

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Diana Deutschova
acting on behalf of herself and Tomas Forster

in re Account of Alfred Forster

Claim Number: 206112/EZ¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Diana Deutschova, née Forsterova (the “Claimant”) to the account of Alfred Forster (the “Account Owner”) at the Kreuzlingen branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and Initial Questionnaire identifying the Account Owner as her father, who was born on 2 May 1892 in Moravska Ostrava, Czechoslovakia. The Claimant stated that her father lived in Czechoslovakia until 1939, when he immigrated to Guildford, Great Britain, and married Haddy Forsterova, née Pollak. The Claimant further stated that her father, who was Jewish, was a bank officer and that he died on 28 November 1958 in Olomouc, Czechoslovakia. The Claimant noted that her mother died on 12 August 1975, in Olomouc. The Claimant stated that she is the Account Owner’s daughter, and that she was born in Great Britain on 23 May 1942.

Information Available in the Bank Records

The bank records consist of printouts from the Bank’s database. According to these records, the sole Account Owner was Alfred Forster. The bank records indicate that the Account Owner held an account of unknown type. There is no evidence in the bank records that the Account Owner or his heirs closed the account and received the proceeds themselves.

¹ The Claimant submitted an additional claim to the account of Alfred Pollak, which is registered under the claim number 206669. The CRT will treat the claim to this account in a separate decision.

The bank records do not indicate when the account was opened, but they do indicate that on an unknown date the account was transferred to a collective account, which is a grouping of open and dormant accounts. These records also indicate that on 16 November 1981, the account balance was 20.65 Swiss Francs. The records indicate that the account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner. In support of her claim, the Claimant submitted documents, including her and her brother's birth certificates, indicating that their father's name was Alfred Forstér or Alfred Förster.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, prior to the publication in February 2001 of the 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"), asserting her entitlement to a Swiss bank account owned by Alfred Forster. This indicates that the Claimant has based her claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears the same name as her father's, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This strongly supports the credibility of the information provided by the Claimant and the validity of her claim.

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, had to leave Czechoslovakia in 1939, and immigrated to Great Britain.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her and her brother's birth certificates, demonstrating that their father's name was Alfred Forstér or Alfred Förster.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a collective account, which is a grouping of open and dormant accounts. The records indicate that the account remains open and dormant. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the account.

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 23 of the Rules Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The Bank records indicate that the value of the unknown type of account as of 16 November 1981 was 20.65 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 565.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1981. Consequently, the adjusted balance of the account at issue is 585.65 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown type of account was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Articles 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the Claimant shall be 35% of the Certified Award, and the Claimant may receive a second payment of up to 65% of the the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 35% of the total award amount is 16,590.00 Swiss Francs.

Division of the Award

The Claimant is representing her brother, Tomas Forster, in these proceedings. According to Article 29 of the Rules, her brother is entitled to receive one-half (1/2) of any payment made to the Claimant.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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