

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Clara Hess

Claim Numbers: 213042/AH; 601233/AH¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Clara Hess (the “Account Owner”) at the Basel 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 to the Holocaust Claims Processing Office (“HCPO”) in April 2000 and a Claim Form to the CRT identifying the Account Owner as his paternal aunt by marriage, Clara Hess, née Picard, who was born on 8 October 1896 in Schopfheim, Germany, was married to [REDACTED], the Claimant’s paternal uncle, and had one son named [REDACTED], who was born on 4 April 1923, in Frankfurt, Germany. The Claimant indicated that his aunt lived at 7 Scheffelstrasse in Schopfheim, and that her parents owned a women’s clothing store in the same town. The Claimant indicated that his aunt’s mother was born in Switzerland and lived in Frankfurt, where her husband owned a clothing manufacture business; that her sister, [REDACTED] or [REDACTED], lived in Switzerland; and that her brother, Robert Picard, lived in Germany. The Claimant indicated that his aunt and uncle used to travel frequently to Switzerland and deposited money in Swiss banks. The Claimant also stated that during the Second World War, his aunt’s family was denied entry to Switzerland and was deported to a death camp in Riga, Latvia, where they all perished. The Claimant submitted documents including family photos, concentration camp death confirmations, and information from the city of Schopfheim Archives, indicating his aunt’s family’s addresses, their connection to Basel, Switzerland, and her brother’s and sister’s names. The Claimant indicated that he was born on 15 May 1921 in Frankfurt, Germany. The Claimant previously submitted an Initial

¹ The Claimant submitted a claim, numbered B-02199, on 26 April 2000 to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601233.

Questionnaire with the Court in 1999 and HCPO claim form, asserting his entitlement to a Swiss bank account owned by [REDACTED] and/or his spouse Clara Hess from Frankfurt, Germany.

Information Available in the Bank Record

The bank record consists of a printout from the Bank's database. According to this record, the Account Owner was Clara Hess, née Picard, and the Power of Attorney Holder was Robert S. Picard, both of whom resided in Frankfurt, Germany. The bank records indicate that the Account Owner held an account of an unknown type, numbered 51'548, which was opened in 1927. The bank record does not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the bank records that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has identified the Account Owner. His aunt's names and city and country of residence, and Robert Picard's name and address all match the published information about the Account Owner and the Power of Attorney Holder. The CRT notes that the Account Owner opened the account, providing an address in Frankfurt during the same period that the Claimant stated his aunt resided in Frankfurt, which is consistent with unpublished information about the opening of the account contained in the bank records. In support of his claim, the Claimant submitted documents, including information from the city of Schopfheim Archives, indicating his aunt's name, her family's addresses, their connection to Frankfurt and to Basel, and Robert Picard's name.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by , prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Clara Hess, née Picard, and indicates that her date of birth was 8 October 1896, her place of birth was Schopfheim, her place of domicile was Frankfurt, and that she was deported in 1941 and died in Riga, all of 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 also notes that the other claims to this account were disconfirmed because those claimants provided incorrect first names or maiden names of 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, and that during the Second World War his aunt's family was deported to a death camp in Riga, Latvia, where they all died. As noted above, the database containing names of victims of Nazi persecution includes the name Clara Hess.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner was married to his paternal uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the application of Presumptions (h) and (j) contained in Appendix A,² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their heirs. Based on its precedent and the Rules Governing the Claims Resolution Process (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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his aunt, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

² An expanded version of Appendix A appears on the CRT II website -- www.crt-ii.org.

Amount of the Award

Pursuant to Article 35 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Initial Payment

In this case, the Claimant is age 75 or older and is therefore entitled to receive payment of 100% of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

December 31, 2002