

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Martin Kölbl

and to Claimant [REDACTED 2]

and to Claimant [REDACTED 3]
also acting on behalf of [REDACTED 4], [REDACTED 5], and [REDACTED 6]

in re Account of Wilhelm Hofmann

Claim Number: 223149/HB; 219391/HB; 210860/HB¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”) and [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published accounts of Wilhelm Hoffmann, W. Hoffmann, and Wilhelm Hofmann. This Award is to the published account of Wilhelm Hofmann (the “Account Owner”) at the Brugg branch of the [REDACTED] (the “Bank”).²

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.

¹ Claimant [REDACTED 3] and Claimant [REDACTED 2] submitted two additional claims, which are registered under the Claim Numbers 219391 and 210860, respectively. The CRT will treat these claims in separate determinations.

² 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”), there are entries for “Hoffmann, Wilhelm [Germany] [2],” “Hoffmann, Wilhelm [Krefeld, Germany] [1],” “Hoffmann, W. [1],” and “Hofmann, Wilhelm [1].” This Award addresses the account published as “Hofmann, Wilhelm [1].” With respect to the remaining accounts, the CRT has determined that these accounts were held by different individuals than the individual identified as the Account Owner in this Award, and that the Claimants here have therefore not identified these persons as their relatives.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his paternal great-uncle, Wilhelm (Willy, Vilem) Hofmann.³ Claimant [REDACTED 1] indicated that his great-uncle was born on 15 June 1897, in Prague, Austria-Hungary (today the Czech Republic), and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 1] stated that his great-uncle, who was Jewish, was an architect, held an engineer title, and owned a construction company. According to Claimant [REDACTED 1], his uncle resided on Masna Street in Prague until 21 October 1941, when he was deported to the Lodz ghetto, where he perished on 26 July 1942.

Claimant [REDACTED 1] submitted documents in support of his claim, including his great-uncle's birth certificate, indicating that Willy Hofmann was born on 15 June 1897 in Prague; his great-uncle's declaration of death, indicating that Vilem Hofmann died in 1942 in Lodz; and the probate decision of his great-uncle, Vilem Hofmann, indicating that his heir was [REDACTED], the father of [REDACTED 1]. Claimant [REDACTED 1] indicated that he was born on 2 August 1953 in Melbourne, Australia.

Claimant [REDACTED 2] and Claimant [REDACTED 3]

Claimant [REDACTED 2] and Claimant [REDACTED 3] each submitted Claim Forms identifying the Account Owner as Claimant [REDACTED 3]'s maternal grandfather and Claimant [REDACTED 2]'s paternal great-grandfather, Vilim Hofmann, who was born on 13 October 1879 in Krizevci, Croatia, and was married to [REDACTED] on 30 March 1902 in Krizevci. Claimant [REDACTED 2] and Claimant [REDACTED 3] identified Vilim Hoffman's first name variation as Wilhelm, and his last name variations as Hoffmann and Hofman. Claimant [REDACTED 3] stated that Vilim Hoffman, who was Jewish, lived in Zagreb and was a merchant at *Prevedan & Hoffman*, in which he also owned shares. Claimant [REDACTED 3] stated that *Prevedan & Hoffman* also owned the building where Vilim Hoffman lived. Claimant [REDACTED 3] further stated that because of Nazi pressure placed upon *Prevedan & Hoffman*, the company confiscated and seized Vilim Hoffman's shares in the company and his residence. Claimant [REDACTED 3] stated that her grandfather and his family were threatened with imprisonment and deportation, and her grandfather therefore acquired false identification papers for himself and his family to escape to the Italian-controlled city of Sušak (presently Rijeka, Croatia). Claimant [REDACTED 3] further stated that her grandfather knew that he was on a list for deportation to a concentration camp, and he therefore fled with his family to Italy, where they stayed hidden at a friend's home until the end of the Second World War.

According to Claimant [REDACTED 2] and Claimant [REDACTED 3], Vilim Hoffman had four children: [REDACTED], [REDACTED], née [REDACTED] (Claimant [REDACTED 3]'s

³ The CRT notes that the Claimants supplied different spelling variations to the first name and the surname of their relatives, including the first names of Vilem, Vilim, Willy and Wilhelm, and the surnames of Hofman, Hoffmann, Hofmann and Hoffman, and they used it interchangeably in their various claim forms. In this decision, the CRT adopts the variations used by the Claimants and contained in their supporting documents.

mother), [REDACTED], née [REDACTED], and [REDACTED]. Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that [REDACTED] and his family were killed by the Nazis. With respect to [REDACTED], Claimant [REDACTED 2] and Claimant [REDACTED 3] stated that [REDACTED], who was born in 1903 and died on 18 February 1971 in Zagreb, had two children, [REDACTED], née [REDACTED], who died in 1988, and [REDACTED], who died in 1995. Claimant [REDACTED 2] and Claimant [REDACTED 3] further stated that [REDACTED] was married to [REDACTED] and had two children, [REDACTED], who died in 1995, and [REDACTED 2] (Claimant [REDACTED 2]). Claimant [REDACTED 2] and Claimant [REDACTED 3] indicated that [REDACTED] was born in 1906 and died in 1986, and that she had a daughter, [REDACTED 4], who was born in 1930. Finally, Claimant [REDACTED 2] and Claimant [REDACTED 3] indicated that [REDACTED], who was born in 1904, was married to [REDACTED], and had two children, [REDACTED 3] (Claimant [REDACTED 3]), who was born in 1924, and [REDACTED], who was born in 1929 and died in 1981. According to Claimant [REDACTED 2] and Claimant [REDACTED 3], [REDACTED] was married to [REDACTED], who died in 1994, and had two children, [REDACTED 5], who was born in 1957, and [REDACTED 6], who was born in 1965, both of whom are represented by Claimant [REDACTED 3]. Claimant [REDACTED 3] is also representing her cousin, [REDACTED 4], who is the daughter of her mother's sister [REDACTED].

According to Claimant [REDACTED 2] and Claimant [REDACTED 3], Vilim Hoffman died on 28 March 1947 in Zagreb, and [REDACTED] died on 15 February 1950 in Rijeka.

Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted documents in support of their claims, including: Vilim Hoffman's death certificate, indicating that his wife's name was [REDACTED], née [REDACTED], and that he died on 28 March 1947; Wilhelm Hoffmann's birth certificate, issued by the Jewish community in Krizevci, Croatia, indicating that he was born in 13 October 1879; the marriage certificate of Vilim Hoffmann and [REDACTED], indicating that they were married on 31 March 1902 in Krizevci; [REDACTED 3]'s mother's death certificate indicating that [REDACTED]'s parents were Vilim and [REDACTED]; [REDACTED 3]'s birth certificate, indicating that she was born on 3 November 1924 in Zagreb, and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; [REDACTED 2]'s birth certificate, indicating that she was born in Zagreb, and that her father was [REDACTED], who died in 1995 and was [REDACTED]'s son, and that her mother was [REDACTED]; [REDACTED]'s death certificate, indicating that her father was Willim Hofmann, and that she died in 1986 in Rijeka; [REDACTED 4]'s birth certificate, indicating that her mother was [REDACTED], née [REDACTED]; [REDACTED 5]'s and [REDACTED 6]'s birth certificates, indicating that they are the children of [REDACTED]; [REDACTED]'s death certificate, indicating that he died in 1981 and that his mother's name was [REDACTED]; and a testamentary document of [REDACTED 2]'s father, issued by a Zagreb court, indicating that [REDACTED] was [REDACTED 2]'s paternal grandfather. Claimant [REDACTED 3] indicated that she was born on 3 November 1924 in Zagreb, Croatia. Claimant [REDACTED 3] is representing her cousin, [REDACTED 4], who was born on 31 May 1930 in Zagreb, her nephew, [REDACTED 5], who was born on 5 July 1957 in Zagreb, and her niece, [REDACTED 6], who was born on 20 August 1965 in Zagreb. Claimant [REDACTED 2] indicated that she was born on 26 February 1962 in Zagreb.

Claimant [REDACTED 2] previously submitted an Initial Questionnaire to the Court in 1999 asserting her entitlement to a Swiss bank account owned by [REDACTED].

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 Wilhelm Hofmann. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account, the type of which is not indicated, numbered 12052. According to the Bank's record, the account was transferred to a suspense account for dormant assets on 13 March 1986. The amount in the account on the date of its transfer was 19.20 Swiss Francs ("SF"). The account remains suspended.

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

Claimant [REDACTED 1]'s great-uncle's name, Claimant [REDACTED 3]'s maternal grandfather's name, and Claimant [REDACTED 2]'s paternal great-grandfather's name, matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

In support of his claim, Claimant [REDACTED 1] submitted his great uncle's birth certificate, his great uncle's declaration of death, and the probate decision of his great-uncle, identifying him as Willy (Vilem) Hofmann, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.⁴

In support of their claims, Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted Vilim Hoffman's death certificate, Wilhelm Hoffmann's birth certificate, the marriage certificate of Vilim Hoffmann and [REDACTED], [REDACTED 3]'s mother's death certificate, [REDACTED 3]'s birth certificate, [REDACTED 2]'s birth certificate, [REDACTED]'s death certificate, [REDACTED 4]'s birth certificate, [REDACTED 5]'s and [REDACTED 6]'s birth certificates, [REDACTED]'s death certificate, and a testamentary document of [REDACTED 2]'s father issued by a Zagreb court, providing independent verification that the person who is

⁴ The CRT notes that Vilem is the Czech version of Wilhelm, and that the Yad Vashem records indicate that the Claimant's great-uncle's name was spelled Wilhelm.

claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Vilim Hoffman, who was born in Krizevci, which matches the information about the Account Owner provided by Claimant [REDACTED 2] and Claimant [REDACTED 3]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the other claims to this account were disconfirmed because those claimants provided different name spellings than the name spelling of the Account Owner and did not provide variants of their relatives' names consistent with the spelling of the Account Owner's name. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s relative is not the same person as Claimant [REDACTED 3]'s and Claimant [REDACTED 2]'s relative. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's record; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account were disconfirmed because of a different name spelling, the CRT finds that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that he was deported to the Lodz ghetto, where he perished on 26 July 1942.

Claimant [REDACTED 3] and Claimant [REDACTED 2] have also made a plausible showing that the Account Owner was a Victim of Nazi Persecution, by stating that the Account Owner's shares in a company and residence were confiscated as a result of Nazi pressure, and that the Account Owner fled from Sušak to Italy, where he stayed hidden at a friend's home until the end of the Second World War, because he knew that he was on a list for deportation to a concentration camp. Claimant [REDACTED 2] and Claimant [REDACTED 3] further indicated that the Nazis killed Vilim Hoffman's son, [REDACTED], and his family.

As noted above, a person named Wilhelm Hofmann was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting information and documents, demonstrating that the Account Owner was the Claimant

[REDACTED 1]'s great-uncle. These documents include his great-uncle's birth certificate, his great-uncle's declaration of death, and a probate decision relating to his great-uncle's estate, which identifies him as Willy (Vilem) Hofmann.

Claimant [REDACTED 2] and Claimant [REDACTED 3] have also plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 2]'s paternal great-grandfather and Claimant [REDACTED 3]'s maternal grandfather. These documents include Vilim Hoffman's death certificate, Wilhelm Hoffmann's birth certificate, the Marriage certificate of Vilim Hoffmann and [REDACTED], [REDACTED 3]'s mother's death certificate, [REDACTED 3]'s birth certificate, [REDACTED 2]'s birth certificate, [REDACTED]'s death certificate, [REDACTED 4]'s birth certificate, [REDACTED 5]'s and [REDACTED 6]'s birth certificates, [REDACTED]'s death certificate, a testamentary document relating to the estate of [REDACTED 2]'s father issued by a Zagreb court.

The CRT further notes that the Claimants identified information which matches information contained in the Yad Vashem records and in the database containing the names of victims of Nazi persecution. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account where it remains.

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, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his great-uncle; Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her maternal grandfather; and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her paternal great-grandfather, and those relationships justify an award. Third, 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 account of unknown type. The Bank's record indicates that the value of the account on 13 March 1986 was SF 19.20. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 665.00, which reflects standardized bank fees charged to the account between 1945 and 1986. Consequently, the adjusted balance of

the account at issue is SF 684.20. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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, to produce a total award amount of SF 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each group of Claimants has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the award amount, and Claimant [REDACTED 2], Claimant [REDACTED 3], [REDACTED 4], [REDACTED 5], and [REDACTED 6] are entitled to one-half of the award amount.

With respect to Claimant [REDACTED 2]'s and Claimant [REDACTED 3]'s portion of the award, according to Article 23(1)(c) of the Rules, if the account owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the account owner who have submitted a claim, in equal shares by representation. In this case, the descendants of [REDACTED], [REDACTED], and [REDACTED], who are the three children of the Account Owner whose descendants have filed a claim, are entitled to one-third of this portion.

Accordingly, Claimant Hoffman, who is the granddaughter of the Account Owner's son [REDACTED], and is entitled to one-third of this share, or one-sixth of the total award amount. Claimant [REDACTED 3], who is the daughter of the Account Owner's daughter [REDACTED], is entitled to one-half of [REDACTED]'s one-third share, or one-twelfth of the total award amount. Represented parties [REDACTED 5] and [REDACTED 6], who are the children of [REDACTED]'s late son [REDACTED], are entitled to one-fourth of [REDACTED]'s one-third share, each, or one-twenty-fourth of the total award amount each. Represented party [REDACTED 4], who is the daughter of the Account Owner's daughter Olga, is entitled to one-third of this portion of the award, or one-sixth 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
12 May 2006