

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of R. Akermann

Claim Number: 714229/GO¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Ignatz Akermann.² This Award is to the unpublished account of R. Akermann (the “Account Owner”) at the Zurich-Stadelhoferplatz branch of [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) identifying the Account Owner as herself, [REDACTED], née [REDACTED], who was born on 6 June 1931 to [REDACTED]. The Claimant, who is Jewish, indicated that her family resided in Beregovo, Czechoslovakia (today, the Ukraine), where her father had a printing business. The Claimant further indicated that in approximately 1944, she was deported to a series of concentration camps, including Auschwitz and Bendorf. Finally, the Claimant indicated that her father perished in Auschwitz in approximately 1944.

¹ [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered IQ-HEB-0085-176, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 714229.

² The CRT did not locate an account belonging to [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

Information Available in the Bank's Records

The Bank's records consist of a report from 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"). According to this record, the Account Owner was R. Akermann. The auditor's report does not indicate the Account Owner's domicile. The auditor's report indicates that the Account Owner held an account, the type of which is not indicated, and that the account was transferred to a suspense account on an unknown date. The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's maiden name matches the unpublished first initial and surname of the Account Owner. The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than his or her first initial and surname. The CRT further notes that it is plausible that the Claimant's parents opened the account in their daughter's name, and that they used her first initial and surname for this purpose. Finally, the CRT notes that there are no other equally plausible claims to this account.³ Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified herself as the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that she, as the Account Owner, was a Victim of Nazi Persecution. The Claimant stated that she is Jewish, that she resided in Nazi-occupied Czechoslovakia, and that in 1944 she was deported to a series of concentration camps, including Auschwitz and Bendorf.

The Claimant's Relationship to the Account Owner

As determined above, the Claimant has plausibly demonstrated that she is the Account Owner by submitting specific biographical information.

³ As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

The Issue of Who Received the Proceeds

The auditor's report indicates that the account remains suspended.

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 she is the Account Owner, and that justifies an Award. Third, the CRT has determined that the Account Owner did not receive 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 ("SF"). 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 49,375.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
29 September 2009