

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1], [REDACTED 2] and [REDACTED 3]

in re Account of Josef Hoffmann

Claim Numbers: 205040/ES; 205937/ES; 500128/ES

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”), [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”), and [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Josef Hoffmann (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as the Claimants have in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms identifying the Account Owner as their grandfather, Josef Hoffmann, who was born on 16 March 1888 in Krizevac, Yugoslavia, and was married to Olga [REDACTED] in 1913. The Claimants stated that their grandparents, who were Jewish, had two children: [REDACTED] (Claimant [REDACTED 2]’s and Claimant [REDACTED 1]’s father), who was born on 14 April 1914; and [REDACTED], née [REDACTED] (Claimant [REDACTED 3]’s mother), who was born on 23 July 1918. The Claimants stated that their grandfather was a wealthy merchant who owned real estate in Zagreb, Yugoslavia, and was a leader in the Zagreb Jewish community. The Claimants stated that their grandparents resided at 31 Boshkovicheva Street in Zagreb and that their last known address was 39 Vojnoviceva Street in Zagreb. In support of her claim, Claimant [REDACTED 3] submitted a declaration made under oath by her aunt, [REDACTED], née [REDACTED], on 15 February 1997, in which her aunt stated that just prior to his deportation, Josef Hoffman secretly handed her a slip of paper on which he had listed the numbered bank accounts that he owned in Switzerland. In her declaration, [REDACTED] stated that she did not remember the details regarding the accounts and that she was the only member of the family to know of their existence. The Claimants stated that their grandfather was deported to the Jasenovac concentration camp in Yugoslavia in June or July of 1941, and that he was murdered there on 15 January 1942. The Claimants explained that their grandmother fled to Palestine and died in 1957 in Haifa, Israel. In her declaration,

[REDACTED] also stated that, after the Second World War, Olga Hoffmann and her children lived under difficult conditions in Israel, and that she asked them later why they did not use their money in Switzerland. [REDACTED] further stated that “It was a big surprise for them and me - to find out that they didn’t know about it.”

The Claimants stated that [REDACTED] died on 21 October 1975. [REDACTED] died on 2 May 1997 in Haifa, Israel. In support of their claims, the Claimants submitted numerous documents. Claimant [REDACTED 1] submitted her father’s birth and death certificates, indicating that his name was [REDACTED] and his parents were Josip (Josef) and Olga Hoffman; a letter from the Jewish community confirming the death of her grandfather; and her own birth certificate, indicating that her father was [REDACTED]. Claimant [REDACTED 2] submitted her birth certificate, indicating that her father was [REDACTED]. Claimant [REDACTED 3] submitted her mother’s death certificate and a letter from the insurance company *Generali Assicurazioni Generali S.p.A.*, which confirms that Josef Hoffmann owned an insurance policy with them. Claimant [REDACTED 3] also submitted a copy of a letter to the Swiss Banking Ombudsman, dated 5 May 1996, from Claimant [REDACTED 3] and Claimant [REDACTED 1], in which they inquire about Swiss bank accounts owned by their grandfather, Josef (Josip) Hoffmann.

Claimant [REDACTED 1] stated that she was born on 29 January 1941 in Tiberias, Palestine. Claimant [REDACTED 2] stated that she was born on 16 September 1947 in Haifa. Claimant [REDACTED 3] stated that she was born on 29 November 1939 in Zagreb.

Claimant [REDACTED 3] previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Josef Hoffmann of Zagreb, Yugoslavia. Claimant [REDACTED 1] also filed an Initial Questionnaire asserting her entitlement to a Swiss bank account owned by Josef Hoffmann of Zagreb, Yugoslavia. In her Initial Questionnaire, Claimant [REDACTED 1] asserted that her grandfather’s account was held at the Zurich branch of the Bank.

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 Josef Hoffmann and the Power of Attorney Holder was Olga Hoffmann, who resided in Zagreb, Yugoslavia. The Bank’s record indicates that the Account Owner held an account of an unknown type. The Bank’s record does not show when the account at issue was closed, or to whom it was paid, nor does this record indicate the value of this account.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank’s record that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' grandfather's name matches the published name of the Account Owner, and their grandmother's name matches the published name of the Power of Attorney Holder. The Claimants identified their grandfather's city of residence as Zagreb, Yugoslavia, which matches published information about the Account Owner contained in the Bank's record. Claimant [REDACTED 1] also stated that the account was held at the Bank's Zurich branch, which matches unpublished information about the account contained in the Bank's record. In support of her claim, Claimant [REDACTED 1] submitted documents including her father's birth and death certificates, indicating that his name was [REDACTED] and his parents were Josip (Josef) and Olga Hoffman; a letter from the Jewish community confirming the death of her grandfather; and her own birth certificate, indicating that her father was [REDACTED]. Claimant [REDACTED 2] submitted documents including her own birth certificate, indicating that her father was [REDACTED]. Claimant [REDACTED 3] submitted documents including her mother's death certificate; a copy of a letter to the Swiss Banking Ombudsman, dated in 1996, inquiring about a Swiss bank account owned by her grandfather, Josef (Josip) Hoffmann, which states that he was married to Olga Hoffmann, née [REDACTED]; and a letter from the insurance company *Generali Assicurazioni Generali S.p.A.*, asserting that Josef Hoffmann owned an insurance policy with them. These documents indicate that the Claimants' grandparents were Josef and Olga Hoffmann, who resided in Zagreb, Yugoslavia.

The CRT notes that Claimant [REDACTED 1] filed an Initial Questionnaire with the Court in 1999, Claimant [REDACTED 3] filed an ATAG Ernst & Young claim form in 1998, and Claimant [REDACTED 1] and Claimant [REDACTED 3] submitted a letter to the Swiss Banking Ombudsman in 1996, asserting their entitlement to a Swiss bank account owned by their grandfather, Josef Hoffmann of Zagreb, Yugoslavia, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimants have based their present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Josef Hoffmann, and indicates that his place of residence was Zagreb, Yugoslavia, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different first name and a different country of residence than the first name and country of residence of the Account Owner. Moreover, two of those other claimants did not mention any familial connection with the Power of Attorney Holder. 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 Claimant stated that the Account Owner was Jewish and was murdered on 15 January 1942 in the Jasenovac concentration camp in Yugoslavia. As noted above, a person named Josef Hoffmann was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents demonstrating that he was their grandfather. Claimant [REDACTED 1] submitted documents including her father's birth and death certificates, a letter from the Jewish community confirming the death of her grandfather and her own birth certificate. Claimant [REDACTED 2] submitted documents including her own birth certificate. Claimant [REDACTED 3] submitted documents including her mother's death certificate and a letter from the insurance company *Generali Assicurazioni Generali S.p.A.*, confirming that Josef Hoffmann owned an insurance policy with them.

The Issue of Who Received the Proceeds

Given the Account Owner's death in a concentration camp in 1942, that there is no record of the payment of the Account Owner's account to him, that the Account Owner and his heirs would not have been able to obtain information about his 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 inquires by account owners because of the Banks' concern regarding double liability, and the application of Presumptions (h) and (j), as provided in Article 28 of 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the

Claimants have plausibly demonstrated that the Account Owner was their grandfather, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 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 49,375.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, the Award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Therefore, Claimant [REDACTED 2] and Claimant [REDACTED 1], as descendants of the Account Owner's child, [REDACTED], are each entitled to receive one quarter (1/4) of the total Award amount; and as a descendent of the Account Owner's second child, [REDACTED], Claimant [REDACTED 3] is entitled to receive the remaining one-half (1/2) 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 claim 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
August 7, 2003