

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]
represented by Yuval Hen

in re Accounts of Hans Thanhauser and Otto Thanhauser

Claim Number: 150096/SB

Award Amount: 650,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the "Claimant") to the published accounts of Hans Thanhauser ("Account Owner Hans Thanhauser") and Otto Thanhauser ("Account Owner Otto Thanhauser") (together the "Account Owners") and at the [REDACTED] (the "Bank").¹

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Hans Thanhauser as his paternal grandfather, Hans Thanhauser, who was born on 3 June 1879 in Konstanz, Germany, and was married to [REDACTED]. The Claimant stated that his grandfather, who was Jewish, owned a factory and resided in Konstanz with his wife and son, [REDACTED]. The Claimant continued that his grandfather was murdered by the Nazis in Dachau concentration camp. The Claimant submitted several documents in support of his claim, including: the Claimant's sister's, [REDACTED], passport, which shows that she was born on 9 April 1952 in Israel; [REDACTED]'s birth certificate, which also indicates her date and place of birth and that her father was [REDACTED]; [REDACTED]'s birth certificate which shows that he was born on 10 September 1920 in Konstanz, and that his father was Hans Thanhauser of Dobelestrasse 4, Konstanz; [REDACTED]'s Palestinian passport, issued 1 July 1940, which also shows his date and place of birth; and Hans Thanhauser's death certificate, which indicates that he was born on 3 June 1879, in Konstanz, and died on 4 December 1938, in Prittlbach, Germany.

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 Nazis Persecution (the "ICEP List"), Hans Thanhauser is listed as a sole owner of four accounts. Upon careful review, the CRT has concluded that Hans Thanhauser was the sole owner of two accounts and that he held two other accounts jointly with Otto Thanhauser.

The Claimant stated that he was born on 17 December 1950 in Israel. The Claimant represents his sister, [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of two customer cards. According to these records, the Account Owners were Hans Thanhauser and Otto Thanhauser, who both resided in Konstanz, Germany.

The Bank's records indicate that the Account Owners jointly held two custody accounts. According to the Bank's records, one of the custody accounts, numbered L1016, was closed on 16 September 1935. The Bank's records further indicate that the other custody account was closed, but the date of closure is not recorded. The values of the accounts on the dates of their closure are not known. There is no evidence in the Bank's records that the Account Owners' or their heirs closed the accounts and received the proceeds themselves.

The Bank's records also indicate that Account Owner Hans Thanhauser held two custody accounts, numbered 1265 and L3015, as well as a debit account. According to the Bank's records, the debit account was closed on 9 September 1935, and custody account L3015 was closed on 2 March 1936. The Bank's records indicate that custody account 1265 was closed, but the date of closure is not recorded. The values of the accounts on the dates of their closure are not known. There is no evidence in the Bank's records that Account Owner Hans Thanhauser or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified Account Owner Hans Thanhauser.² The Claimant's grandfather's name and country of residence matches published name and country of residence of Account Owner Hans Thanhauser. The Claimant identified Hans Thanhauser's city of residence, which matches unpublished information about Account Owner Hans Thanhauser contained in the Bank's record. In support of his claim, the Claimant submitted documents, including [REDACTED]'s birth certificate, which shows that he was born on 10 September 1920 in Konstanz and that his father was Hans Thanhauser of Dobelestrasse 4, Konstanz and Hans Thanhauser's death certificate, which shows that he was born on 3 June 1879, in Konstanz, and died on 4 December 1938, in Prittlbach, Germany, providing independent verification that the person who is claimed to be Account Owner Hans Thanhauser had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of Account Owner Hans Thanhauser. Additionally, the CRT notes that a database containing the names of

² The CRT notes that the Claimant did not identify the joint Account Owner, Otto Thanhauser, but further notes the joint Account Owners have the same family name, which makes it likely that the Account Owners were relatives. The CRT further notes that the Claimant was born after the Second World War, and may not know the names of all of his relatives who died in the Holocaust.

victims of Nazi persecution includes a person named Hans Thanhauser, and indicates that his date of birth was 3 June 1879, which matches the information about Account Owner Hans Thanhauser 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 name Hans Thanhauser appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT further notes that there are no other claims to these accounts.

Status of the Account Owners as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Hans Thanhauser was a Victim of Nazi Persecution. The Claimant stated that Account Owner Hans Thanhauser was Jewish, resided in Germany and was murdered by the Nazis in Dachau concentration camp. The CRT notes that the Claimant did not provide information about Account Owner Otto Thanhauser, but further notes that the Claimant was born after the Second World War, and may not know the names of all of his relatives who died in the Holocaust.

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

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Hans Thanhauser was the Claimant's grandfather. These documents include [REDACTED]'s birth certificate, which indicates that her father was [REDACTED]; [REDACTED]'s birth certificate which indicates that he was born on 10 September 1920 in Konstanz, and that his father was Hans Thanhauser. The CRT notes that it is likely that Account Owner Otto Thanhauser was related to Account Owner Hans Thanhauser because they have the same family name. There is no information to indicate that the Account Owners have surviving heirs other than the party which the Claimant represents.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owners jointly held two custody accounts, one of which was closed in 16 September 1935 and the other on an unknown date, and that Account Owner Hans Thanhauser owned a debit account closed on 9 September 1935, a custody account closed on 2 March 1936 and another custody account closed on an unknown date.

With regard to the debit account, the CRT notes that this type of account indicates that the relationship between Account Owner Hans Thanhauser and the Bank was that of a creditor/debtor relationship, in which Account Owner Hans Thanhauser was the debtor. The Bank's records further indicates that the account was closed on 9 September 1935, indicating that Account Owner Hans Thanhauser repaid the money he had borrowed from the Bank.

Therefore, the CRT concludes that Account Owner Hans Thanhauser did not hold any positive assets in this account.

With regard to the two custody accounts held jointly by the Account Owners and the two custody accounts held by Account Owner Hans Thanhauser, given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that Account Owner Hans Thanhauser remained in Germany until his death in Dachau concentration camp, and would not have been able to repatriate his accounts to Germany without losing ultimate control over their proceeds; that there is no record of the payment of the Account Owners accounts to them, nor any record of a date of closure for one of the custody accounts; that the Account Owners and their heirs would not have been able to obtain information about his accounts 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; 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,³ 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 Account Owner Hans Thanhauser was his grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, nor his their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Award is for four custody accounts. 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 custody account was 13,000.00 Swiss Francs ("SF"). Thus, the total 1945 average value of the accounts at issue is SF 52,000.00. 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 650,000.00.

³ Appendix C appears on the CRT II website -- www.crt-ii.org <<http://www.crt-ii.org>>.

Division 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 Claimant is representing his sister, [REDACTED]. Accordingly, the Claimant and represented party, [REDACTED] are each entitled to one-half of the total award amount.

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
30 December 2004