

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

and to Claimant [REDACTED 3],
also acting on behalf of [REDACTED 4]

and to the Estate of Claimant Rachel [REDACTED 5]

and to Claimant [REDACTED 6]

in re Account of Rachel Hirsch

Claim Numbers: 205451/RS, 204377/RS, 754596/RS, 203364/RS, 208107/RS^{1,2}

Award Amount: 12,172.50 Swiss Francs

This Certified Award is based upon the claim of Dr. [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Schmuell Hirsch;³ the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of Chajim (Chajiam) Hirsch;⁴ the claims of [REDACTED 3] (“Claimant [REDACTED 3]”) and Rachel [REDACTED 5], née [REDACTED], (“Claimant [REDACTED 5]”) to the account of Fritz Hirsch;⁵ and the claim of [REDACTED 6] (“Claimant [REDACTED 6]”).

¹ In separate decisions, the CRT awarded the account of Julius Kaufmann to Claimant [REDACTED 3] (“Claimant [REDACTED 3]”) and treated his claim to the account of Fritz Hirsch. See *In re Account of Julius Kaufmann* (approved on 19 July 2007) and *In re Account of Fritz Hirsch* (approved on 24 April 2007).

² Claimant Rachel [REDACTED 5] (“Claimant [REDACTED 5]”) did not submit a CRT Claim Form. However, in 1997 she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-TLV-Z-70-828-130-441, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 754596.

³ The CRT will treat the claim to this account in a separate determination.

⁴ The CRT did not locate an account belonging to Chajim (Chajiam) Hirsch 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”).

⁵ The CRT will treat Claimant [REDACTED 5]’s claim to this account in a separate determination.

6]”) (together, “the Claimants”) to the account of [REDACTED].⁶ This Award is to the unpublished account of Rachel Hirsch (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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his paternal grandmother, Rachel or Rosa Hirsch, who was born in 1877, and was married [REDACTED]. Claimant [REDACTED 1] stated that his grandmother, who was Jewish, had several children, including Claimant [REDACTED 1]’s father [REDACTED], who was born in 1906 in Toplita, Transylvania, Romania. Claimant [REDACTED 1] indicated that during the Second World War his father [REDACTED] was forced to work as a slave laborer in a saw mill in the Carpath Mountains in Romania. Claimant [REDACTED 1] also indicated that [REDACTED] opened a Swiss bank account at the beginning of the War, and that his multiple applications for visas to flee to Switzerland during the War were all denied. Claimant [REDACTED 1] indicated that Rachel Hirsch died in October 1973.

Claimant [REDACTED 1] indicated that he was born on 24 July 1947 in Bucharest, Romania.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his sister, Rachel Hirsch, who was Jewish. Claimant [REDACTED 2] indicated that his parents were [REDACTED] and [REDACTED], née [REDACTED], who resided in Petrovce, Czechoslovakia, prior to the Second World War. According to Claimant [REDACTED 2], his parents, who were Jewish, operated a grocery and liquor business in Petrovce, where they also farmed acres of land. Claimant [REDACTED 2] also indicated that his father mentioned repeatedly that he had opened a numbered bank account in Switzerland. Claimant [REDACTED 2] stated that he had three brothers and five sisters, including his sister Rachel Hirsch, and that all of his siblings, together with his parents, perished in Auschwitz during the war. Claimant [REDACTED 2] also indicated that from 1941 to 1945, he worked in various labor camps in Czechoslovakia, where he was forced to assist in building a military airport, digging a canal, laying railroad tracks, and constructing a hydroelectric power plant.

Claimant [REDACTED 2] indicated that he was born on 28 May 1920 in Petrovce, Czechoslovakia.

⁶ The CRT did not locate an account belonging to [REDACTED] in the Account History Database prepared pursuant to the ICEP Investigation.

Claimant [REDACTED 3] and Claimant [REDACTED 5]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his sister, Rachel [REDACTED 5], née Hirsch, and his sister, Claimant [REDACTED 5], submitted an ATAG Ernst & Young form identifying the Account Owner as herself. Claimant [REDACTED 3] indicated that he and Claimant [REDACTED 5] were the children of [REDACTED] and [REDACTED], née [REDACTED], who resided in Ladenburg am Neckar, Germany, prior to the Second World War. Claimant [REDACTED 3] indicated that his parents had seven children, including Claimant [REDACTED 3] and Claimant [REDACTED 5]. Claimant [REDACTED 5], who was Jewish, indicated that she was born on 13 November 1926 in Ladenburg am Neckar, and that she was married after the War to [REDACTED]. Claimant [REDACTED 5] further stated that her father was the owner of a department store named *Firma Gebrüder Kaufmann* in Ladenburg am Neckar. According to Claimant [REDACTED 5], her father made monthly trips to Switzerland to deposit money for his children, beginning in approximately 1935.

Claimant [REDACTED 3] indicated that in 1939, he and his brother [REDACTED 4], his mother [REDACTED], and Claimant [REDACTED 5], were all deported to Gurs concentration camp in France. According to Claimant [REDACTED 3], Claimant [REDACTED 5], [REDACTED], and [REDACTED 4] were all subsequently deported to another concentration camp, of which they did not know the name; at that second concentration camp, the Nazis performed medical experiments on Claimant [REDACTED 5] in an unsuccessful effort to render her sterile. Claimant [REDACTED 3] also stated that as a result of the medical experiments, Claimant [REDACTED 5]'s legs were paralyzed. Claimant [REDACTED 3] indicated that Claimant [REDACTED 5] and his mother and brother [REDACTED 4] were able to escape from the second concentration camp, and spent one year living in a cave until they were rescued by an American service officer. Claimant [REDACTED 3] also stated that subsequently, Claimant [REDACTED 5] lived in Aix-les-Bains until the end of the War. Claimant [REDACTED 3] indicated that a benevolent organization liberated him from Gurs concentration camp in 1941, and then sent him first to Portugal, and then to the United States. Claimant [REDACTED 3] also stated that his father was deported from Gurs to Drancy transit camp, and then to Auschwitz, where he perished.

In support of her claim, Claimant [REDACTED 5] submitted her birth certificate, indicating that she was born Rahel Elise Hirsch in Ladenburg, Germany, on 12 November 1926, and that her parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 3] indicated that he was born on 20 September 1934 in Ladenburg am Neckar, Germany. Claimant [REDACTED 5] indicated that she was born on 13 November 1926 [*sic*] in Ladenburg am Neckar. In correspondence with the CRT, Claimant [REDACTED 3] indicated that Claimant [REDACTED 5] died in 2005.

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted a Claim Form and an Initial Questionnaire identifying the Account Owner as his paternal grandmother, Rachel or Rachela Hirsch, née Krieger, who was married to [REDACTED], and who resided in Poland. Claimant [REDACTED 6] indicated that

in 1904, his paternal grandparents, who were Jewish, had a son, [REDACTED] (Claimant [REDACTED 6]’s father), who was born in Drabinauka, Poland. According to Claimant [REDACTED 6], his grandfather [REDACTED] was a businessman who resided in Rjesjow, Poland, at the start of the Second World War. Claimant [REDACTED 6] indicated that Rachel Hirsch was murdered by the Nazis in November 1939, shortly after the Nazi invasion of Poland. According to Claimant [REDACTED 6], both his father [REDACTED] and his grandfather [REDACTED] were deported by the Nazis in 1942, and perished in Auschwitz.

In support of his claim, Claimant [REDACTED 6] submitted copies of: (1) his parents’ marriage certificate, indicating that the marriage occurred on 3 February 1940, and that [REDACTED] was the son of [REDACTED], resident of Rjesjow, and of Rachela Krieger, who was deceased; (2) the death certificate of his father, [REDACTED], indicating that [REDACTED], who perished in Auschwitz on 8 August 1942, was the son of [REDACTED] and Rachela Krieger; and (3) a declaration issued by the French government that [REDACTED], the son of [REDACTED] and Rachela, née Krieger, was a Polish citizen and refugee at the time of his deportation to Auschwitz.

Claimant [REDACTED 6] indicated that he was born on 11 April 1941 in Paris, France.

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 Rachel Hirsch. The Bank’s record does not indicate the Account Owner’s domicile. The Bank’s record indicates that the Account Owner held a savings/passbook account, numbered 929, and that the account had a balance of 48.80 Swiss Francs (“SF”) on 1 January 1999.

The account remains open and dormant.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the five claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]’s paternal grandmother’s name, Claimant [REDACTED 2]’s sister’s name, Claimant [REDACTED 3]’s sister’s name, Claimant [REDACTED 5]’s maiden name, and Claimant [REDACTED 6]’s paternal grandmother’s name match the unpublished 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, Claimant [REDACTED 5] submitted documents, including her birth certificate, 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. In support of his claim, Claimant [REDACTED 6] submitted documents, including his parents' marriage certificate and his father's death certificate, 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 Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, Claimant [REDACTED 3]'s relative, Claimant [REDACTED 5], and Claimant [REDACTED 6]'s relative are not the same person. However, given that the Claimants have identified all unpublished information about the Account Owner that is available in the Bank's record; and that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5], and Claimant [REDACTED 6] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim or Target of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish. Claimant [REDACTED 1] indicated that the Account Owner resided in Romania during the War, and that her son was forced to perform slave labor at a saw mill in Romania during the War. Claimant [REDACTED 2] indicated that the Account Owner perished in Auschwitz. Claimant [REDACTED 3] and Claimant [REDACTED 5] indicated that the Account Owner was deported to Gurs concentration camp and subsequently to a second concentration camp, where the Nazis performed medical experiments on her that left her paralyzed; the Account Owner and her mother and brother were able to escape from the second concentration camp, but were forced to live in a cave for one year to avoid detection by the Nazi regime. Claimant [REDACTED 6] indicated that the Account Owner was murdered by Nazis in Poland in November 1939.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information or documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s paternal grandmother, Claimant [REDACTED 2]'s sister, Claimant [REDACTED 3]'s sister, Claimant [REDACTED 5], and Claimant [REDACTED 6]'s paternal grandmother. These documents include Claimant [REDACTED 3]'s birth certificate, indicating that he had the same parents, and that he was born in the same town as Claimant [REDACTED 5], the Account Owner, who also submitted her birth certificate. These documents also include Claimant [REDACTED 6]'s birth certificate, indicating that he is the son of [REDACTED], and

the death certificate of [REDACTED], indicating that [REDACTED] was the son of Rachel Hirsch, née Krieger.

There is no information submitted by Claimant [REDACTED 1], Claimant [REDACTED 2], or Claimant [REDACTED 6] to indicate that the Account Owner has other surviving heirs. The CRT notes that Claimant [REDACTED 3] and Claimant [REDACTED 5] indicated that they have other surviving relatives other than [REDACTED 4], whom Claimant [REDACTED 3] is representing, but that because they are not represented in the claims of Claimant [REDACTED 3] and Claimant [REDACTED 5], the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's record.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his paternal grandmother, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his sister, Claimant [REDACTED 5] has plausibly demonstrated that she is the Account Owner, and Claimant [REDACTED 6] has plausibly demonstrated that the Account Owner was his paternal grandmother, and those relationships justify an Award.

Further, the CRT notes that Claimant [REDACTED 5], as the Account Owner, has a better entitlement to the account than Claimant [REDACTED 3] and represented party [REDACTED 4], who are the Account Owner's brothers.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's record indicates that the value of the savings/passbook account as of 1 January 1999 was SF 48.80. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 925.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1999. Consequently, the adjusted balance of the account at issue is SF 973.80. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 12,172.50.

Division of the Award

As noted above, Claimant [REDACTED 3] and the party that he represents are not entitled to

share in the award.

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-quarter of the Award amount, Claimant [REDACTED 2] is entitled to one-quarter of the Award amount, the Estate of Claimant [REDACTED 5] is entitled to one-quarter of the Award amount, and Claimant [REDACTED 6] is entitled to one-quarter of the Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
15 November 2007