suspense account, but the date of the transfer is not recorded. The balance of this account was US \$ 3.10.

The Bank's records indicate that the accounts remain suspended.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). On 12 June 2005, the Bank informed the CRT that no additional information relating to these accounts is available.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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. The Claimant's grandparents names, city, and country of residence match the published names, city, and country of residence of the Account Owners.² The Claimant also identified the Account Owners as husband and wife, although their names were published separately in the February 2001 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").

In support of her claims, the Claimant submitted documents, including her grandparents' marriage certificate, extracts from her family booklet, an extract from the marriage registry of the 16th arrondissement of Paris, and her grandparents' and father's death certificates, providing independent verification that the people who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Bank's records as the names and city of residence of the Account Owners. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different countries of residence for the Account Owners and failed to identify both Account Owners.

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, who were Jewish, resided in Paris until 1940, when they fled to Saint Dier d'Auvergne.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, including extracts from her family booklet and her own birth and marriage certificates, demonstrating that she is the daughter of the Account Owners' son, [REDACTED]. There is no information to indicate that the Account Owners have other surviving heirs.

² The CRT notes that the Claimant provided addresses for her grandparents in Paris that differ from the Account Owners' address contained in the Bank's records. However, considering that the address listed in the Bank's records dates from 1928 or before, and that the Claimants' grandparents may have had several business and/or residential addresses in Paris, the CRT determines that this discrepancy does not adversely affect the Claimant's identification of the Account Owners.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were transferred to a suspense account, where they remain.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are 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 grandparents, and those relationships justify an award. Third, the CRT has determined 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 demand deposit accounts, one in French Francs and one in United States Dollars.

With regard to the demand deposit account in French Francs, the Bank's records indicated that the balance of the account as of November 1949 was FF 181.00, which was equivalent at that time to 2.17 Swiss Francs ("SF").³ In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 75.00, which reflects numbered account fees and standardized bank fees charged to the demand deposit account between 1945 and 1949. Consequently, the adjusted balance of the account at issue is SF 77.17.00.

With regard to the demand deposit account in United States Dollars, the Bank's records indicate that the balance of the account was US \$ 3.10, but the date of the balance is not known. This amount was equivalent to SF 13.30 in 1945.

According to Article 29 of the Rules, if the amount in a demand deposit account is less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 4,280.00. The current 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, to produce a total award amount of SF 53,500.00.

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 her claims 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).

³ In calculating this amount, the CRT uses official exchange rates.

Certification of the Award

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

Claims Resolution Tribunal
29 December 2005