

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

and to Claimants [REDACTED 3]

and [REDACTED 4]

## **in re Account of Hans Brunner**

Claim Numbers: 224269/AE; 720582/AE; 716289/AE<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Dr. [REDACTED 1] (“Claimant [REDACTED 1]”) to the published account of Hans Brunner, and the claims of [REDACTED 3] (“Claimant [REDACTED 3]”) and [REDACTED 4] (formerly Brunner) (“Claimant [REDACTED 4]”) (together the “Claimants”) to an account of Hans Brunner.<sup>2</sup> This Award is to the unpublished account of Hans Brunner (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where the claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his

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<sup>1</sup> [REDACTED 3] and [REDACTED 4] did not submit Claim Forms to the CRT. However, in 1999 they submitted Initial Questionnaires (“IQs”), numbered HEB-0251-125 and HEB-0141-171, respectively, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those IQs 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 IQs were forwarded to the CRT and have been assigned claim numbers 720582 and 716289, respectively.

<sup>2</sup> 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 is an account owner identified as Hans Brunner [Vienna, Austria][1]. Upon careful review, the CRT has determined that this individual is not the same person as the Account Owner addressed in this Certified Award, and will treat the claims to the other account in separate determinations.

maternal grandfather, Hans (Giovanni or Ivan) Brunner, who was born in 1887 in Trieste, Italy, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 1] indicated that his grandfather resided in Vienna, Austria from 1906 to approximately 1920, and that he subsequently moved to Zagreb, Yugoslavia (today Croatia). Claimant [REDACTED 1] further indicated that his grandparents had two children, both born in Zagreb: [REDACTED], née [REDACTED], Claimant [REDACTED 1]'s mother, who was born on 22 January 1925, and Hans Brunner, who was born on 4 April 1926. Claimant [REDACTED 1] indicated that his grandfather was an attorney, as well as a manager and co-owner of the Zagreb branch of a textile company based in Trieste. Claimant [REDACTED 1] further indicated that his grandfather resided at Voncinina 12 in Zagreb between 1920 and 1939, and that his grandfather frequently traveled to Vienna during this time period. Moreover, Claimant [REDACTED 1] indicated that his grandfather, who was Jewish, was forced to live in hiding on farms and in monasteries in central Italy from 1939 until 1945. Claimant [REDACTED 1] further indicated that his grandfather survived the Second World War and subsequently lived in Chiopris, Italy, where he passed away in 1964. Finally, Claimant [REDACTED 1] indicated that his mother, [REDACTED], died in 1997 in Zurich, Switzerland, and that her brother, Hans Brunner, died in 1992 in Trieste.

Claimant [REDACTED 1] submitted documents in support of his claim, including a letter written from his grandfather to the *Schweizerische Bankverein*, dated 3 May 1940, with instructions concerning an account held at its New York branch, and a response from the *Schweizerische Bankverein* to Claimant [REDACTED 1]'s grandfather, dated 6 May 1940, acknowledging the receipt of the letter dated 3 May 1940.<sup>3</sup> Additionally, Claimant [REDACTED 1] submitted copies of his maternal grandmother's passport, identifying her as [REDACTED], née [REDACTED]; [REDACTED]'s certificate of inheritance, identifying Claimant [REDACTED 1] and [REDACTED 2] as her sons and sole heirs; an extract from a book entitled *Die Geschichte der Juden in Hohenems* (The History of Jews in Hohenems), providing the history of the Brunner family; his grandfather's law degree certificate, issued by Vienna University, identifying him as Hans Brunner; an excerpt from the marriage registry of Udine, Italy, pertaining to the marriage of [REDACTED] and [REDACTED], identifying her parents as Giovanni Brunner<sup>4</sup> and [REDACTED]; and a detailed family tree. Claimant [REDACTED 1] indicated that he was born on 5 July 1960 in Zurich, Switzerland. Claimant [REDACTED 1] is representing [REDACTED 2], his brother, who was born in 1953 in Zurich.

#### Claimant [REDACTED 3] and Claimant [REDACTED 4]

Claimant [REDACTED 3] and Claimant [REDACTED 4], who are brothers, each submitted an Initial Questionnaire ("IQ") identifying the Account Owner as their father, Hans Brunner, who was born on 4 May 1898 in Prague, Czechoslovakia (today the Czech Republic). Claimant [REDACTED 3] and Claimant [REDACTED 4] indicated that their father resided at Drzevna Ulice 2 in Prague, and that he was the chief executive officer of an import/export company named *Berka*. Claimant [REDACTED 3] and Claimant [REDACTED 4] indicated that their father, who was Jewish, traveled to Switzerland to track the company's bank accounts, as well as

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<sup>3</sup> The CRT will treat the claim to this account, which involves additional documentation submitted by Claimant [REDACTED 1], in a separate determination.

<sup>4</sup> The CRT notes that "Giovanni" is the Italian equivalent of "Johann" or "Hans."

his own personal bank accounts. Claimant [REDACTED 3] and Claimant [REDACTED 4] further indicated that, after Nazi Germany occupied Bohemia and Moravia, their father was forced to leave his job and to hand over all of his assets. Claimant [REDACTED 3] and Claimant [REDACTED 4] indicated that their father immigrated to Palestine (now Israel) in December 1939, and that he died there on 20 June 1950. Claimant [REDACTED 3] indicated that he was born on 19 April 1934, and Claimant [REDACTED 4] indicated that he was born on 11 April 1930.

### **Information Available in the Bank's Records**

The Bank's records consist of a list of accounts and a printout from the Bank's database. According to these records, the Account Owner was Hans Brunner. The Bank's records do not indicate the Account Owner's place of residence. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. 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") reported that on 30 June 1937, the account was transferred to the Bank's suspense account, where it remains today. The Bank's records indicate that the balance in the account as of the date of its transfer was 5.40 Swiss Francs ("SF").

### **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

The names of Claimant [REDACTED 1]'s grandfather, and of Claimant [REDACTED 3]'s and Claimant [REDACTED 4]'s father, each match the unpublished 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 his claim, Claimant [REDACTED 1] submitted his grandfather's law degree certificate, identifying him as Hans Brunner, 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.

The CRT also notes that Claimant [REDACTED 1]'s relative, and Claimant [REDACTED 3]'s and Claimant [REDACTED 4]'s relative, are not the same person. However, given that the Claimants have identified all unpublished information about the Account Owner that is available

in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records that would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner, and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 3] and Claimant [REDACTED 4] have each plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] indicated that the Account Owner was Jewish, and that he was forced to live in hiding on farms and in monasteries in central Italy from 1939 until 1945. Claimant [REDACTED 3] and Claimant [REDACTED 4] indicated that the Account Owner was Jewish, that, after Nazi Germany occupied Bohemia and Moravia, the Account Owner was forced to leave his job and to hand over all his assets, and that he subsequently emigrated to Palestine.

#### The Claimants' Relationships to the Account Owner

##### *Claimant [REDACTED 1]*

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s grandfather. These documents include [REDACTED]'s certificate of inheritance, identifying Claimant [REDACTED 1] and [REDACTED 2] as her sons and sole heirs, and an excerpt from the marriage registry of Udine, Italy, pertaining to the marriage of [REDACTED] and [REDACTED], identifying her parents as Giovanni Brunner and [REDACTED]. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 1] has surviving heirs other than the party whom Claimant [REDACTED 1] is representing.

##### *Claimant [REDACTED 3] and Claimant [REDACTED 4]*

Claimant [REDACTED 3] and Claimant [REDACTED 4] have also plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was their father. The CRT notes that Claimant [REDACTED 3] and Claimant [REDACTED 4] identified unpublished information about the Account Owner as contained in the Bank's records, and that each filed an IQ with the Court in 1999, identifying their relationship to the Account Owner. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 3] and Claimant [REDACTED 4] as a family member, and all this information supports the plausibility that Claimant [REDACTED 3] and Claimant [REDACTED 4] are related to the Account Owner, as they have asserted in their IQs. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 3] and Claimant [REDACTED 4] has other surviving heirs.

### The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation reported that on 30 June 1937, the account was transferred to the Bank's 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 grandfather, and Claimant [REDACTED 3] and Claimant [REDACTED 4] have plausibly demonstrated that the Account Owner was their father, and those relationships justify 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 account of unknown type. The Bank's records indicate that the value of the account as of 30 June 1937 was SF 5.40. 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. Consequently, the total award amount in this case is 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, Claimant [REDACTED 1] and the party he represents, as well as Claimant [REDACTED 3] and Claimant [REDACTED 4], have established plausible relationships to persons with the same name as the Account Owner.

According to Article 23(1) (c), if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants who have submitted a claim, in equal shares by representation. Claimant [REDACTED 1] is representing his brother, [REDACTED 2]. Accordingly, Claimant [REDACTED 1] and [REDACTED 2] are each entitled to one-fourth of the total award amount. Similarly, Claimant [REDACTED 3] and Claimant [REDACTED 4] are each entitled to one-fourth 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  
14 December 2005