

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Doris Menke

in re Account of Richard Haas

Claim Number: 002554/MBC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Doris Menke, née Rosenmann, (the “Claimant”) to the account of Julius Haas.¹ This Award is to the published account of Richard Haas (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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 the Account Owner as her maternal uncle, Richard Haas, who was born on 19 January 1894 in Olomouc, Austria-Hungary (today the Czech Republic). According to the Claimant, Richard Haas, who was Jewish, was the brother of the Claimant’s mother, Lili Rosenmann, née Haas. The Claimant indicated that her uncle was affiliated with the family factory in Olomouc, where he resided until 4 July 1942, when he was deported by the Nazis to the Theresienstadt concentration camp. The Claimant further indicated that her uncle was subsequently deported to the Maly Trostinec death camp, where he was deemed to have perished on 8 September 1942. The Claimant submitted a letter, dated 15 November 1946, from the Czechoslovak Council of Jewish Communities to the Claimant’s mother, indicating that Richard Haas was born on 19 January 1894, that he resided in Olomouc until 4 July 1942, that he was deported by the Nazis to the Theresienstadt concentration camp, that he was subsequently deported to Maly Trostinec, and that he was deemed to have perished there on 8 September 1942.

The Claimant indicated that she was born on 25 August 1927 in Bielsko Biala, Poland. The Claimant previously submitted three Initial Questionnaires to the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Richard Haas, Maksymilian Rosenmann, and herself.²

¹ The CRT will treat the claim to this account in a separate determination.

² The CRT will treat the claims to the accounts of Maksymilian Rosenmann and Doris Menke in separate determinations.

Information Available in the Bank's Records

The Bank's records consist of an account statement and an excerpt from the Bank's ledger. According to these records, the Account Owner was *Herr* (Mr.) Richard Haas. The Bank's records indicate that the Account Owner's place of residence was unknown. The Bank's records indicate that the Account Owner held one demand deposit account. The Bank's records further indicate that the account had a balance of 31.00 Swiss Francs ("SF") as of 13 December 1948, and that it was transferred to a suspense account for dormant assets on 31 December 1948. The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of her claim, the Claimant submitted a letter from the Czechoslovak Council of Jewish Communities, identifying the Claimant's uncle as Richard Haas, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes an individual named Richard Haas, and indicates that his date of birth was 19 January 1894 and that his place of birth was Olomouc, 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 further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Richard Haas, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 stated that the Account Owner was Jewish, that he was deported to the Theresienstadt concentration camp in 1942, and that he was subsequently deported to Maly

Trostenic, where he perished. As noted above, an individual named Richard Haas was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's uncle. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of a letter from the Czechoslovak Council of Jewish Communities, indicating the fate of the Account Owner. The CRT notes that it is plausible that this document is a document 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 Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate 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 Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, and that relationship justifies an Award. Third, the CRT has determined 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 demand deposit account. The Bank's records indicate that the value of the account as of 13 December 1948 was SF 31.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 60.00, which reflects standardized bank fees charged to the account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 91.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

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 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
28 June 2006