

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
and Claimant [REDACTED 2]
also acting on behalf of [REDACTED] and [REDACTED]

in re Account of Rudolf Hirsch

Claim Numbers: 211754/AH¹; 218897/AH²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Rudolf Hirsch (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in the case of the two Claimants, 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 Claimants

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her late husband’s father, Rudolf Hirsch, who was born to [REDACTED] and [REDACTED] on 14 August 1888, in Iulia Romana, Romania. Claimant [REDACTED 1] stated that Rudolf Hirsch was married to [REDACTED], with whom he had two children: [REDACTED], Claimant [REDACTED 1]’s late husband, and [REDACTED]. According to Claimant [REDACTED 1], her father-in-law was a shopkeeper who owned several businesses, including at least two merchandise stores, located at 5 Kossuth Lajos Street in Odorheiu, Romania, and at 44 Kossuth

¹ Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 211754 and 211755, because the name of the published Account Owner appears twice on the published list. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 211754.

² Claimant [REDACTED 2] submitted two Claim Forms, which were registered under the Claim Numbers 218897 and 219184, because the name of the published Account Owner appears twice on the published list. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 218897.

Lajos Street in Odorheiu, where he also resided. Claimant [REDACTED 1] stated that her father-in-law traveled extensively on business throughout Romania and Hungary, and that he may have owned additional stores and residences in Bucharest, Romania; Cluj, Romania; and Budapest, Hungary. Claimant [REDACTED 1] explained that when her father-in-law became aware of the increased Jewish persecution in Germany and Hungary, he decided to protect his fortune by selling his assets and depositing the money in a Swiss bank. Claimant [REDACTED 1] stated that her father-in-law went to Bucharest, where he opened two bank accounts, one for each of his sons, because it was safer to open the account from there than to travel to Switzerland. Claimant [REDACTED 1] stated that after Odorheiu became subject to the jurisdiction of the Hungarian Nazi regime in 1940, her father-in-law and his family, who were Jewish, were severely persecuted; their property was looted; and he, his wife and most of his relatives were sent to Auschwitz, where they were all killed from 1944 to 1945. Claimant [REDACTED 1] indicated that her husband's brother, [REDACTED], died during the Second World War in Russia, and that her husband, [REDACTED], Rudolf Hirsch's son, was the only member of the family to survive the Holocaust. Claimant [REDACTED 1] further indicated that her husband died on 20 February 1999 in Bucharest. Claimant [REDACTED 1] added that she was [REDACTED]'s second wife, that his first wife died, and that his son from his first marriage, [REDACTED], also submitted a claim to the account of Rudolf Hirsch. The Claimant stated that she and [REDACTED] are the sole heirs of [REDACTED].

In support of her claim, Claimant [REDACTED 1] submitted various documents, including copies of her father-in-law's death certificate, indicating that he died in Auschwitz on 9 June 1945; her husband's birth and death certificates, indicating that he died in Bucharest and that his father was Rudolf Hirsch; her own marriage certificate, indicating that she was married to [REDACTED], whose father was Rudolf Hirsch; a document titled "The suffering of Jewish People in county Szekeyudvarhely during Nazism" listing names of Holocaust victims, including the name Rudolf Hirsch. Claimant [REDACTED 1] also submitted her husband [REDACTED]'s official certificate of inheritance, dated 21 July 1999; indicating that the order of succession, by virtue of the will, was authenticated by the State Notary and legally confirmed; appointing Claimants [REDACTED 1] and [REDACTED 2] as [REDACTED]'s sole heirs; and indicating that [REDACTED 1], as the surviving wife, is entitled to one-half of the estate and that [REDACTED 2], as a son, is entitled to the other half of the estate. Claimant [REDACTED 1] indicated that she was born on 10 August 1928 in Gheorgheni, Romania.

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his paternal grandfather, Rudolf Hirsch. The information submitted by Claimant [REDACTED 2] about his grandfather is similar to and consistent with the information provided by Claimant [REDACTED 1] above. Claimant [REDACTED 2] also indicated that his grandfather carried out businesses throughout Hungary and Romania and traveled on business. In support of his claim, Claimant [REDACTED 2] submitted documents identical to the documents submitted by Claimant [REDACTED 1], as well as his own birth certificate, indicating his father was [REDACTED]. Claimant [REDACTED 2] indicated that he was born on 21 June 1953, and that he is representing his daughter, [REDACTED], who was born on 1 September 1980, in Bucharest, and his son, [REDACTED], who was born on 25 July 1987, in Toronto, Canada.

Information Available in the Bank's Records

The Bank's records consist of an account registry card, internal lists of dormant accounts and printouts from the Bank's database. According to these records, the Account Owner was Rudolf Hirsch, who resided at Str. Graetlilor 9 in Bucharest, Romania. The Bank's records indicate that the Account Owner held one account in United States Dollars, but do not indicate the type of the account. The Bank's records further indicate that the Account Owner opened the account by mail some time after 22 November 1937 and contacted the Bank in 1940 to request that all correspondence be retained.

According to the Bank's records, the balance of the account as of 17 February 1945 was 419.60 United States Dollars. The Bank's records indicate that the Bank considered the account dormant in 1951 because there had been no movement on the account since 1940, and that the account was transferred to a suspense account for dormant assets in 1952. The balance of the account on the date of its transfer was 381.30 United States Dollars. 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") determined that the account was closed to the Bank's profit and loss account on 31 December 1962. The balance of the account as of that date was 381.30 United States Dollars.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The name of Claimant [REDACTED 1]'s father-in-law and Claimant [REDACTED 2]'s grandfather matches the published name of the Account Owner. Their relative's country of domicile also matches the published domicile of the Account Owner. The Claimants indicated that their relative resided Odorheiu, whereas the Account Owner was from Bucharest. However, the CRT notes that the Claimants stated that their relative was a businessman who owned several businesses throughout Romania and Hungary, that he may have had a store and residence in Bucharest, and that he traveled to Bucharest to open the accounts. The CRT concludes that it is therefore plausible that the Claimants' relative used an address in Bucharest, the capital and largest city in Romania, when opening his Swiss account. The CRT also notes that the Claimants indicated that their relative opened his account from Bucharest and that he sold assets because of the rise of the Nazi regime and deposited the proceeds in Switzerland, which corresponds to the unpublished information in the Bank's record that the account was opened from an address in Bucharest, via mail, in 1937. Moreover, Claimant [REDACTED 1] indicated that she and her husband resided in Bucharest. The CRT notes that Claimant [REDACTED 1]

submitted her husband's death certificate, which indicates that he died in Bucharest, providing independent verification that the Account Owner's son resided in Bucharest. Furthermore, the Claimants stated that the Account Owner opened two accounts, one for each of his sons, although the documents in the Bank's records specify only one account.

The CRT also notes that the Claimants submitted documents, including [REDACTED]'s birth and death certificates, indicating that his father was Rudolf Hirsch; Claimant [REDACTED]'s marriage certificate, indicating that she was married to [REDACTED], who was the son of Rudolf Hirsch; Claimant [REDACTED 2]'s birth certificate, indicating that his father was [REDACTED]; and [REDACTED]'s official inheritance certificate, indicating that he was married to Claimant [REDACTED 1] and was the father of [REDACTED 2]. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rudolf Hirsch with a place of residence in Bucharest, Romania, which matches the information about the Account Owner provided by the Claimants and in the Bank's records. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Finally, the CRT notes that the one other claim to these accounts was disconfirmed because the other claimant provided a different country of residence than that of the Account Owner contained in the Bank's record. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he and most of his family were deported to Auschwitz during the Holocaust, where they all perished. Claimant [REDACTED 1] also submitted a document titled "The suffering of Jewish People in county Szekeyudvarhely during Nazism," which lists names of Holocaust victims including the name Rudolf Hirsch. As noted above, a person named Rudolf Hirsch was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents, including [REDACTED]'s birth and death certificates, indicating that his father was Rudolf Hirsch; Claimant [REDACTED 1]'s marriage certificate, indicating that she was married to [REDACTED], who was the son of Rudolf Hirsch; and Claimant [REDACTED 2]'s birth certificate, indicating that his father was [REDACTED], demonstrating that the Account Owner was Claimant [REDACTED 1]'s late husband's father and Claimant [REDACTED 2]'s paternal grandfather. Aside from Claimant [REDACTED 2]'s children, whom he represents, there is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation determined that the account was closed to the Bank's profit and loss account on 31 December 1962.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her father-in-law, and Claimant [REDACTED 2] plausibly demonstrated that the Account Owner was his grandfather, and those relationships justify 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 account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the balance of the account as of 17 February 1945 was 419.60 United States Dollars which was the equivalent of 1,815.08 Swiss Francs.³ According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

Division of the Award

According to Article 23(2)(c) of the Rules, if a Claimant has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 12(1) of the Rules to make allowance for any missing links in the chain, consistent with principles of fairness and equity. In this case, the Claimants have submitted [REDACTED]'s (the Account Owner's son's) official certificate of inheritance, appointing Claimants [REDACTED 1] and [REDACTED 2] as his sole heirs, indicating that [REDACTED 1], as the surviving wife, is entitled to one-half of the estate and that [REDACTED 2], as a son, is entitled to the other half of the estate. Therefore, considering the principles of fairness and equity in Article 23 of the Rules, the CRT determines that the Claimants are each entitled to one-half of the award amount. Furthermore, since Claimant [REDACTED 2] is alive, he has a better entitlement to his one-half of the award than his children, whom he represents.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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).

³ The CRT uses official foreign exchange rates to convert amounts in foreign currencies into Swiss Francs.

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