

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Hans Fischer**

Claim Number: 200141/SJ

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of Hans Fischer (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 a Claim Form and an Initial Questionnaire identifying the Account Owner as her father, Hans Moritz Fischer, who was born on 20 June 1874 in Harisch Aussee, Austria and was married to [REDACTED] in Vienna, Austria. The Claimant stated that Hans Moritz Fischer was a businessman and dealt in wholesale textiles and clothing in Vienna. The Claimant added that her father made trips to Switzerland, and that her family often spoke of their Swiss bank account. Additionally, the Claimant stated that Hans and [REDACTED] Fischer, who were Jewish, were forced from their house at Vereinsgasse 24, Vienna II and taken to the Viennese ghetto in 1939, where they stayed at Tandelmarktgasse in Vienna II. The Claimant added that her parents escaped from the ghetto and fled to Yugoslavia, where they were sent to the Sajmiste/Zemun concentration camp in 1942 and were killed in a “mass killing.” In support of her claim, the Claimant submitted a family tree, copies of her parents’ birth and marriage certificates, and a copy of her paternal grandmother’s birth certificate. The Claimant indicated that she was born on 7 February 1920 in Vienna.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 asserting her entitlement to any Swiss bank account owned by Hans Moritz Fischer and [REDACTED].

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

The bank records consist of printouts from the Bank's database. According to these records, the Account Owner was the merchant (*Kaufmann*) Hans Fischer. The bank records do not contain an address for the Account Owner. The bank records indicate that the Account Owner held a demand deposit account. The account was transferred to the Bank's suspense account and remains open. The amount in the account on 30 July 1992 was 138.80 Swiss Francs.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner. The Claimant identified her father's occupation as a wholesaler, which is consistent with unpublished information contained in the bank records that the Account Owner was a *kaufmann*, meaning a buyer, merchant, or businessman. In support of her claim, the Claimant submitted documents, including a copy of her family tree and copies of her parents' birth and marriage certificates. The CRT notes that there are no other claims to the account of Hans Fischer.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Hans Fischer, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

### 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 that he was killed in "a mass killing" at the Sajmiste/Zemun concentration camp in Yugoslavia in 1942.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is his daughter. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant.

### 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 23 of the Rules Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

The bank records indicate that the value of the demand deposit account as of 30 July 1992 was 138.80 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 785.00 Swiss Francs, which reflects standardized bank fees charged to the demand deposit account between 1945 and 30 July 1992. Consequently, the adjusted balance of the account at issue is 923.80 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, the presumed value for that type of account, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

### Initial Payment

In this case, the Claimant is age 75 or older and is therefore entitled to receive payment of 100% of the total award amount.

### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 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

December 27, 2002