

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Prof. Dr. Wolfgang Hirsch-Weber
also acting on behalf of Henriette Lucchesi

in re Account of Fritz Hirsch

Claim Number: 219618/IG¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of Prof. Dr. Wolfgang Hirsch-Weber (the “Claimant”) to the account of Fritz Hirsch (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal uncle, Fritz Hirsch, who was born on 11 May 1888 in Mannheim, Germany, and was married to Hilda Laski. The Claimant stated that his uncle was a theater director, and the founder of the *Fritz-Hirsch-Operette* which was established in 1929 in The Hague, The Netherlands. The Claimant further indicated that in 1932 his uncle moved to Berlin, Germany, where he took up a post as director of the *Schillertheater*. The Claimant stated that his uncle, who was Jewish, was fired in February 1933 and was forced to move back to The Netherlands. The Claimant further stated that on 29 June 1941 his uncle was denounced to the Dutch Nazis and was incarcerated in the Scheveninger jailhouse. The Claimant indicated that his uncle was released in mid-November the same year, but that he was later interned again and deported to the Sachsenhausen concentration camp. The Claimant stated that, at the end of May 1942, his uncle was transferred to the Mauthausen concentration camp, where he was murdered on 10 June 1942. The Claimant stated that his uncle had two children: Gerd Hirsch, who was born on 29 December 1918 in Hamburg, Germany, and was murdered in Mauthausen; and Frank Hirsch, who was born on 10 February 1926, and was murdered in Auschwitz. Finally, the Claimant stated that his father, Josef Hirsch, the brother of Fritz Hirsch, was murdered in the Flossenbürg concentration camp on 27 May

¹ The Claimant submitted an additional claim to the account of Josef Hirsch, which is registered under the Claim Number 219617. The CRT has treated the claim to this account in a separate decision.

1942. The Claimant submitted two samples of his uncle's handwriting and a sample of his uncle's signature.

The Claimant indicated that he was born on 20 July 1920 in Mannheim. The Claimant is representing Henriette Lucchesi, née Hirsch, his sister, who was born on 9 September 1922 in Mannheim.

Information Available in the Bank's Records

The Bank's records consist of an account opening card, lists prepared by the Bank pursuant to the Swiss Federal Decree of 1962 concerning assets of missing foreigners or stateless persons persecuted due to race, religion, or politics, and printouts from the Bank's database. According to these records, the Account Owner was Fritz Hirsch, who resided in Berlin, Germany. The Bank's records indicate that the Account Owner held a custody account, numbered L 1309. The Bank's records show that the account was dormant from 1934 onward, and that the Bank did not report the account in 1962 because the account at that time had a value of less than 100.00 Swiss Francs. The account was closed in 1964 by bank fees. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His uncle's name matches the published name of the Account Owner. The Claimant identified his uncle's country and city of residence as Berlin, Germany, which matches unpublished information about the Account Owner contained in the Bank's records. The CRT notes that it previously issued a Certified Award to the claim to the account of the Claimant's father Josef Hirsch. That account was also held at the Bank, which strengthens the plausibility of the identification of the Account Owner in this Award.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Fritz Hirsch, and indicates that his place of birth was Mannheim, and that his place of internment was Scheveningen, The Netherlands, 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. Finally, the CRT notes that the other claims to this account were disconfirmed because those claimants provided different cities of residence than the city of residence 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 he was murdered

in Mauthausen. As noted above, a person named Fritz Hirsch was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

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

The Issue of Who Received the Proceeds

The Bank's records indicate the account was closed by bank fees.

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 the Account Owner was his uncle, and that relationship justifies an Award. Finally, 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 a custody 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 current 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 custody account was 13,000.00 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 162,500.00 Swiss Francs.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sister, Henriette Lucchesi, and accordingly, she is entitled to receive one-half (1/2) of any payment made to the Claimant.

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
July 15, 2003