

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Maria [REDACTED]

in re Account of Maria Hess

Claim Number: 709381/SJ¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Maria [REDACTED], née Hess, (the “Claimant”) to the accounts of [REDACTED] and/or [REDACTED].² This Award is to the published account of Maria Hess (the “Account Owner”) at the Lucerne 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 an Initial Questionnaire (“IQ”) identifying the Account Owner as herself, Maria [REDACTED], née Hess, who was born on 26 May 1920. The Claimant indicated that she is the daughter of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that her father, who was a Jehovah’s Witness, was a merchant and a poultry dealer who was born on 17 July 1898 in Karlsbad-Aich, in the Sudetenland, Czechoslovakia. The Claimant further indicated that her father was arrested in September or October 1942 in

¹ Maria [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered GER 0032 037, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires 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 IQ was forwarded to the CRT and has been assigned Claim Number 709381.

² The CRT did not locate an account belonging to the Claimant’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources. The CRT will treat the claim to an account belonging to [REDACTED] in a separate decision.

Karlsbad because he was a Jehovah's Witness with anti-Nazi beliefs, and that he was incarcerated in Zwickau prison. The Claimant further indicated that her mother shared her father's beliefs and was also arrested and was jailed in Eger, Hungary, and in Karlsbad. The Claimant added that she had a brother, also named [REDACTED], who was a bricklayer imprisoned for his anti-Nazi beliefs between June 1944 and March 1945. The Claimant indicated that her brother died on 8 May 1950, that her father died on 6 June 1951 in Regensburg, Germany, and that her mother died on 19 March 1974 in Memmingen, Germany.

The Claimant submitted her father's death certificate, establishing that he was married to [REDACTED], née [REDACTED], and that he was a Jehovah's Witness; a copy of criminal charges brought in 1943 against her mother, [REDACTED], indicating that she was the wife of [REDACTED], who was a Jehovah's Witness; compensation and pension claims filed against Germany by [REDACTED] in the 1950s after the death of her husband, indicating that she had been imprisoned between September 1942 and June 1943; a certificate of release of [REDACTED] from Zwickau prison; and copies of her father's and brother's release certificates issued upon their release from prison.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Maria Hess. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is unknown. The Bank's records indicate that the account was transferred to a suspense account for dormant assets on 10 August 1955 with a balance of 43.70 Swiss Francs ("SF"). The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant'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 her name.

The CRT notes that the name Maria Hess appears only once 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"). The CRT further notes that the Claimant filed an IQ with the Court in 1999 asserting her entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED], prior to the publication in February 2001 of the ICEP List. While the Claimant did not specifically claim an account belonging to herself in her IQ, it is plausible that her parents may have opened an account without the Claimant's knowledge. This is supported by the fact that the Claimant was young during the Second World War, that she believed her parents may have opened accounts in Switzerland and that she claimed those accounts prior to the published ICEP List. This indicates that the

Claimant had reason to believe that her relatives had 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 the other claim to this account was disconfirmed because that claimant provided inconsistent information regarding the name of the Account Owner. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Target of Nazi Persecution. The Claimant stated that the Account Owner's father was a Jehovah's Witness, and that he, his wife and his son were imprisoned as a result of their beliefs. The Claimant also submitted compensation and pension claims filed against Germany by [REDACTED] in the 1950s after the death of her husband, indicating that she had been imprisoned between September 1942 and June 1943; a certificate of release of [REDACTED] from Zwickau prison; and copies of her father's and brother's release certificates issued upon their release from prison.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is the Account Owner.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense account.

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, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that she was the Account Owner, and therefore is entitled to an Award. Third, the CRT has determined that the Account Owner has not 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 10 August 1955 was SF 43.70. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 165.00, which reflects standardized bank fees charged to the account between 1945 and 10 August 1955. Consequently, the adjusted balance of the account at issue is SF 208.70. According to Article 29 of the Rules, if the amount in an unknown type of account 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, to produce a total award amount of SF 49,375.00.

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
24 December 2004

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