

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Yariv Vure

in re Accounts of Grete Drechsler and Moriz Drechsler

Claim Numbers: 400804/SI; 400805/SI

Award Amount: 395,125.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Moriz Drechsler (“Account Owner Moriz Drechsler”), over which Grete Drechsler (“Account Owner Grete Drechsler”) (together the “Account Owners”) held power of attorney, and the published accounts of Account Owner Grete Drechsler, over which Account Owner Moriz Drechsler held power of attorney, all 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted two Claim Forms identifying Account Owner Moriz Drechsler as his father, Moritz Drechsler, who was born on 21 March 1887 in Czechoslovakia, and Account Owner Grete Drechsler as his mother, Margarete (Grete) Drechsler, née Grünwald, who was born on 9 January 1898 in Vienna, Austria. The Claimant indicated that his parents were married on 16 December 1916 in Vienna, and that they had two sons, [REDACTED], who was born on 8 October 1925, and the Claimant. The Claimant stated that from 1916 to 1938, his parents resided at Hietzinger Hauptstrasse 108 in Vienna. The Claimant further stated that following the incorporation of Austria into the German Reich in March 1938 (the “Anschluss”), his parents were forced to leave their house. The Claimant specified that his mother emigrated to the United Kingdom, while the Claimant’s father moved to a smaller apartment in Vienna, where he resided until August 1939. The Claimant added that in August 1939, his father moved to Prague, Czechoslovakia, from where he emigrated to Palestine.

In support of his claim, the Claimant submitted the following documents: (1) his birth certificate, indicating that he was born in Vienna on 22 January 1922 to Moritz Drechsler and Margarete Drechsler, née Grünwald; and (2) a certificate of name change, indicating that his original name

was [REDACTED] and that it was changed to [REDACTED]. The Claimant indicated that he was born on 22 January 1922 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of power of attorney forms, instructions regarding correspondence, and printouts from the Bank's database. According to these records, Account Owner Moriz Drechsler was *Herr* (Mr.) Moriz (Moritz) Drechsler and Account Owner Grete Drechsler was *Frau* (Mrs.) Grete Drechsler, who both resided at Hietzinger Hauptstrasse 108 in Vienna, Austria. The Bank's records indicate that Account Owner Moriz Drechsler held a custody account, numbered 39912, and a savings/passbook account, numbered 9255, and that Account Owner Grete Drechsler held a custody account, numbered 39913, and a savings/passbook account, numbered 9254. The Bank's records further indicate that Account Owner Moritz Drechsler held an additional account, the type of which is not indicated. According to the Bank's records, Account Owner Grete Drechsler held power of attorney over Account Owner Moriz Drechsler's accounts, and Account Owner Moriz Drechsler held power of attorney over Account Owner Grete Drechsler's accounts. The Bank's records further indicate that the code word associated with custody account 39912 was "Walter," and that the code word associated with account 39913 was "Fritz."

The Bank's records do not show when the accounts at issue were closed, nor do these records indicate the values of these accounts. 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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

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 two claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's parents' names match the published names of the Account Owners. The Claimant identified the Account Owners' address and city of residence, which match unpublished information about the Account Owners contained in the Bank's records. The Claimant indicated that his brother's name was

[REDACTED] and that his name was [REDACTED], which match the unpublished code words associated with the Account Owners' custody accounts. In support of his claim, the Claimant submitted his birth certificate, indicating that Moritz Drechsler and Margarethe Drechsler, née Grünwald, were from Vienna, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Bank's records as the names and city of residence of the Account Owners. The CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that they were forced to leave their home following the *Anschluss*, that Account Owner Grete Drechsler emigrated to the United Kingdom and that Account Owner Moriz Drechsler emigrated to Palestine.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's parents. These documents include his birth certificate, indicating that [REDACTED] was born on 22 January 1922 to Moritz Drechsler and Margarethe Drechsler, née Grünwald, and a certificate of name change, indicating that [REDACTED], who was born on 22 January 1922, changed his name to [REDACTED]. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owners were forced to flee Austria following the *Anschluss*; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their 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 (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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 Owners were his parents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held two custody accounts, two savings/passbook accounts, and one account of unknown type. 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”), the average value of a savings/passbook account was SF 830.00, and the average value of an account of unknown type was SF 3,950.00. Consequently, the total 1945 average value of the accounts at issue is SF 31,610.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 395,125.00.

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
28 June 2006