

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1], [REDACTED 2] and [REDACTED 3]

and

[REDACTED 4]
also acting on behalf of [REDACTED]

in re Account of Abraham Albert and Frida Feinstein

Claim Numbers: 215984/SJ; 215985/SJ; 215986/SJ; 215987/SJ; 215988/SJ; 215989/SJ;
222585/SJ¹

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 4] (“Claimant [REDACTED 4]”) and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Abraham Albert Feinstein (“Account Owner Abraham Feinstein”) and Frida Feinstein (“Account Owner Frida Feinstein”) (together the “Account Owners”) at the Geneva 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 Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted two Claim Forms. One Claim Form identified Account Owner Frida Feinstein, as her paternal aunt, Fernande (Frida) Feinstein, née Hornstein, who was born on 2 September 1897 in Odessa, Russia. The second Claim Form identified Account Owner Abraham Feinstein, as her aunt’s husband, Abraham (Albert) Feinstein, who was born on 10 January 1893 in Jaffa, Palestine. Claimant [REDACTED 1] stated that her aunt and uncle, who were Jewish, were married in Paris in 1931 and had two children: [REDACTED] and

¹ Claimant [REDACTED 3] submitted two Claim Forms, which were registered under the Claim Numbers 221435 and 222585. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 222585.

[REDACTED]. Claimant [REDACTED 1] identified her aunt and uncle as dental surgeons whose office was located at 55 Avenue J. Jaurès in Aubervilliers, France. According to Claimant [REDACTED 1], her aunt and uncle resided at 58 Boulevard Cotte in Enghien les Bains, France. Claimant [REDACTED 1] explained that her uncle was interned at the Drancy concentration camp on 13 August 1942, and then was deported to Auschwitz, where he perished on 1 November 1942. Claimant [REDACTED 1] added that her aunt, her grandmother and her cousins ([REDACTED] and [REDACTED]) were also interned at the Drancy concentration camp, and then deported to Auschwitz, where they perished on 27 March 1944.

In support of her claim, Claimant [REDACTED 1] submitted a family tree and copies of internment certificates of Account Owner Abraham Feinstein, Account Owner Frida Feinstein, her grandmother, and her two cousins. Claimant [REDACTED 1] indicated that she was born on 20 November 1922 in Villemonble, France.

Information Provided by Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted two Claim Forms. One Claim Form identified Account Owner Frida Feinstein as her paternal great-aunt, Fernande (Frida) Feinstein, née Hornstein, who was born on 2 September 1897 in Odessa, Russia. The second Claim Form identified Account Owner Abraham Feinstein as her great-aunt's husband, Abraham (Albert) Feinstein, who was born on 10 January 1893 in Jaffa, Palestine. The information submitted by Claimant [REDACTED 2] concerning the Account Owners corresponds with the information submitted by Claimant [REDACTED 1].

In support of her claim, Claimant [REDACTED 2] submitted a family tree, a copy of her parents' marriage certificate, and copies of internment certificates of Account Owner Abraham Feinstein, Account Owner Frida Feinstein, her great-grandmother, and the Account Owners' children. Claimant [REDACTED 2] indicated that she was born on 18 April 1951 in Courbevoie, France.

Information Provided by Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted two Claim Forms. One Claim Form identified Account Owner Frida Feinstein, as her maternal aunt, Fernande (Frida) Feinstein, née Hornstein, who was born on 2 September 1897 in Odessa, Russia. The second Claim Form identified Account Owner Abraham Feinstein as her aunt's husband, Abraham (Albert) Feinstein, who was born on 10 January 1893 in Jaffa, Palestine. The information submitted by Claimant [REDACTED 4] concerning the Account Owners corresponds with the information submitted by Claimant [REDACTED 1] and Claimant [REDACTED 2].

In support of her claim, Claimant [REDACTED 4] submitted a family tree and copies of internment certificates of Account Owner Abraham Feinstein, Account Owner Frida Feinstein, her grandmother and her two cousins. Claimant [REDACTED 4] indicated that she was born on

18 October 1934 in Paris, France. Claimant [REDACTED 4] also indicated that she is representing her brother, [REDACTED], who was born on 7 May 1937 in Paris.

Information Provided by Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted one Claim Form identifying Account Owner Abraham Feinstein as her paternal uncle, Albert (or Abraham) Feinstein, and Account Owner Frida Feinstein as her uncle's wife, Fernande (or Frida) Feinstein, née Hornstein. The information submitted by Claimant [REDACTED 3] concerning the Account Owners corresponds with the information submitted by Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 4].

In support of her claim, Claimant [REDACTED 3] submitted a family tree and a copy of a picture and postcard from the Account Owners, dated 7 August 1923. Claimant [REDACTED 3] stated that she was born on 13 July 1926 in Tel Aviv, Palestine.

Information Available in the Bank's Records

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owners were Mr. Abraham Albert Feinstein and Mrs. Frida Feinstein, née Hornstein, who resided at 55, Avenue Jean Jaurès, Aubervilliers, France. The Bank's records indicate that the Account Owners held a safe deposit box, numbered 1659, opened on 26 August 1938, and that the Bank was instructed to hold all correspondence to the Account Owners. The Bank's records also contain a hand-written note on the account, dated 7 February 1940, indicating that the account was closed by the Bank (clôturé par secrétariat). The contents of the safe deposit box on the date of its closure are unknown. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account 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 seven claims of the four Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The names of their aunt and uncle and, in the case of Claimant [REDACTED 2], her great-aunt and great-uncle, match the published names of the Account Owners. All of the Claimants also stated that Account Owner

Frida Feinstein's maiden name was Hornstein, which matches published information about Account Owner Frida Feinstein contained in the Bank's records. Although the names of Abraham Albert Feinstein and Frida Feinstein were published separately on the list of bank accounts published on 5 February 2002, the Claimants all identified the Account Owners as being related, which matched unpublished information about the Account Owners contained in the Bank's records. Additionally, the Claimants each identified the Account Owners' specific street address in Aubervilliers, France, which matches unpublished information about the Account Owners contained in the Bank's records. In support of their claims, the Claimants submitted documents, as indicated above, including family trees and internment documentation of the Account Owners and their family. The CRT notes that a database containing the names of victims of Nazi persecution includes the names Fernande and Albert Feinstein and indicates that their dates and places of birth were 2 September 1897 in Odessa and 10 January 1893 in Jaffa, respectively. This information matches the information about the Account Owners provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that other claims to the account were disconfirmed due to different names provided by the other claimants. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners, who were Jewish, were Victims of Nazi Persecution. The Claimants stated that Account Owner Abraham Feinstein was interned at the Drancy concentration camp on 13 August 1942 and then was deported to Auschwitz, where he perished on 1 November 1942; and Account Owner Frida Feinstein was also interned at the Drancy concentration camp and then deported to Auschwitz, where she perished on 27 March 1944. As noted above, persons named Frida and Albert Feinstein are included in the CRT's database of victims. The CRT notes that while the accounts were closed by the Bank in February 1940 and the Account Owners did not perish in Auschwitz until after this date, the Account Owners were Victims of Nazi Persecution, as defined by the rules.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting documents, specific biographical information and family trees, demonstrating their individual relationships to the Account Owners. There is no information to indicate that the Account Owners have any other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed by the Bank on 7 February 1940.

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, the

Claimants have plausibly demonstrated that the Account Owners were their aunt and uncle, and, in the case of Claimant [REDACTED 2], her great-aunt and great-uncle, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held one safe deposit box 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 the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs. 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 15,500.00 Swiss Francs.

Division of the Award

According to Article 25 of the Rules, if an Account is a Joint Account and Claimants related to each of the Account Owners have submitted claims to the Account, it shall be presumed that each Account Owner was the owner of an equal share of the Account. Furthermore, 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.

Accordingly, Claimant [REDACTED 3], as the sole claimant directly related to Account Owner Abraham Feinstein, is entitled to receive one half of the total award amount. Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 4], as claimants related to Account Owner Frida Feinstein, are entitled to divide the remaining one-half of the total award amount. Therefore, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-eighth of the total award amount, and Claimant [REDACTED 4] and her brother [REDACTED], whom she is representing in these proceedings, are each entitled to one-eighth of the total 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
19 November 2003