

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of *Hermann Eder*

Claim Number: 205126/ZP

Award Amount: 165.75 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Hermann Eder. This Award is to the unpublished account of *Hermann Eder* (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 and an Initial Questionnaire identifying the Account Owner as a ladies’ hat manufacturing company, named *Stroh und Filzhut-Fabrik Hermann Eder* (“Straw and felt hat-factory Hermann Eder”) that was located at Mariahilferstrasse 64 in Vienna VIII, Austria, until 1934, and at Neubaugasse 30 in Vienna VII until 1938. The Claimant indicated that the owner of the company was his father, Hermann Hirsch Eder, who was born on 24 August 1884 in Tarnow, Poland, and was married to [REDACTED], née [REDACTED], on 30 December 1912 in Vienna, Austria. The Claimant stated that his parents had three children: the Claimant; his brother, [REDACTED], who was born on 8 November 1916 in Vienna; and his sister, [REDACTED], née [REDACTED], who was born on 15 September 1924 in Vienna.

The Claimant explained that his parents resided at Neubaugasse 64/10 in Vienna VII, and that after the German annexation of Austria in March 1938, the *Anschluss*, his father was prevented from going to his business due to the Nazi occupation and all of his business documents were left in the safe at the factory. The Claimant further explained that his parents remained in Austria until late 1938, after which they fled to Malta with their children and their business was confiscated. The Claimant stated that his parents were interned as enemy aliens in Malta from September 1938 until November 1939, and from June 1940 until February 1941. The Claimant further stated that his father, who was Jewish, remained in Malta until his death on 10 March 1977. The Claimant indicated that his brother, [REDACTED], died on 1 October 1998 in London, the United Kingdom, and that his sister [REDACTED] died on 13 August 1996 in

London, thereby leaving him as the sole heir to his father's estate. The Claimant further indicated that his father's company owned a Swiss bank account, and that his father used to purchase raw materials in Switzerland for use in his business.

In support of his claim, the Claimant submitted a document, dated 5 July 1938, bearing the name of his father's business, *Stroh und Filzhut-Fabrik Hermann Eder*, in Vienna, and containing a list of banks (*Bank-Konti* or "bank accounts"), including the Bank, in which the company held accounts. The Claimant also submitted a certificate, dated 19 September 1938, issued by a Jewish community (*Matrikelamt der israel. Kultusgemeinde*), indicating that his father was Jewish; his father's certificate of residence, stating that he resided in Vienna; an official document, dated 18 May 1921, stating that the Claimant and his mother were Austrian citizens; and a certificate of inheritance indicating the Claimant, his brother and sister were the heirs of Hermann Hirsch Eder, and that Hermann Hirsh Eder was the Claimant's father. The Claimant stated that he was born on 7 February 1918 in Vienna.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, and an ATAG Ernst & Young claim form in 1998 asserting his entitlement to a Swiss bank account owned by his father, Hermann Eder.

Information Available in the Bank's Records

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") did not report any account held by the company *Stroh und Filzhut-Fabrik Hermann Eder* or by Hermann Eder.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Hermann Eder, numbered 43899. The file indicates that Hermann Eder was born on 24 August 1884, was married to [REDACTED], née [REDACTED], and resided at Neubaugasse 64 in Vienna VII, Austria. The records indicate that Hermann Eder owned a hat producing company named *Hermann Eder* at Neubaugasse 30 in Vienna VII, and that the company had an account of unknown type with the Bank. According to these documents, the amount in the account was 13.26 Swiss Francs as of 14 July 1938. The documents also indicate Hermann Eder had an insurance policy and partly owned property in Berlin, Germany.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as the company owned by his father. The Claimant identified his father's company's name, address and type of company, which all match the information about the Account Owner contained in the Austrian State Archives. The Claimant also identified his father's name and birth date, his mother's name and maiden name, and his parent's address, which all match the information about the Account Owner's owner contained in the Austrian State Archives.

In support of his claim, the Claimant submitted numerous documents including a document, dated 5 July 1938, bearing the name of his father's business, *Stroh und Filzhut-Fabrik Hermann Eder*, which indicates that it was located in Vienna and contains a list of banks, including the Bank, in which the Account Owner held accounts, which matches the information about the Account Owner's account contained in the Austrian State Archives. This document confirms the information contained in the Austrian State Archives.¹

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998 asserting his entitlement to a Swiss bank account owned by Hermann Eder, the owner of the Account Owner. This indicates that the Claimant has based his present claim on a direct family relationship. 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 owner of the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the owner of the company was Jewish, that he lost his business and fled Austria due to Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has demonstrated that he is related to the owner of the Account Owner by submitting documents, including a certificate of inheritance demonstrating that Hermann Eder was his father. This relationship is further established by the Austrian State archival record which states that Hermann Eder owned a hat producing company named *Hermann Eder*. There is no information to indicate that the owner of the Account Owner has other surviving heirs.

¹ The CRT notes that while the Claimant has identified the Account Owner as *Stroh und Filzhut-Fabrik Hermann Eder*, given the substantial information provided by the Claimant, and the Claimant's identification of information contained in the Austrian State Archives, the CRT has concluded that *Hermann Eder* and *Stroh und Filzhut-Fabrik Hermann Eder* are the same company identified by the Claimant.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census, and, subsequently, their accounts are closed unknown to whom or are transferred to Nazi-controlled banks. Given that the CRT's precedent indicates that it is plausible in such situations that the account proceeds were paid to the Nazis; that the owner of the Account Owner was prevented from going to his business due to Nazi persecution and later lost his business; that the owner of the Account Owner and his spouse and children fled to Malta after the *Anschluss*; that there is no record of the payment of the Account Owner's account to the owner or the owner's heirs; that the owner of the Account Owner or his heirs would not have been able to obtain information about the account 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; and given the application of Presumptions (d), (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the owner of the Account Owner or his heirs, and that it is plausible that the account was paid to Nazi authorities. 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 the owner of the Account Owner was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the owner of 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 Austrian State Archives record indicates that the value of the account as of 14 July 1938 was 13.26 Swiss Francs. In this case, the CRT concludes that the value provided by the Austrian State Archives record should be used, because it is the sole source of information regarding the existence and value of the account. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 165.75 Swiss Francs.

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
22 December 2003