

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ben-Ami Altaratz

in re Accounts of Bertha Hirschmann

Claim Number: 223081/JT¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Ben-Ami (Gibor) Altaratz (the “Claimant”) to the accounts of Bertha Hirschmann (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 maternal grandmother, Bertha Hirschmann, née Kauffmann, who was born in approximately 1878 in Austria and was married to Ludwig Hirschmann, who was born in approximately 1870. The Claimant stated that Bertha and Ludwig Hirschmann had two children: Gabriella Altaratz, née Hirschmann (the Claimant’s mother), and Carmella Shtigmann (King), née Hirschmann. The Claimant stated that his grandmother’s family was from Vienna, and that his grandmother lived in Austria for an unknown period of time before moving to Prijedor, Yugoslavia (now Bosnia-Herzegovina), to manage a pharmacy with her husband, Ludwig Hirschmann. The Claimant further stated that, at an unknown time, other members of the Kauffmann family, including his maternal great-grandparents, moved to Prague, Czechoslovakia, where they operated an automobile tire company. The Claimant explained that members of his family told him that his family in Prague opened Swiss bank accounts using the names of various family members, and that it is therefore likely that an account was opened in his grandmother’s name. The Claimant stated that his grandmother, who was Jewish, perished during the Second World War in approximately 1943. The Claimant further stated that Ludwig Hirschmann died in 1951 and Gabriella Altaratz died in 1953, both in Israel. The Claimant stated that his aunt Carmella Shtigmann is still alive. In support of his claim, the Claimant submitted his birth certificate indicating that he was born Gibor Altarac and that his mother’s maiden name was Hirschmann. The Claimant explained that Altaratz is the English spelling of the Croatian name Altarac. In

¹ The Claimant submitted an additional claim to the account of Regina Kauffmann, which is registered under the Claim Number 223080. The CRT will treat the claim to this account in a separate decision.

addition, the Claimant submitted official documents from Israel, indicating that he changed his first name from Gibor to Ben-Ami, and a photograph of his grandmother and her family from the 1920s. The Claimant indicated that he was born on 11 June 1947 in Zagreb, Yugoslavia (now Croatia).

Information Available in the Bank's Records

The Bank's records consist of an account opening card and printouts from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Bertha Hirschmann of Vienna, Austria. The Bank's records indicate that the Account Owner held a demand deposit account and a custody account, which was numbered 21939. The demand deposit account was opened on 30 January 1928 and closed on 10 March 1938. The custody account was closed on 2 May 1942. Both accounts were closed unknown to whom and the amount in the accounts on the dates of their closure is unknown. There is no evidence in the Bank's records that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandmother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified his grandmother's city of residence, Vienna, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimant also identified Hirschmann as his grandmother's married name, which matches unpublished information contained in the Bank's records about the Account Owner's marital status. In support of his claim, the Claimant submitted documents, including a copy of his birth certificate, indicating that his mother's maiden name was Hirschmann, and a photograph of his grandmother Bertha Hirschmann. The CRT notes that there are no other claims to these accounts.

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, resided in Yugoslavia and perished during the Second World War.

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 he is her grandson. The CRT notes that the Claimant indicated that his aunt, Carmella Shtigmann, and his aunt's grandchild, Aya King, are alive. However, neither Carmella Shtigmann nor her grandchild has submitted a claim to these accounts. According to Article 24 of the Rules, the CRT will not consider claims of third parties who have not filed claims.

The Issue of Who Received the Proceeds

With regard to the demand deposit account closed 10 March 1938, given that the Nazi occupation of Austria did not begin until 11 March 1938, the CRT has decided not to reach a decision at this time, pending further consideration as to whether or not the Account Owner or her heirs received the proceeds of the account.

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, the accounts of Austrian citizens who are Jewish are closed unknown to whom or were transferred to Nazi-controlled banks. Given the existence of Nazi confiscatory legislation in Austria at that time,² that there is no record of payment of the Account Owner's account to her, that the Account Owner and her heirs would not have been able to obtain information about her 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 the application of Presumptions (a), (h), and (j) as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 his grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one 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 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 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 Award

As noted above, the Account Owner's other surviving heirs, Carmella Shtigmann and Aya King, have not submitted claims to these accounts. Accordingly, the Claimant is entitled to the entire

² As described in the expanded version of Appendix A (see II. A. 2), which appears on the CRT II website -- www.crt-ii.org.

award amount. The CRT notes that under Article 23(1)(c) of the Rules, which provides that 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, Carmella Shtigmann and her grandchild would have been entitled to a portion of the award amount, had they filed claims.

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
August 7, 2003