

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Hans Löw Beer

Claim Number: 219712/MBC

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] née [REDACTED] (the “Claimant”) to the Account of Hans Löw Beer (the “Account Owner”) at the Zurich branch of [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, Hans Löw Beer, as her late husband, who was born on 22 February 1911 in Brno, Czechoslovakia, and died in Montreal, Canada, on 8 May 1993. The Claimant stated that she and her husband, who was Jewish, were married on 7 November 1942 in Montreal, Canada. The Claimant submitted the will of her late husband, showing that she was designated as his sole heir. The Claimant identified her late husband as a chemical engineer who lived in Czechoslovakia until June 1939, when he left for Canada via England. The Claimant stated that her late husband resided in Gramby, Canada, in 1942, in St-Lambert, Canada, in 1950, and in Montreal, Canada, from 1961 until his death. The Claimant stated that she was born on 7 February 1916.

Information Available in the Bank Records

According to the bank records, the Account Owner was Hans Löw Beer, a Czech national who lived in Montreal, Canada, from at least 1 September 1939. The Account Owner held a demand deposit account, numbered 66854. The bank documents further indicate that the value of the account on 10 November 1939 was 189.50 Swiss Francs, and that the account was transferred to a collective account on 29 November 1955. The value of the account at the date of its transfer to the collective account was 118.00 Swiss Francs. The bank records indicate that the account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her late husband's name matches the unpublished name of the Account Owner, Löw Beer, which was mistakenly published as Löwbeer. Furthermore, the Claimant's statement that her husband fled Czechoslovakia to Montreal in June 1939 matches the notation in the bank records that the Account Owner was residing in Montreal by 1 September 1939. Finally, the Claimant identified her late husband's nationality, which matches unpublished information about the Account Owner contained in the bank records.

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 has shown that the Account Owner, her late husband, was Jewish, and was the target of Nazi persecution while living in Czechoslovakia, until he fled to Canada via England in June 1939.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owner is her late husband, by providing documentation including her own passport, her marriage certificate and her late husband's will. According to the will provided by the Claimant, she is solely entitled to the estate of her late husband.

The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant, and therefore it is clear that neither the Account Owner nor his heirs received the proceeds of the account. Moreover, the Account Owner and his heirs would not have been able to obtain information about the Account after the Second World War from the Swiss bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by Account Owners and heirs because of the banks' concerns regarding double liability.¹

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 23 of the Rules Governing the Claims Resolution Tribunal (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her late husband, and that relationship justifies an Award. Finally, the

¹ See Independent Commission of Experts Switzerland - Second World War, Switzerland, National Socialism and the Second World War; Final Report at 443-44, 446-49 (2002); see also Independent Committee of Eminent Persons, Report on Dormant Accounts of Victims of Nazi Persecution in Swiss Banks at 81-83 (1999).

CRT has determined that it is clear that neither the Account Owner nor his heir received the proceeds of the claimed accounts.

Amount of the Award

The bank records indicate that the value of the demand deposit account as of 10 November 1939 was 189.50 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules. Consequently, the total award amount in this case is 25,680.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 8,988.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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