

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],
[REDACTED 3] and [REDACTED 4]

in re Account of Adolf Frey

Claim Number: 218936/AX¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the "Claimant") to the published account of Adolf Frey (the "Account Owner") at the Lucerne 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 maternal uncle, Adolf Frey, who was born in 1889 in Zolynia, Austro-Hungary (now Poland). The Claimant indicated that her uncle, who was Jewish, was the son of [REDACTED] and [REDACTED], née [REDACTED]. According to the Claimant, her grandparents emigrated from Poland to Belgium at the beginning of the twentieth century. The Claimant stated that [REDACTED] was a founder of the Antwerp diamond exchange in Antwerp, Belgium, and that he received a medal from the Belgian king for his achievements. The Claimant further stated that her uncle had six brothers and sisters, including the Claimant's mother, [REDACTED], née [REDACTED], and the Claimant's uncle, [REDACTED]. The Claimant identified her uncle as a diamond dealer who resided at 56 Grootte Beers in Antwerp until the outbreak of the Second World War. The Claimant indicated that her uncle, who was Jewish, went into hiding in the French-speaking part of Belgium from 1942 until 1944. The Claimant stated that her uncle died childless in 1976 in Antwerp. In support of her claim, the Claimant submitted a copy of an article that was published in the Belgian newspaper, *Le Matin*, on 11 October 1944, which tells the story of the Claimant's

¹ The Claimant submitted an additional claim to the account of her uncle, [REDACTED], which is registered under the Claim Number 218935. The CRT will treat the claim to this account in a separate decision.

uncle's and mother's escape from Nazi persecution.

The Claimant indicated that she was born on 6 February 1932 in Antwerp. The Claimant is representing her brother, [REDACTED 2], who was born on 11 June 1938 in Antwerp, and her cousins, who are the sons of [REDACTED]: [REDACTED 4], who was born on 9 June 1923 in the Netherlands, and [REDACTED 3], who was born on 28 October 1924, in Dordrecht, the Netherlands.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Adolf Frey. The Bank's record does not contain any information about the Account Owner's place of residence. The Bank's record indicates that the Account Owner held an account, the type of which is not recorded, numbered 33966. The Bank's record indicates that the account was transferred to a suspense account for dormant assets on 17 May 1984. The amount in the account on the date of its transfer was 23.95 Swiss Francs (SF). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's maternal uncle's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of her claim, the Claimant submitted documents including a copy of an article that was published in the Belgian newspaper, *Le Matin*, on 11 October 1944, which tells the story of the Claimant's mother's and uncle's escape from Nazi persecution. The Claimant also submitted Power of Attorney forms for [REDACTED 4] and [REDACTED 3], the Claimant's cousins, indicating that the Claimant's relatives have the same last name as the Account Owner. The CRT further notes that the name Adolf Frey appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution. The CRT notes that there are no other claims to this account. Taking all of 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 he was forced to go into hiding during the Nazi occupation of Belgium.

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 and documents demonstrating that the Account Owner was her uncle. These documents include Power of Attorney forms for her cousins, [REDACTED 4] and [REDACTED 3], the sons of the [REDACTED], indicating that her relatives had the same last name as the Account Owner. There is no information to indicate that the Account Owner has surviving heirs other than the Claimant and the relatives whom she represents.

The Issue of Who Received the Proceeds

The Bank's record indicates the account remains in the Bank's suspense 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 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, 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

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the account as of 17 May 1984 was SF 23.95. According to Article 29 of the Rules, if the amount in an account of unknown type 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 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 a total award amount of SF 49,375.00.

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. The Claimant and her brother, whom she represents, are the children of the Account Owner's sister. The Claimant's cousins, whom the Claimant represents, are the children of the Account Owner's brother. Accordingly, the Claimant and the relatives she represents are each entitled to receive one-quarter 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