

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Paula Hermann

Claim Number: 004122/MI

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] ([REDACTED 1]) (the “Claimant”) to the account of Paula Hermann (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 his paternal grandmother, Paula Herrmann (Herrmann, Herman), née Hersch, who was born on 27 December 1889 in Olmütz, Czechoslovakia (now the Czech Republic), and was married to [REDACTED] on 12 January 1915 in Olmütz. The Claimant indicated that his grandparents, who were Jewish, had one child, [REDACTED], the Claimant’s father, who was born on 28 March 1916 in Olmütz. In a telephone conversation with the CRT, the Claimant stated that his grandfather was a philosophy professor at Prague University in Czechoslovakia (now the Czech Republic). The Claimant further stated that his grandfather was a Zionist activist, an editor of several Zionist newspapers and a member of the intellectual Zionist organization, *Bar Kochba*, in which the famous writer Max Brod was a member as well. The Claimant stated that his grandparents, who were Zionists, left Czechoslovakia in 1934 and emigrated to Palestine (now Israel). The Claimant indicated that his grandfather died on 1 January 1940 in Jerusalem, Palestine (now Israel), that his father died on 1 November 1983 in Ramat-Gan, Israel and that his grandmother died on 5 April 1985 in Ramat-Gan.

The Claimant submitted copies of documents, including: (1) his grandmother’s Israeli identity card, indicating that Paula Herrmann was born on 27 December 1889 in Olmütz; (2) his grandparents’ marriage certificate, indicating that Paula Hersch and [REDACTED] were married on 12 January 1915 in Olmütz; (3) his grandmother’s death certificate, indicating that Paula

Hermann was born on 27 December 1889 in Czechoslovakia and died, a widow, on 5 April 1985 in Ramat-Gan; (4) his father's will, indicating that upon his death, [REDACTED]'s assets were to be divided equally between his son, [REDACTED 1], and his daughter, [REDACTED 2]; (5) his own birth certificate, indicating that [REDACTED 1] was born on 4 February 1952 in Tel-Aviv, Israel, and that his parents are [REDACTED] and [REDACTED]; and (6) an extract of a monthly bank statement, sent from *American Israel Bank Ltd.* to the Claimant's grandmother, the Claimant, his mother, and his sister, dated March 1984 and identifying various credits and debits made to an account owned by Paula Hermann, Hanania Hermann, Leora Hermann, and Jehudith Hermann, respectively.

The Claimant indicated that he was born on 5 February 1952 in Tel-Aviv, Israel. The Claimant is representing his sister, [REDACTED 2], née [REDACTED], who was born on 26 October 1947 in Israel.

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 Paula Hermann. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held an account, numbered 40577, the type of which is not indicated.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with an additional document, consisting of a list of dormant savings/passbook accounts, and indicating that Paula Hermann held one savings/passbook account, numbered 40577, with a value of 0.35 Swiss Francs ("SF").

The Bank's record indicates that the account was transferred on 31 December 1957 to a suspense account. The amount in the account on the date of its transfer was SF 0.35. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name matches the published 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 her name.

In support of her claim, the Claimant submitted copies of documents, including his grandmother's Israeli identity card, his grandparents' marriage certificate, his grandmother's death certificate and an extract of a monthly bank statement, sent from *American Israel Bank Ltd.* to the Claimant's grandmother, the Claimant, his mother, and his sister, all providing independent verification that the person who is claimed to be the Account Owner had the same

name or a substantially similar name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that the name Paula Hermann appears only once on the February 2001 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"). The CRT further notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Target of Nazi Persecution

This case is similar to other cases in which a Jewish national of a European country fled his/her country of origin prior to Nazi-alliance or occupation. In this case, the Claimant stated that the Account Owner was Jewish and that she left Czechoslovakia for Palestine in 1934.

Generally, in cases in which an Account Owner has left his/her homeland decades prior to its alliance with or occupation by Nazi Germany and prior to the beginning of the Relevant Period, which is defined by the Rules Governing the Claims Resolution Process, as amended (the "Rules") as the period from 1933 to 1945, the CRT has determined that the Account Owner cannot be considered a Victim or Target of Nazi Persecution, as defined by the Rules. In other cases, in which the Account Owner left his/her homeland during the Relevant Period but before its alliance with or occupation by Nazi Germany (or, for Germany itself, before the Nazis' rise to power), the CRT has considered whether the Account Owner falls within the parameters of the definition of Victim or Target of Nazi Persecution on a case by case basis. Factors considered in making this determination include whether the account owner fled before or during the Relevant Period (for countries other than Germany), whether the bank records include the account owner's new contact address (which would indicate that the account owner initiated contact with the bank after his/her move), and the period of time elapsed between the time when the account owner left his/her country of origin and its alliance with or occupation by Nazi Germany.

In this case, the Account Owner left Czechoslovakia in 1934, which is within the Relevant Period, and one year after Hitler's rise to power in Germany. The Court has previously approved awards in which the CRT has determined that account owners who fled their countries of origin prior to the dates of occupation by or alliance with the Nazi Regime were Victims or Targets of Nazi Persecution, as defined by the Rules.¹ Furthermore, the Bank's records contain no indication of the Account Owner's new address in Palestine. In addition, the Bank's records indicate that the account was suspended and that it remains open and dormant. Therefore, it is

¹ See, e.g., *In re Account of Alice Levy* (approved on 26 November 2002) (account owner left Strasbourg, France for the south of France, which remained unoccupied, in 1939); *In re Account of Lina David* (approved on 27 December 2002) (account owner left France for England in 1939); *In re Account of Léon Ergas* (approved on 24 April 2003) (account owner left Paris for Portugal at the end of 1939); *In re Account of Franz Karl Weiss* (approved on 30 August 2002) (account owner left Hungary for Switzerland in 1938); *In re Account of Giuseppi Levi-Minzi* (approved on 1 July 2002) (account owner died prior to the Relevant Period and his heirs, who resided in Italy, left Italy for Palestine in 1935); and *In re Account of Felix and Eva Jaffe* (approved on 28 January 2003) (one account owner died in France in 1929, at which time his wife (the other account owner), moved to Switzerland, where she remained during the Relevant Period).

clear that the Account Owner did not receive the proceeds of the account. In this respect, the account was treated as if it were owned by a Victim of Nazi Persecution.

For these reasons, the CRT concludes that the Claimant has made a plausible showing that the Account Owner was a Target of Nazi Persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's grandmother. These documents include an extract of a monthly bank statement, sent from *American Israel Bank Ltd.* to the Claimant's grandmother, the Claimant, his mother, and his sister, dated March 1984 and identifying various credits and debits made to an account owned by Paula Hermann, Hanania Hermann, Leora Hermann, and Jehudith Hermann, respectively. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The CRT further notes that the Claimant submitted copies of his grandmother's Israeli identity card, his grandparents' marriage certificate and his grandmother's death certificate. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. The CRT further notes that the Claimant submitted copies of his father's will and his own birth certificate, both of which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains open and dormant.

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 his grandmother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's record indicates that the value of the savings/passbook account as of 31 December 1957 was SF 0.35. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 195.00 which reflects standardized bank fees charged to the savings/passbook account between

1945 and 1957. Consequently, the adjusted balance of the account at issue is SF 195.35. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

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. In this case, the Claimant is representing his sister, [REDACTED 2]. Accordingly, the Claimant is entitled to half of the total award amount, and [REDACTED 2] is entitled to 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 his claim to determine whether there are additional Swiss bank accounts to which he 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
15 November 2007