

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Gertrud Hartmann

Claim Number: 501386/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the unpublished account of [REDACTED].¹ This Award is to the published account of Gertrud Hartmann (the “Account Owner”) at the Biel branch of the [REDACTED] (the “Bank”).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 mother, Gertrud Thorsch, née Hartmann, who was born in Dresden, Germany, and was married to [REDACTED]. In a telephone conversation with the CRT on 21 March 2005, the Claimant indicated that in 1937, the Claimant and her father left Germany and fled to the United States. The Claimant indicated that her mother, who was Jewish, refused to leave Germany with the rest of the family. According to the Claimant, her mother remained in Dresden during the Second World War, and was found almost frozen to death in Dresden after the War. The Claimant indicated that after the Second World War, her mother moved to Switzerland, where she later died. In support of her claim, the Claimant submitted a letter from the authorities in Switzerland, informing the Claimant and her brother, [REDACTED] that their mother, Gertrud Hartmann, died in Switzerland in 1969. The Claimant indicated that she was born on 11 September 1921. In a

¹ The CRT did not locate an account belonging to the Claimant’s relative, [REDACTED], 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 her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

telephone conversation with the CRT on 5 April 2005, the Claimant indicated that she does not wish to represent her brother.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Gertrud Hartmann. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account, the type of which is not indicated, numbered 26213. The Bank's record further indicates that the account had been dormant since 9 August 1937. According to the Bank's record, the account was transferred to a suspense account for dormant accounts on 28 February 1977. The amount in the account on the date of its transfer was 1.15 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name. In support of her claim, the Claimant submitted a letter from the Swiss authorities, informing the Claimant and her brother that their mother, Gertrud Hartmann, died in Switzerland in 1969, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT notes that there are no other claims to this account. Taking all 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 that she remained in Nazi Germany 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 the Claimant's mother. These documents include a letter from the Swiss authorities, informing the Claimant that her mother, Gertrud Hartmann, died in Switzerland in 1969.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains in the Bank's suspense account.

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

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank’s record indicates that the value of the account as of 28 February 1977 was SF 1.15. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the account between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 496.15. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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
13 May 2005