

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
also acting on behalf of [REDACTED] and [REDACTED]

## **in re Account of Hans Hermann**

Claim Number: 217329/AH

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Hans Hermann (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 identifying the Account Owner as her father, Hans Herrmann, who was born on 13 July 1900 in Cepin (Osijek), Yugoslavia, and was married to [REDACTED], on 4 January 1941, in Cakovec, Yugoslavia. The Claimant indicated that her father's given name was Ivan, but that he often used the name Hans. The Claimant stated that Ivan and [REDACTED] Hermann were Jewish, and that they had two children: the Claimant, and [REDACTED], also known as [REDACTED], who was their adopted son. The Claimant stated that her father lived on Tuskanjac Street and on Slavujevac Street in Zagreb, Yugoslavia, where he worked as an engineer and inventor. The Claimant stated that her father frequently traveled throughout Europe for business, and that as of 1930, he kept an additional address in Boulogne, France. The Claimant further stated that she had uncles who resided in Switzerland, one of whom was a famous and successful architect, who would have helped her father open a Swiss bank account. According to the Claimant, her paternal grandmother committed suicide in Yugoslavia when local Nazi supporters came to deport her to a concentration camp. The Claimant added that her father's sister and most of his other relatives fled the country, that her father went into hiding in his home in Zagreb, and that the Nazis looted and confiscated his house in Savujevac. According to information provided by the Claimant, her father died on 10

July 1962, in Sarajevo, Yugoslavia, and her mother died on 16 May 1974, also in Sarajevo.

In support of her claim, the Claimant submitted documents, including copies of correspondence between the Claimant's father and his family and an identification card used for travel, both of which identify him as Hans Herrmann; her father's birth, marriage, and death certificates, which identify him as Ivan Herrmann and indicate he was from Croatia; an inheritance certificate, identifying the Claimant and her brother as the children of Ivan Herman; and a copy of her brother's change of name from [REDACTED] to [REDACTED]. The Claimant is representing her adopted brother, [REDACTED], who was born on 24 July 1940, in Grbavci, Yugoslavia, and her son, [REDACTED], who was born on 19 August 1966, in Sarajevo. The Claimant stated that she herself was born on 21 May 1941, in Zagreb.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Hans Hermann, who resided in Zagreb, Yugoslavia. The Bank's record indicates that the Account Owner held one demand deposit account, which was opened on 10 December 1932, and closed on 20 June 1958. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified her father's city of residence, which matches unpublished information about the Account Owner's residence contained in the Bank's record. In support of her claim, the Claimant submitted numerous documents, including copies of correspondence between the Claimant's father and his family, as well as an identification card used for travel, which indicate that he used the name "Hans Hermann;" as well as her father's birth and marriage certificates, indicating that he resided in Yugoslavia; which provides independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and residence of the Account Owner. Furthermore, the CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner. 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 resided in Yugoslavia and went into hiding to avoid Nazi persecution, that his home was looted and his assets confiscated by the Nazis, and that his mother committed suicide just before she was to be deported to a concentration camp.

### 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 and documents, including a copy of her father's inheritance certificate, demonstrating that she is the Account Owner's daughter. There is no information to indicate that the Account Owner had other surviving heirs, other than the Claimant's brother and her son, both of whom she represents in these proceedings.

### The Issue of Who Received the Proceeds

Given that the Account Owner was Jewish and resided in Nazi-occupied Yugoslavia; that the account was closed in 1958 when the Account Owner and his family resided in Yugoslavia, which at that time was a Communist country, and would therefore not have been permitted to travel to Switzerland in order to obtain the proceeds of his account; that there is no record of the payment of the Account Owner's accounts to him or his heirs; that the Account Owner or his heirs would not have been able to obtain information about his 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 the application of Presumptions (b), (h), (i), and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner nor 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 the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held one demand deposit account. 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 present 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 demand deposit account was 2,140.00 Swiss Francs. 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 26,750.00 Swiss Francs.

### Division of the Award

The Claimant is representing her brother, [REDACTED], and her son, [REDACTED], in these proceedings. 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. Accordingly, the Claimant and [REDACTED], as the son and daughter of the Account Owner, have better entitlement to the account than [REDACTED]. Consequently, the Claimant and her brother 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 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  
6 February 2004