

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Ben-Ami Altaratz

in re Account of Bertha Hirschmann

Claim Number: 223081/HS¹

This Certified Denial is based upon the claim of Ben-Ami (Gibor) Altaratz (the “Claimant”) to the two published accounts of Bertha Hirschmann (the “Account Owner”) at the [REDACTED] (the “Bank”).

On 7 August 2003, the Court approved an Award to the Claimant for the Account Owner’s custody account at the Bank (the “August 2003 Award”), while reserving decision with regard to the Account Owner’s demand deposit account at the Bank. In the present Denial, the CRT addresses the Account Owner’s demand deposit account.

All denials 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, Austria, 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

¹ The Claimant submitted an additional claim to the account of Regina Kauffmann, which is registered under the Claim Number 223080. The CRT did not locate an account belonging to the Claimant’s relative, Regina Kauffmann (including spelling variations), in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

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 that 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 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 1942.² The amount in the accounts on the dates of their closure is unknown.

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, and perished during the

² This account was awarded to the Claimant on 7 August 2003 (the "August 2003 Award").

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 the Account Owner's 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

As indicated earlier, in the August 2003 Award, the Claimant was awarded the Account Owner's custody account, which was closed on 2 May 1942.

The CRT notes that the demand deposit account was closed on 10 March 1938, one day before Nazi troops marched into Austria, the Account Owner's country of residence identified in the Bank's record. The Claimant also indicated that the Account Owner and other members of her family resided in Czechoslovakia, which was not invaded until 10 October 1938, and Yugoslavia, which was not invaded until 6 April 1941.

Given that the demand deposit account was closed before the countries of residence of both the Account Owner and members of her family were formally aligned with Nazi Germany, the CRT concludes that the Account Owner had free access to this account on the date of its closure. Therefore, the CRT determines that the Account Owner herself closed the demand deposit account and received the proceeds.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

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 Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 December 2004