

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Hermann Lieber

Claim Numbers: 204340/AH; 204341/AH¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the "Claimant") to the published account of Hermann Lieber (the "Account Owner") at 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 two Claim Forms identifying the Account Owner as either her late husband, Hermann Lieber, or as his uncle, who was also named Hermann Lieber.

The Claimant stated that her late husband, Hermann Lieber, was born on 22 September 1901 in Nuremberg, Germany, the son of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that her husband, who was Jewish, was a cantor and a teacher in Switzerland from 1922 to 1929. The Claimant stated that her husband then worked at the *Neue Damtor* synagogue at Damtorstrasse, Hamburg, Germany, from 1929 through 1938. The Claimant indicated that her husband resided at Heinrich-Barthstrasse 21 in Hamburg from 1929 to 1935. The Claimant stated that she and her husband were married in Zurich, Switzerland on 5 March 1935, and that they resided at Brahmsallee 11 in Hamburg from 1935 to 1938. The Claimant stated that she and her husband had three children: [REDACTED], née [REDACTED], who was born on 8 May 1936 in Hamburg; [REDACTED], née [REDACTED], who was born on 8 April 1938 in Hamburg; and [REDACTED], née [REDACTED], who was born on 26 February 1950 in New York, New York, the United States, and who is representing the Claimant in these proceedings. The Claimant further stated that she and her husband were forced to flee Germany, via Switzerland in 1939, shortly after the *Kristallnacht* (pogrom). The Claimant stated that her

¹ The Claimant submitted an additional claim to the accounts of [REDACTED] and [REDACTED], which is registered under the Claim Number 204342. The CRT will treat the claim to these accounts in a separate decision.

husband died on 27 February 1981 in New York, New York, the United States.

The Claimant stated that her husband's paternal uncle, Hermann Lieber, was born sometime in the 1860s in Cseythe, Hungary, and was possibly married to a woman named Klara Lieber in Germany. The Claimant stated that her husband's aunt and uncle had no children. The Claimant stated that her husband's uncle, who was Jewish, was a religious butcher (*Shochet*), who resided in the Grindelberg area of Hamburg, possibly on Hansastrasse. According to the Claimant, when she and her husband fled Germany in 1939, her husband's uncle and his wife were still living in Hamburg. The Claimant further stated that when she and her husband attempted to contact her husband's uncle after the Second World War, they were unable to obtain any information. The Claimant stated that she believed that her husband's uncle died sometime between 1939 and 1945 in Hamburg.

In support of her claims, the Claimant submitted various documents, including her husband's birth certificate; her marriage certificate, indicating her husband's name and address in Hamburg; her husband's United States certificate of naturalization; his death certificate, indicating that he was married to the Claimant; and his will, in which she is named as his sole heir.

The Claimant indicated that she was born on 7 July 1915 in Zurich.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Hermann Lieber, who resided in Hamburg, Germany. The Bank's record indicates that the Account Owner held a custody account.

According to the Bank's record, the account was closed on 19 April 1933. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

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 Claimant in one proceeding.

Identification of the Account Owner

The Claimant's husband's name and her husband's uncle's name and city of residence match the published name and city of residence of the Account Owner. Given that there is no additional information in the Bank's record that would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner, the CRT concludes that it is equally plausible that the Account Owner was either the Claimant's husband or the Claimant's husband's uncle. In support of her claims, the Claimant submitted numerous documents, including her husband's birth certificate indicating his name, their marriage certificate indicating his Hamburg address, and her husband's death certificate and will, providing independent verification that one of the persons who is claimed to be the Account Owner had the same name and resided in the same city of residence recorded in the Bank's record as the name and city of residence of the Account Owner. The CRT notes that the name Hermann Lieber appears only once on the February 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution. Furthermore, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that both her husband and her husband's uncle were Victims of Nazi Persecution. The Claimant stated that both her relatives were Jewish, that she and her husband were forced to flee Germany after the *Kristallnacht*, and that her husband's uncle remained in Nazi Germany and is believed to have perished during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was either her husband or her husband's uncle. These documents include the Claimant's husband's birth certificate, her marriage certificate, indicating her husband's name and address in Hamburg, her husband's United States certificate of naturalization, his death certificate indicating that he was married to the Claimant, and his will, in which she is named as his sole heir. The CRT notes that the Claimant did not submit any documents pertaining to her husband's uncle, but finds that the foregoing documents also provide independent verification that the Claimant's husband's relatives bore the family name "Lieber" and that they resided in Hamburg, which supports the plausibility that the Claimant was related to her husband's uncle, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that upon coming to power in 1933 the Nazi regime embarked on a campaign to seize the

domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner either remained in Germany until 1938 or later and would not have been able to repatriate his account to Germany without losing ultimate control of its proceeds; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner his heirs would not have been able to obtain information about his 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 given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules (see Appendix A) and Appendix C,² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 either her late husband or her late husband's uncle, and either of these relationships justifies 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 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 (SF). 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 SF 162,500.00.

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).

² Appendix C appears on the CRT II website -- <<www.crt-ii.org>>.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal