

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2] and [REDACTED 3]
represented by Advocate Erez Bernstein

in re Accounts of Egon Alexander

Claim Number: 501342/AH

Award Amount: 37,125.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published accounts of [REDACTED]¹ and Egon Alexander. This Award is to the published account of Egon Alexander (the “Account Owner”) at the Zurich 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 brother-in-law, Egon Alexander, who was born on 23 July 1907 in Trebova Moravska, Czechoslovakia, and was not married. The Claimant indicated that Egon Alexander was a weaver, held the title of engineer and worked in a silk factory that was owned by his father, [REDACTED]. The Claimant indicated that her brother-in-law, who was Jewish, resided in Trebova Moravska, until 1938, and that following the Nazi annexation of the Sudetenland, on 10 October 1938, he fled with his family to Brno, Czechoslovakia. In e-mail correspondence with the Claimant’s representative on 25 January 2005, the Claimant’s representative indicated that [REDACTED]’s factory was probably located in Trebova Moravska, and that it is likely that Egon Alexander had also resided in Brno prior to 1938. The Claimant further indicated that on 2 December 1941 her brother-in-law and his family were deported to Theresienstadt, and from there, on 28 September 1944, to Auschwitz, where they perished. The Claimant indicated that Egon Alexander never had any children. In his e-mail correspondence with the CRT on 25 January 2005, the Claimant’s representative indicated that Egon Alexander’s brother, [REDACTED], who was the Claimant’s husband, died in June 1946 in Palestine.

¹ The CRT will treat the claim to this account in a separate decision.

The Claimant submitted the following documents: a copy of an entry from the Yad Vashem's central database of Holocaust victims' names regarding Egon Alexander, indicating his date of birth, his deportation dates to Theresienstadt and Auschwitz, and his death; a copy of a Page of Testimony from the Yad Vashem database, dated 22 April 1999, regarding Egon Alexander indicating his personal details, including his residence in Brno and his profession; and a copy of a Page of Testimony from the Yad Vashem database regarding [REDACTED] indicating that he resided Brno, and that he was the director of a silk factory.

The Claimant indicated that she was born on 22 November 1918 in Germany. The Claimant represents her sons, [REDACTED 2], who was born on 25 March 1943 in Palestine, and [REDACTED 3], who was born on 13 February 1947 in Palestine.

Information Available in the Bank's Records

The Bank's records consist of two customer cards, an excerpt from the Bank's ledger, a list of accounts registered by the Bank in the the survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a federal decree in 1962 (the "1962 Survey"), and printouts from the Bank's database. According to these records, the Account Owner was Egon Alexander, who resided in Brno, Czechoslovakia, and had an address in care of a factory by the name of "*Masch. Fabrik Růti*," located at Ul. Ypsilentiho 3, dv 4, Brno. The Bank's records indicate that the Account Owner held a demand deposit account, which was opened on 20 February 1932 and a savings/passbook account. The Bank's records indicate that at some point the Bank was instructed to hold all mail concerning the demand deposit account.

The Bank's records indicate that the savings/passbook account was closed on 31 March 1940. The amount in the savings/passbook account on the date of its closure is unknown. The Bank's records further indicate that the demand deposit account was included in the 1962 Survey, and that it was closed on 8 January 1968. The amount in the demand deposit account on 20 December 1962 was 530.00 Swiss Francs ("SF"). There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother-in-law's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified her brother-in-law's city of residence, which matches unpublished information about the Account Owner's city of residence contained in the Bank's records.² The Claimant also indicated that her brother-in-law was a

² The CRT notes that the Account Owner's city of residence was published pursuant to the survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a Federal decree in 1962 (the "1962 Survey").

weaver, held the title of engineer and worked in a factory owned by his father, which corresponds with unpublished information about the Account Owner's care-of address at a factory, contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including a copy of an entry from the Yad Vashem's central database of Holocaust victims' names regarding Egon Alexander, indicating his date of birth, his deportation dates to Theresienstadt and Auschwitz, and his death, and a copy of a Page of Testimony from the Yad Vashem database, dated 22 April 1999, regarding Egon Alexander indicating his personal details including his residence in Brno and his profession as a weaver, thus providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Egon Alexander, and indicates that his date of birth was 23 July 1907, that he was not married, that he resided in Moravska Trebova and Brno, and was a weaver, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Egon Alexander appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). The CRT further notes that there are no other claims to these accounts. 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 following the Nazi annexation of the Sudetenland on 10 October 1938, he fled with his family to Brno, and on 2 December 1941, was deported with his family to Theresienstadt, and from there, on 28 September 1944, to Auschwitz, where they all perished. The Claimant also submitted a copy of an entry from the Yad Vashem's central database of Holocaust victims' names regarding Egon Alexander, indicating his deportation dates to Theresienstadt and Auschwitz, and his death, and a copy of a Page of Testimony from the Yad Vashem database regarding Egon Alexander.

As noted above, a person named Egon Alexander was included in the CRT's database of victims.

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, demonstrating that the Account Owner was the Claimant's brother-in-law.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records, and that the Claimant also identified information which

matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant represents.

The Issue of Who Received the Proceeds

The Bank's records indicate that the demand deposit account was closed on 8 January 1968 and that the savings/passbook account was closed on 31 March 1940.

Given that in 1938 the Account Owner and his family had to flee their home; that between 1939 and 1941 the Account Owner resided in Nazi-occupied Czechoslovakia; that on 2 December 1941 the Account Owner and his parents were deported to Theresienstadt, and from there, on 28 September 1944, to Auschwitz, where they perished; that the Account Owner's name was published in the 1962 Survey; that the demand deposit account was closed over 20 years after the Account Owner's and his brother's death; that there is no record of the payment of the Account Owner's accounts to him or to his heirs; that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant's sons. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her sons' uncle, and these relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Further, the CRT notes that the Claimant's sons, [REDACTED 2] and [REDACTED 3], the Account Owner's nephews, whom the Claimant represents in these proceedings, have a better entitlement to the accounts than the Claimant, the Account Owner's sister-in-law.

Amount of the Award

In this case, the Account Owner held one saving/passbook account and one demand deposit account. In the case of the saving/passbook account, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar

type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP (“ICEP Investigation”), in 1945 the average value of a savings/passbook account was SF 830.00. In the case of the demand deposit account, the Bank’s records indicate that the value of the account as of 20 December 1962 was SF 530.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 450.00, which reflects hold mail account fees, and of SF 270.00, which reflects standardized bank fees, charged to the account between 1945 and 1962. Consequently, the adjusted balance of the account at issue is SF 1,250.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. Thus, the total 1945 average value of the two accounts is SF 2,970.00. 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 an award amount of SF 37,125.00.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner’s spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner’s parents who have submitted a claim, in equal shares by representation. In this case, the Claimant, who is the Account Owner’s sister-in-law, is representing her sons: [REDACTED 2] and [REDACTED 3], who are the Account Owner’s nephews. As indicated above, the Claimant’s sons have a better entitlement to the accounts than the Claimant. Therefore, [REDACTED 2] and [REDACTED 3] are each entitled to one-half of the total award amount.

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
31 March 2005