

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Hermann Hirsch

Claim Number: 213024/IG

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the account of Hermann Hirsch (the “Account Owner”) at the Lucerne 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his maternal grandfather, Hermann Hirsch, who was born in Berlin or Breslau, Germany, and was married to [REDACTED], née [REDACTED], in Berlin. The Claimant indicated that his grandfather, who was Jewish, resided at Johann Georgstrasse 17/II in Berlin. The Claimant indicated that his grandfather traveled to Switzerland many times between 1933 and 1938 in order to deposit money, securities, gold, and other valuable assets for safekeeping. The Claimant further indicated that the assets belonged to his parents, who were still active in business, and that they were not allowed to leave Germany. The Claimant explained that because Hermann Hirsch was already retired, he was allowed to travel outside of Germany. The Claimant stated that his father, [REDACTED], was imprisoned by the Nazis after his business was confiscated in 1935, but that he managed to escape, and was forced to live in hiding until 1938, when he succeeded in fleeing from Germany, after a failed attempt to enter Switzerland, to Argentina, where he committed suicide in 1943. The Claimant further indicated that his grandmother died in Berlin on 24 June 1942, and that his grandfather disappeared from Berlin after that date. The Claimant stated that his mother told him about the accounts in Switzerland shortly before her death in 1990.

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

In support of his claim, the Claimant submitted documents, including his birth certificate, indicating that his mother was [REDACTED], née [REDACTED], and an adoption certificate indicating the legal adoption of the Claimant's mother by Hermann Hirsch, issued in Berlin, and indicating the address of the Claimant's mother and grandfather. The Claimant also submitted his parents' marriage certificate, which indicates that [REDACTED] was from Berlin. The Claimant indicated that he was born on 28 July 1935 in Bocholt, Germany.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Hermann Hirsch who resided in Berlin-Grünewald, Germany. The Bank's record indicates that the Account Owner held a safe deposit box, which was opened on 30 April 1933, and was closed on a date that is illegible. The Bank's record does not show the value of the account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name matches the published name of the Account Owner. The Claimant identified his grandfather's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. In addition, the Claimant identified his grandfather's street address as Johann Georgstrasse 17, located approximately 3 kilometers from the Grünewald, which corresponds to unpublished information about the city sector in which the Account Owner lived, Berlin-Grünewald, that is contained in the Bank's record. In support of his claim, the Claimant submitted documents including his birth certificate, indicating he is the son of [REDACTED], née [REDACTED], and an adoption certificate indicating the legal adoption of the Claimant's mother by Hermann Hirsch, issued in Berlin, and indicating the address of the Claimant's mother and grandfather. This certificate provides independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's records as the residence of the Account Owner. The Claimant also submitted his parents' marriage certificate, which indicates that [REDACTED] resided in Berlin, Germany. Furthermore, the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city and/or country of residence than the city and country of residence of 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, that he disappeared from Berlin in 1942, and that his relatives were persecuted by the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and other documents demonstrating that the Account Owner was his grandfather. These documents include his birth certificate, indicating that his mother was [REDACTED], née [REDACTED], and an adoption certificate indicating the legal adoption of the Claimant's mother, [REDACTED], née [REDACTED], by Hermann Hirsch, issued in Berlin, and indicating the address of the Claimant's mother and grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; given that the Account Owner remained in Germany until he disappeared from Berlin on an unknown date sometime after June 1942, and thus would not have been able to repatriate his account to Germany without its confiscation; 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) and Appendix C,² 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 his grandfather, 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 safe deposit box. 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 present 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 safe deposit box was 1,240.00 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 15,500.00 Swiss Francs.

² Appendix C appears on the CRT II website -- www.crt-ii.org.

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
22 December 2003