

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Helene Beck

Claim Number: 774461/MW¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Helene Beck (the “Account Owner”) at the St. Gallen 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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his paternal aunt, Helene Beck, née Axelrod, who was born on 20 December 1895 in Vienna, Austria, and was married to [REDACTED]. The Claimant stated that his aunt and uncle, who were Jewish, resided in Vienna. The Claimant further stated that his uncle was the managing director of an insurance company named *Erste Einbruch-und- Feuerversicherungsgesellschaft* in Vienna. The Claimant explained that the Nazis confiscated his uncle’s and aunt’s properties, and that his uncle and aunt were arrested and deported on 23 November 1941, together with Helene Beck’s sister, [REDACTED], to Riga, and subsequently to Kaunas, where all three perished. The Claimant submitted his birth certificate indicating that he was born in Vienna, and that his father was [REDACTED]; an extract from the autobiography of Helene Beck, née Glaser, the Claimant’s mother, indicating that her family had owned land in Vienna and Sooss, Austria (located south of Vienna), deportation records indicating that Helene Natalie Beck and [REDACTED] were transported to Riga on 23 November 1941; a letter dated 18 October 1941,

¹ [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG0159131, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 774461.

signed by “Helly and [REDACTED],” and [REDACTED]’s Austrian 1938 census record, indicating that he owned land in Sooss. The Claimant indicated that he was born on 5 July 1920 in Vienna.

The Claimant previously submitted two other IQs to the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED].²

Information Available in the Bank’s Records

The Bank’s records consist of a list of savings/passbook accounts opened between 1930 and 1940, and printouts from the Bank’s database. According to these records, the Account Owner was Helene Beck who resided in Mödling, Austria. The Bank’s records indicate that the Account Owner held a savings/passbook account numbered 19135, which was opened between 1930 and 1940. The Bank’s records indicate that in 1940 the balance of the account was 9.00 Swiss Francs (“SF”). The Bank’s records do not show when the account at issue was closed.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank’s records that the Account Owner or her heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of [REDACTED], numbered 11122. These records indicate that [REDACTED], who was a pensioner, was married to Helene Beck, and that they resided in Vienna. These records further indicate that the Nazi regime forced [REDACTED] and Helene Beck to sell their property located in Sooss. These records make no mention of assets held in a Swiss bank account.

² The CRT did not locate an account belonging to the Claimant’s relatives, [REDACTED] or [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 his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

The CRT's Analysis

Identification of the Account Owner

The Claimant's aunt's name and country of residence match the published name and country of residence of the Account Owner. The CRT notes that the Claimant indicated that his aunt lived in Vienna and owned property in Sooss, while the Bank's records indicate that the Account Owner resided in Mödling. However, given that Mödling is located approximately ten kilometers from Vienna, and approximately six kilometers from Sooss, the CRT concludes that the Claimant's aunt may also have had an address in Mödling.

In support of his claim, the Claimant submitted documents, including a statement from his mother's autobiography indicating that her family members, including [REDACTED] and Helene Beck, owned land in Vienna and Sooss; deportation records indicating that Helene Natalie Beck and [REDACTED] were deported to Riga on 23 November 1941; and a 1938 Census record indicating that [REDACTED] and Helene Beck resided in Vienna, and that [REDACTED] owned property south of Vienna in Sooss. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same region recorded in the Bank's records as the name and region of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Helene Natalie Beck, and indicates that her date of birth was 20 December 1895, 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.

Furthermore, the CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Helene Beck, 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 his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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. Finally, the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of 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 was deported to Riga and then to Kaunas, where she perished.

As noted above, a person named Helene Natalie Beck was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's aunt. The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted his birth certificate, indicating that he was born in Vienna and that his father was [REDACTED], which provides independent verification that the Claimant's relatives bore the same family name and resided in the same city as the Account Owner. The CRT also notes that the Claimant submitted an extract from Helene Beck's autobiography indicating that her family members, including [REDACTED] and Helene Beck, owned land in Vienna and Sooss; deportation records indicating that Helene Natalie Beck and [REDACTED] were transported to Riga on 23 November 1941; a record from the Austrian State Archives indicating that [REDACTED] and Helene Beck resided in Vienna and held property in Sooss; and a letter signed by "Helly and [REDACTED]." The CRT notes that the foregoing documents and information are of the type that family members would possess and indicate 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 he has asserted in his IQ. There is no information to indicate that the Account Owner has other surviving heirs

The Issue of Who Received the Proceeds

Given that the Account Owner perished during the Holocaust; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner's heirs would not have been able to obtain information about her account 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 her 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. 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 his paternal aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 a savings/passbook account. The Bank's records indicate that the value of the account as of 1940 was SF 9.00. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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. Consequently, the total award amount in this case is SF 10,375.00.

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 his claims 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 Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
12 January 2005