

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Paul Heymann

Claim Number: 221674/MBC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Paul Heymann (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 father, Paul Heymann, who was born in Lingolsheim, France, on 19 November 1913, and was married to [REDACTED], née [REDACTED], in Colmar, France, on 15 May 1946. The Claimant indicated that she has one sibling, [REDACTED], who was born in Strasbourg, France, on 22 August 1951. According to the Claimant, her father was a merchant in Strasbourg and lived at rue Maréchal-Foch 132 in Lingolsheim, a city outside of Strasbourg. In a telephone conversation with the CRT, the Claimant indicated that her father, who was Jewish, was arrested after France surrendered to the Nazis, and was deported to a prisoner camp in Austria where he was incarcerated as a prisoner of war from 1940 to 1945, when he returned to Lingolsheim. The Claimant indicated that her father died in Strasbourg on 1 March 1997, that her mother died in Lingolsheim on 22 March 1982, and that her sibling died in Saint Louis, France, on 1 March 1984.

In support of her claim, the Claimant submitted documents including her birth certificate, her parents’ family book and marriage certificate, and her father’s death certificate, all of which indicate his name and his occupation as a businessman. The Claimant also submitted an official inheritance certificate, indicating that Paul Heymann’s heirs are the Claimant and the Claimant’s late brother’s children: [REDACTED], [REDACTED], and

[REDACTED], whom the Claimant is not representing in this proceeding. The Claimant indicated that she was born in Strasbourg on 20 September 1947.

Information Available in the Bank's Records

The Bank's records consist of account opening cards and printouts from the Bank's database. According to these records, the Account Owner was Paul Heymann, who resided in Strasbourg, and worked for a company named *Firma Heymann Frères* ("Heymann Brothers"), which was located at rue du Saint-Gothard 29 in Strasbourg. The Bank's records indicate that the Account Owner granted a power of attorney to a person whose name is not recorded. These records further indicate that the Account Owner sent a letter dated 3 May 1940 to the Bank, instructing it that all correspondence, which until then had been withheld, be sent to a *Frau* (Mrs.) [REDACTED], who resided at Selnaustrasse 14 in Zurich, Switzerland.

The Bank's records indicate that the Account Owner held a custody account, which was opened on 25 April 1933 and closed on 26 August 1940. The Bank's records do not show to whom the account at issue was paid, nor do these records indicate the value of this account. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner. The Claimant identified her father's profession and the location of his business, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her birth certificate, her parents' family booklet and marriage certificate, her father's death certificate, and an official inheritance certificate indicating that the Claimant is Paul Heymann's daughter and that she is one of her father's heirs. The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different city and country of residence and profession than the city and country of residence and profession than the Account Owner. 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 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 lived in the French region of Alsace, where the persecution of Jews by the Nazi Party directed

from Berlin started in September 1938, and that the Account Owner was later incarcerated as prisoner of war in Austria from 1940 to 1945, after Alsace was annexed by Germany.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her birth certificate, demonstrating that the Account Owner was her father.

The Issue of Who Received the Proceeds

Given that the account was closed on 26 August 1940, after France surrendered to the Nazis; that the Account Owner was imprisoned as a prisoner of war in Austria from 1940 to 1945; that there is no record of the payment of the Account Owner's account to him or to the Power of Attorney Holder; that the Account Owner, the Power of Attorney Holder or their heirs would not have been able to obtain information about the 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 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, the Power of Attorney Holder, or their 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 father, 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 account.

Amount of the Award

In this case, the Account Owner held 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 the 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 custody account was 13,000.00 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 162,500.00 Swiss Francs.

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
19 November 2003