

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to the Estate of Claimant [REDACTED]<sup>1</sup>

**in re Account of Heymann Liebesmann**

Claim Number: 213185/TW

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Heymann Liebesmann (the “Account Owner”) at the Zurich 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 a Claim Form identifying the Account Owner as her maternal grandfather, Heymann Liebesmann, from Riga, Latvia, who was married to [REDACTED], with whom he had four children. According to the Claimant, her grandfather lived at 2a Alunāna Street in Riga from 1933 to 1941. The Claimant indicated that her grandfather had four children, who are all deceased, including the Claimant’s mother, [REDACTED], née [REDACTED], who died in 1987. The Claimant stated that she was not certain of her grandfather’s profession, but she believed he may have been a bookkeeper. The Claimant further stated that her grandfather, who was Jewish, disappeared in 1941. The Claimant stated that she did not have any family documents because they were all destroyed in the War. The Claimant stated that she was born on 11 December 1936 in Voronej, Russia.

## **Information Available in the Bank’s Records**

The Bank’s records consist of an account statement and an extract from a suspense account ledger. According to these records, the Account Owner was Heymann Liebesmann, a lawyer from Riga, Latvia. The Bank’s records further indicate that the Account Owner held a demand

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<sup>1</sup> The CRT notes that Claimant [REDACTED] passed away in October 2002. The CRT received the death certificate of Claimant [REDACTED] in May 2004.

deposit account. According to the Bank's records, the account was considered dormant by the Bank and was transferred on or before 6 August 1949 to a suspense account for dormant assets. The amount in the account on 16 December 1948 was 74.00 Swiss Francs ("SF").

The Bank's records do not show when the account at issue was closed, or to whom it was paid. 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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's grandfather's name and place of residence match the published name and place of residence of the Account Owner. The CRT notes that, while the Bank's records show that the Account Owner was a lawyer, the Claimant stated she was not certain about her grandfather's profession, but she believes he may have been a bookkeeper. The CRT notes that because the Claimant was only five years old at the time of her grandfather's disappearance, she is unable to recall more specific facts about her grandfather, including the exact nature of her grandfather's work. The CRT notes that the name Heymann Liebesmann appears only once on the February 2001 list of published accounts determined by the ICEP Investigation to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). The CRT also 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 the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and disappeared in Riga, in 1941, during the Nazi occupation.

### 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, demonstrating that the Account Owner is her grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

Given that the Account Owner disappeared in Latvia after the Nazi occupation; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner and 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 (h), (i) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), 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 her grandfather and that relationship justifies an Award. Third, 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 demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 16 December 1948 was SF 74.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

### **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  
31 August 2004