

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2],
represented by [REDACTED]

in re Account of William Herzlich

Claim Number: 205232/MG; 300130/MG

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of [REDACTED],¹ and upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together “the Claimants”) to the account of William Herzlich. This Award is to the account of William Herzlich (the “Account Owner”) at the Lausanne branch of 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 Claimants

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her husband, Jakub William Herzlich. In a telephone conversation with the CRT, Claimant [REDACTED 1] stated that her husband was born on 1 October 1898 in Nisko, Poland, but that he lived in Teschen, Polish-Silesia, where he was a businessman who imported tea, coffee and fruits in bulk (*Kolonialwarenhändler*). According to Claimant [REDACTED 1], William Herzlich often travelled and held a bank account in Switzerland. Claimant [REDACTED 1] further stated that she was married to William Herzlich in the Krakow ghetto in 1942, and that they had one son together, Claimant [REDACTED 2]. Claimant [REDACTED 1] stated that she was divorced from William Herzlich in 1952, and that William Herzlich remained in Krakow until his death in 1976. Claimant [REDACTED 1] submitted her birth certificate, her parents’ marriage certificate, her Lodz registration documents, a statement from [REDACTED] about her family’s favorable economic position, and her son’s birth certificate indicating the name of his father, Jakub Herzlich, and of his mother, Claimant [REDACTED 1]. Claimant [REDACTED 1] also submitted a letter, dated 12 December 2002, from the Frankfurt Jewish Community, on behalf of Claimant [REDACTED 1], to the CRT, explaining that

¹ The CRT will treat the claim to this account in a separate decision.

her husband was named Jakub William Herzlich, after his two grandfathers, and that he no longer used the name William in the years after the Second World War, because it sounded too much like the German name Wilhelm to him. Claimant [REDACTED 1] indicated that she was born on 1 July 1920 in Lodz.

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his father, Jakub William Herzlich who was born on 1 October 1898 in Nisko, Poland, and was married to [REDACTED 1] (Claimant [REDACTED 1]) in 1942 in Krakow. Claimant [REDACTED 2] stated that his father was a businessman who imported coffee, tea and exotic fruit in Teschen, and that he often travelled to Switzerland. Claimant [REDACTED 2] further stated that his father was domiciled in Teschen between 1933 and 1940, and that between 1941 and 1945 he first stayed in the Krakow ghetto, then went into hiding and finally fled to Hungary. Claimant [REDACTED 2] further stated that his parents divorced in 1952 and that his father died in 1976 in Krakow. Claimant [REDACTED 2] indicated that he was born on 29 February 1948 in Krakow.

Information Available in the Bank's Record

The Bank's record consists of a list of dormant accounts from 1948. According to this record, the Account Owner was William Herzlich. The Bank's record does not indicate the Account Owner's place of residence. The Bank's record indicates that the Account Owner held a demand deposit account. The amount in the account on 16 July 1941 was 6.56 Swiss Francs. According to the Bank's record, the account was closed by the Bank's fees in 1948.

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 Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s husband's name and Claimant [REDACTED 2]'s father's name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any additional information regarding the Account Owner other than his name. In support of her claim, Claimant [REDACTED 1] submitted numerous documents, including her son's birth certificate, which indicates the name of his father, Jakub Herzlich, and of his mother, Claimant [REDACTED 1]. Claimant [REDACTED 1] also submitted a letter, dated 12 December 2002, from the Frankfurt Jewish Community, on behalf of Claimant [REDACTED 1], to the CRT, which explains

that her husband was named Jakub William Herzlich, after his two grandfathers, and that he did no longer use the name William in the years after the Second World War, as this sounded too much like the German name Wilhelm to him. The CRT further notes that the name William Herzlich appears only once on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of victims of Nazi persecution. Furthermore, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants indicated that the Account Owner, who was Jewish, was forced to live in the Krakow ghetto in Poland. Claimant [REDACTED 2] also stated that the Account Owner fled to Hungary to escape Nazi persecution.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner. Claimant [REDACTED 1] submitted her son's (Claimant [REDACTED 2]) birth certificate, which demonstrates that she was married to the Account Owner and that Claimant [REDACTED 2] is the Account Owner's son. Claimant [REDACTED 1] also submitted a letter, dated 12 December 2002, from the Frankfurt Jewish Community, on behalf of Claimant [REDACTED 1], to the CRT, which explains that her husband was named Jakub William Herzlich, after his two grandfathers, and that he did no longer use the name William in the years after the Second World War, as this sounded too much like the German name Wilhelm to him. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed by the Bank's fees.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her husband, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his father, and those relationships justify 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 account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's record indicates that the value of the demand deposit account as of 16 July 1941 was 6.56 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. 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. Consequently, the total award amount in this case is 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(b) of the Rules, if the Account Owner's spouse and descendants have submitted a claim, the spouse shall receive one-half of the account and any descendants who have submitted a claim shall receive the other half in equal shares by representation. In this case, Claimant [REDACTED 1] was the Account Owner's spouse, and Claimant [REDACTED 2] is the Account Owner's son. Accordingly, the Claimants are each entitled to one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
31 December 2003