

# CLAIMS RESOLUTION TRIBUNAL

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

## **Inadmissibility Decision upon Request for Reconsideration**

to Claimant [REDACTED]

## **in re Accounts of Hippolyte Didisheim**

Claim Number: 401582/BW

Appeal Number: 3048

This Inadmissibility Decision is based on the Request for Reconsideration of [REDACTED] (the “Claimant”) to the Certified Denial to Swiss bank accounts owned by Hippolyte Didisheim (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials 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.

### **Procedural History**

In a Certified Denial approved by the Court on 29 September 2008 (the “September 2008 Denial”), the Claimant’s claim to the account of Hippolyte Didisheim was denied because the CRT concluded that the Claimant’s relative and the Account Owner were not the same person. Specifically, with regards to account 6001549, the CRT concluded that the Claimant’s relative and the actual Account Owner were not the same person because the Claimant’s relative resided in Switzerland and the United States, whereas the records show that the actual Account Owner resided in a different country.

In a letter dated 23 December 2008, the Claimant requested reconsideration of the Certified Denial to the account of Hippolyte Didisheim. The Claimant provided additional information in support of the Request for Reconsideration regarding Hippolyte Didisheim, as further described below.

### **Information Provided by the Claimant**

#### Information Submitted by the Claimant in the Claim Form

The Claimant submitted a claim form identifying the Account Owner as paternal great-uncle, Hippolyte Didisheim, who was married to [REDACTED], née [REDACTED], in 1906. According to the Claimant, Hippolyte Didisheim, who was Jewish, and the Claimant’s paternal grandfather [REDACTED] were brothers. The Claimant stated that his great-uncle had two

children, [REDACTED] and [REDACTED], née [REDACTED]. According to the Claimant, Hippolyte Didisheim died on 7 March 1941. In support of his claim, the Claimant submitted a detailed family tree prepared by a genealogical researcher, which indicated that Hippolyte Didisheim and [REDACTED] were married in 1906 in La Chaux de Fonds, Switzerland; that they had two children named [REDACTED] and [REDACTED]; and that Hippolyte Didisheim died on 7 March 1941.

Pursuant to a request for additional information from the CRT, the Claimant stated in a letter dated 31 May 2006 to the CRT that his great-grandfather [REDACTED] had six children, among them [REDACTED] (the Claimant's grandfather) and Hippolyte Didisheim. According to the Claimant, Hippolyte Didisheim died in the United States on 7 March 1941 in New York, New York. The Claimant stated that his grandfather [REDACTED] (Hippolyte Didisheim's brother), died in New York as well.

Additionally, the Claimant stated that his great-grandfather [REDACTED]'s brother [REDACTED] was married to [REDACTED] on 7 May 1826 and had six children, among them [REDACTED], who married [REDACTED] on 27 May 1844. The Claimant stated that [REDACTED] and [REDACTED] had two children, [REDACTED] and [REDACTED]. According to the Claimant, [REDACTED], who was a professor of physics at the Sorbonne, was born on 10 June 1878 in Soultz, Haut-Rhin, France, and married [REDACTED] on 24 November 1893. The Claimant stated that [REDACTED] and [REDACTED] were deported from Drancy on 7 March 1944 and perished in Auschwitz on 9 March 1944.

The Claimant indicated that he was born on 3 June 1927 in France.

#### Information Submitted by the Claimant upon Request for Reconsideration

In a letter dated 23 December 2008, the Claimant requested reconsideration of the Certified Denial. The Claimant stated that his relative also resided in France and provided print-outs from the "Ellis Island-Free Port of New York Passenger Records Database." These documents indicate that a person named Hippolyte Didisheim, who was a citizen of the United States, repeatedly entered the United States by boat between the years 1903 and 1919. The documents include entries dated 1903 (indicating Paris, France as his last place of residence); 1907 (indicating Switzerland as his last place of residence); 1910 (indicating New York as his last place of residence); 1912 (indicating New York as his last place of residence); 1914 (indicating New York as his last place of residence) and 1919 (indicating France as his last country of residence).

#### **Additional Research Performed by the CRT**

Upon receipt of the additional information submitted by the Claimant, the CRT performed supplemental documentary research regarding the details of the Claimant's relative's travel to the United States as indicated in the additional information provided by the Claimant. According to the passenger manifest records available for the time period until 1924, the following additional information regarding the travels of the Claimed Account Owner and his family is available:

- H. Didisheim, an importer and U.S. citizen, arrived in New York from Havre (Le Havre), France on 3 October 1893.
- H. Didisheim, his wife, and a daughter named “[REDACTED]” ([REDACTED]) arrived in New York from Havre on 12 September 1896.
- Hippol. Didisheim, his wife [REDACTED], and two daughters [REDACTED] and [REDACTED], arrived in New York from Havre on 25 September 1903. According to the passenger manifest, Hippol. Didisheim was an importer, and is listed as a U.S. citizen.
- Hipp. Didisheim arrived in New York from Havre on 19 August 1905. According to the passenger manifest, he was an importer and is listed as a U.S. citizen.
- Mrs. H. Didisheim, and her two daughters [REDACTED] and [REDACTED], arrived in New York from Havre on 2 September 1905. According to the passenger manifest, all three passengers were U.S. citizens, and Mrs. H. Didisheim’s race was indicated as “Hebrew,” and her destination was indicated as “her home, New York City.”
- Hipp. Didisheim, his wife [REDACTED], and daughters [REDACTED] and [REDACTED], arrived in New York from Havre, on 31 August 1907. According to the passenger manifest, Hipp. Didisheim was a merchant, all four passengers were U.S. citizens, and the last permanent residence for Hipp. and [REDACTED] is listed as Chaux de Fonds, Switzerland.
- Hippolyte, [REDACTED], [REDACTED] and [REDACTED], arrived in New York from Le Havre, on 18 September 1910. According to the passenger manifest, all four passengers were U.S. citizens, and their last permanent residence is indicated as New York.
- Hippolyte, [REDACTED] and [REDACTED] arrived in New York from Le Havre on 4 October 1912.
- Hippolyte Didisheim and his wife [REDACTED] arrived in New York from Le Havre on 19 November 1919. According to the passenger manifest, Hippolyte Didisheim was a merchant who could read German. The passenger manifest further indicates that both passengers were citizens of the U.S. and Switzerland, and that their last permanent place of residence was in La Chaux de Fonds, Switzerland.

Additionally, a simple internet search of the Claimed Account Owner’s name indicates that Hippolyte Didisheim and the Didisheim family were of significant importance in the Swiss watch industry, and that Hippolyte Didisheim was initially responsible for the establishment and maintenance of the family business in the United States beginning in the late 1890s.

Finally, the CRT found additional information that indicates that Mr. and Mrs. Hippolyte Didisheim, who were U.S. citizens, resided at 17 Rue Margueritte in Paris, France in 1926.<sup>1</sup>

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

The CRT notes that the auditors who carried out the investigation of Swiss banks to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee

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<sup>1</sup> Brace, A.M. Americans in France: a directory. Published by the American Chamber of Commerce in France, 1926. Excerpt available at [www.books.google.com](http://www.books.google.com).

of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not report an account belonging to Hippolyte Didisheim during their investigation. The documents evidencing accounts belonging to Hippolyte Didisheim were obtained from the Swiss Federal Archives and are further described below.

### **Information Available in the Swiss Federal Archive**

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the “1962 Survey”). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Hippolyte Didisheim, numbered 45. These records include a report, dated 27 February 1964, filed by the Bank with the Registration Office for Assets of Missing Foreign or Stateless Persons (the “Registration Office”) (*Meldestelle für Vermögen verschwundener Ausländer oder Staatenloser*) regarding the assets of Hippolyte Didisheim.

According to these records, the Account Owner was Hippolyte Didisheim, whose last known whereabouts (*Aufenthaltort*), as of the year 1926, was 17 Rue Margueritte, Paris, France. The 1962 Survey records indicate the Account Owner held a demand deposit account and a custody account, which were opened at some point before 1926, and had a combined value of 21,991.40 Swiss Francs (“SF”).<sup>2</sup> According to these records, the nationality of the Account Owner, as well as his place of residence (*Wohnsitz*) were unknown. Finally, these records indicate that the Account Owner was considered to be a victim of racial, religious or political persecution, and therefore subject to the reporting requirements of the Federal Decree, due to the fact that the account owner had a name of “Jewish origin.”

According to the records from the Swiss Federal Archive, on 9 December 1966, the Guardianship Authority of the City of Zurich (*Vormundschaftsbehörde der Stadt Zürich*) appointed Dr. H. Haberlin as a custodian of these accounts, as prescribed by the Federal Decree. These records do not contain any information about the disposition of these accounts. There is no evidence in the records from the Swiss Federal Archive that the Account Owner or the Account Owner s heirs closed the accounts and received the proceeds themselves.

The CRT notes that the name of Hippolyte Didisheim was included in a list of account owners reported in the 1962 Survey (the “1962 Survey List”), which was published by the Swiss Government in 1962 and again on 19 January 1999.

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<sup>2</sup> The CRT notes that the September 2008 Denial referred to one account owned by the Account Owner, which was referenced by the Account Identification Number 6001549. Upon close review of the records available from the Swiss Federal Archive, the CRT has determined that the Account Owner held two accounts.

## **The CRT's Analysis**

### Identification of the Account Owner

The CRT has reviewed the new information provided by the Claimant in his Request for Reconsideration, together with the information provided in the original claim and subsequent correspondence, as well as the supplemental documentary information obtained by the CRT, and compared it to the information contained in the account records regarding the Account Owner.

The Claimant's great uncle's name matches the name of the Account Owner as published in the List of Account Owners published in 2005 (the "2005 List"). The genealogical information provided by the Claimant, which indicates that the Account Owner was married, was a United States citizen, and resided at some point in France, combined with the supplemental information obtained by the CRT which indicates a Mr. and Mrs. Hippolyte Didisheim who were United States citizens and resided in 1926 at 17 Rue Magritte, Paris, matches unpublished information about the Account Owner contained in the 1962 Survey records.

### The Basis for the Denial

Although the CRT has determined that the Claimant has plausibly identified the Account Owner as his relative, the CRT concludes that the claims to the accounts of the Account Owner are inadmissible as a Deposited Assets Claim under the Settlement Agreement of *In re Holocaust Victim Assets Litigation*.

In this case, the Claimant stated that his great-uncle was a citizen of Switzerland and the United States and provided documentation showing that he last resided in France in 1919. The information presented by the Claimant, as supplemented by the CRT, indicates that the Account Owner's main places of residence were in New York and in La Chaux de Fonds, Switzerland, and the passenger manifest records that are available up until 1924, indicate that the Account Owner travelled frequently between the United States and Europe. The CRT also notes that other members of the Account Owner's family resided in the United States, that the Account Owner had substantial business interests in the United States, and that he maintained a home in New York, where he died in 1941. According to additional research conducted by the CRT, Hippolyte Didisheim resided in Paris until 1926. The CRT notes, however, that this is seven years prior to the begin of the Relevant Period, which is defined by the Rules Governing the Claims Resolution Process, as amended (the "Rules"), as the period from 1933 to 1945, and 14 years prior to the Nazi occupation of France in May 1940. Thus, there is no evidence that the Account Owner was either a citizen or resident of a country that was occupied by or allied with Nazi Germany.

The CRT notes that the Claimant stated that the son and daughter-in-law of Hippolyte Didisheim's cousin [REDACTED], née [REDACTED], perished in the Holocaust. However, these persons were not direct heirs to the accounts and had no ownership interest in them. The Claimant's great-uncle, who was the owner of the claimed accounts, left Europe some 14 years before the Nazis occupied his one-time country of residence. Thus, even though the Claimant's

great-uncle lost family members in the Holocaust, he himself was not a Victim of Nazi Persecution, as defined by the Settlement Agreement.

The CRT notes that the Bank's record indicates that the accounts were suspended and ultimately reported in the 1962 Survey because the Account Owner's name was determined to be "of Jewish origin." Thus, it is clear that the proceeds of the accounts were not paid to the Nazis in an attempt by the Account Owner to "purchase" the freedom of his distant family members. Nor did the Account Owner withdraw the proceeds and close the accounts himself. Rather, the Account Owner (and, after his death in 1941, his heirs) failed to access the accounts and remove the amount remaining in them. It is not clear why the Account Owner and his heirs failed to do so. However, it is clear that their failure to access the accounts had nothing to do with the fact that Hippolyte Didisheim, who was a citizen of the United States and Switzerland, at one point resided in France, and that many years after he left, this country was occupied by the Nazis. In summary, the Account Owner was not a Victim of Nazi Persecution as defined by the Settlement Agreement, and the fact that the accounts went dormant and were ultimately reported in the 1962 Survey had nothing to do with the circumstances that gave rise to the *In re Holocaust Victim Assets Litigation* or the Settlement Agreement that proceeded from it. Rather, these accounts were two of any number of accounts held by non-Victims that went dormant after a period of inactivity. The Settlement Fund was not established to compensate claims of this nature.

Finally, the CRT notes that although the name of Hippolyte Didisheim was published by the Swiss authorities pursuant to the 1962 Survey, this fact does not automatically indicate that the owner of the accounts was a Victim of Nazi Persecution, as defined by the Settlement Agreement. As detailed above, the Account Owner's last known address was listed as of 1926, a full seven years before the beginning of the Relevant Period and some 14 years before the occupation of France. As indicated in the registration documents, it was only the fact that the Account Owner had a name of "Jewish origin" that the accounts were considered to be held by someone who might have been a victim of racial, religious or political persecution. Inclusion of the accounts on the 1962 Survey List does not *de facto* establish that an account owner was a Victim as defined by the Settlement Agreement, just as inclusion of an account by the ICEP auditors in the Account History Database does not *de facto* establish that the account owner was a Victim as defined by the Settlement Agreement, or that the account owner did not receive the proceeds of the account.<sup>3</sup> The CRT notes that, if the Swiss authorities who compiled the accounts for inclusion in the 1962 Survey had been aware that the Account Owner held only Swiss and American citizenship, and that he had not resided in Europe since 1926, his name would not have been included in the 1962 Survey. Rather, his name would have been included on other published lists of Swiss owners of dormant accounts.

Thus, even though the records indicate that the Account Owner did not receive the proceeds of the accounts, given the above considerations, the CRT concludes that no award is appropriate, and the Claimant's claim is deemed inadmissible.

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<sup>3</sup> The CRT notes that to date, the Court has issued decisions regarding over 100 accounts which were reported by the ICEP auditors and included in the Account History Database and which the CRT determined were paid to their respective account owners or their heirs. Accordingly, no awards were forthcoming for these accounts, even though they were reported by the ICEP auditors and included in the Account History Database.

## Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

In the absence of a timely appeal of this decision, the CRT will forward a copy of this Claim Form to the Contact Office of the Swiss Bankers Association, which has a separate program for considering claims made to accounts of persons who were not Victims or Targets of Nazi Persecution as defined in the Settlement Agreement, in order for that office to consider the claim to the accounts belonging to the Claimed Account Owner. If the Claimant does not wish to have the Claim Form so forwarded, he may request in writing, within thirty (30) days of the date of this decision, that the CRT not do so. Such requests should be sent to the CRT at the following address:

**Claims Resolution Tribunal  
P.O. Box 9564  
8036 Zurich  
Switzerland**

The Claimant can also obtain additional information about the Swiss banks' claims program by contacting the Swiss banks' Contact Office at the following address:

**Contact Office of Swiss Bank Accounts  
Dormant Since World War II  
P.O. Box 2761  
4002 Basel  
Switzerland**

**Certification of the Inadmissibility Decision upon Request for Reconsideration**

The CRT certifies this Inadmissibility Decision upon Request for Reconsideration for approval by the Court.

Claims Resolution Tribunal  
24 March 2011