

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation

Case No. CV96-4849

Certified Award

to Claimant [REDACTED]

in re Accounts of Paul Heymann

Claim Number: 221674/MW/AC

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Paul Heymann (the “Account Owner”) at the Basel branch of [REDACTED] (the “Bank”).¹

On 19 November 2003, the Court approved an Award to the Claimant for a custody account held by the Account Owner at the Bank (the “November 2003 Award”). This Award addresses the Account Owner’s remaining accounts at 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 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 of war camp in Austria where he was incarcerated as a prisoner of war from 1940 to 1945, when he returned to Lingolsheim. The

¹ The CRT notes that, 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”), Paul Heymann is indicated as the owner of two accounts. Upon careful review, the CRT has concluded that the Bank’s records indicate that Paul Heymann owned three accounts. The Claimant previously received an award for a custody account belonging to Paul Heymann. See *In re Account of Paul Heymann*, which was approved by the Court on 19 November 2003.

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 brother died in Saint Louis, France, on 1 March 1984.

In support of her claim, the Claimant submitted documents including her birth certificate, indicating that she was born in Strasbourg and that her father was Paul Heymann; her parents' family book and marriage certificate; and her father's death certificate, indicating that he died in Strasbourg. 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]. 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 two customer cards and printouts from the Bank's database. According to these records, the Account Owner was Paul Heymann, who resided in Strasbourg, France, and worked for a company named *Firma Heymann Frères*, which was located at rue du Saint-Gothard 29 in Strasbourg. The Bank's records indicate that the Account Owner had been the Bank's customer since 25 April 1933.

The Bank's records indicate that the Account Owner held a custody account. The records also indicate that the Account Owner held a savings/passbook account, numbered 3232, and a demand deposit account. The Bank's records further indicate that the custody account was closed on 26 August 1940, that the savings/passbook account was closed on 26 August 1940, and that the demand deposit account was closed on 17 February 1938. The custody account was awarded in the November 2003 award. These records further indicate that the Account Owner sent a letter dated 3 May 1940 to the Bank, instructing that all correspondence, which until then was withheld, be sent to *Frau* (Mrs.) [REDACTED], who resided at Selnaustrasse 14 in Zurich, Switzerland.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). On 11 June 2004, the Bank provided the CRT with additional documents. These documents consist of a deposit receipt dated 1 March 1938 with respect to the Account Owner's savings/passbook account numbered 3232, a custody account registry card, and a demand deposit account statement from 1938.

These documents show that an amount of 243.20 Swiss Francs ("SF") was transferred from the savings/passbook account to the demand deposit account on 31 January 1938. These documents also indicate that the Account Owner held 5% *Kt. Genf 1918* bonds, which were sold for SF 7,000.00, and the proceeds of which were also deposited in the demand deposit account on 1 February 1938. According to these documents, the amount of SF 7,000.00 was paid to *Frau* (Mrs.) [REDACTED] in Zurich on 17 February 1938, and the demand deposit account was closed on that date. The remaining balance of the demand deposit account, less a SF 0.80 recordkeeping fee, was transferred back to the savings/passbook account on 18 February 1938,

for a balance of SF 242.40. The Bank's records further indicate that the savings/passbook booklet was deposited in the Account Owner's custody account on 1 March 1938. Finally, these documents show that the savings/passbook account was closed on 26 August 1940, and that the custody account was subsequently closed on 27 August 1940. The balance of the savings/passbook account on the date of its closure is not known. There is no indication in the Bank's records that the Account Owner closed either the savings/passbook or custody account and received the proceeds.

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, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different city and profession than the city of residence and profession 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 was Jewish, that he was arrested by the Nazis, and that he was imprisoned from 1940 until 1945.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include her birth certificate, which indicates that Paul Heymann was the Claimant's father, and an inheritance certificate, which names her and her late brother's children Paul Heymann's heirs.

The Issue of Who Received the Proceeds

With regard to the Account Owner's custody account, the CRT notes that an award for this account was issued to the Claimant in November 2003. With regard to the Account Owner's demand deposit account, given that the account was closed on 17 February 1938, prior to the Nazi invasion of France in May 1940, the CRT concludes that the Account Owner was able to access this account and that he closed it in the normal course of business.

With regard to the Account Owner's savings/passbook account, the bank's records indicate that the account was closed on 26 August 1940 to an unknown party.

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; that the Account Owner or his 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 (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 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 savings/passbook 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 savings/passbook account was SF 830.00. 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 SF 10,375.00.

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 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
15 July 2005