

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant the Estate of [REDACTED 1]
also acting on behalf of [REDACTED 2] and [REDACTED 3]

in re Account of Esther Glaser

Claim Number: 219610/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of the Estate of [REDACTED 1] (the “Claimant”) to the account of [REDACTED].¹ This Award is to the published account of Esther Glaser (the “Account Owner”) at the Basel 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 [REDACTED 1]'s mother, Esther (Haika or Chaika) Gleizer (Glaser), née Bloch, who was born in approximately 1896, and was married to [REDACTED]. In a telephone conversation with [REDACTED 1]'s son, he indicated that Esther Gleizer was [REDACTED]'s mother's Hebrew name. The Claimant indicated that [REDACTED 1]'s mother lived in Vashkovisy, Romania until 1941, where she worked in her husband's jewellery store. The Claimant indicated that Esther and [REDACTED] Gleizer moved in 1941 to Tumen (today Russia) and in 1945 to Tashkent (today Uzbekistan), both in the former Soviet Union. According to the Claimant, in 1941 the Nazis confiscated Esther and [REDACTED] Gleizer's total assets. The Claimant further stated that [REDACTED 1]'s mother, who was Jewish, survived the Holocaust, and that she died on 14 October 1989 in Russia, the Soviet Union. In support of his claim, the Claimant submitted the death certificates of [REDACTED] and Heika Gleizer, and the death certificate of [REDACTED 1], indicating that his parents were [REDACTED] and Chaika Gleizer. The Claimant indicated

¹ The CRT did not locate an account belonging to [REDACTED 1]'s relative, [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 its claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

that [REDACTED 1] was born on 2 February 1931 in Arbore, Romania. The Claimant represents [REDACTED 1]'s wife, [REDACTED 2], née [REDACTED], who was born on 18 January 1932 in Harkov, Ukraine, and his son, [REDACTED 3], who was born on 19 November 1955 in Tashkent.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Esther Glaser. The Bank's records do not contain information about the Account Owner's place of residence. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records do not show when the account was opened, but do show that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 31 December 1968. The amount in the account on the date of its transfer was 458.00 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The name of [REDACTED 1]'s mother matches the published name of the Account Owner.² The CRT notes that the Claimant indicated that Esther Gleizer was [REDACTED 1]'s Hebrew name. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. In support of her claim, the Claimant submitted Esther (Haika) Gleizer's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same last name recorded in the Bank's records as the last name of the Account Owner. The CRT notes that the name Esther Glaser appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution. The CRT further notes that there are no other claims to this account. Taking all these factors into consideration, 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, lived in Romania and later in the former Soviet Union, and that her assets were confiscated by the Nazis.

² The CRT notes that the Claimant submitted documents pertaining to [REDACTED 1]'s mother which are written in Russian (which uses the Cyrillic alphabet), and that his mother's name may be transliterated into English as either Gleizer or Glaser.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that [REDACTED 1] is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was [REDACTED 1]'s mother. These documents include [REDACTED 1]'s death certificate indicating that his parents were [REDACTED] and Chaika Gleizer. There is no information to indicate that the Account Owner has other surviving heirs other than the parties which the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that 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 [REDACTED 1]'s mother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account. Further, the CRT notes that the Claimant, as the Estate of the Account Owner's son, [REDACTED 1], has a better entitlement to the award than [REDACTED 1]'s wife, [REDACTED 2], who is related to the Account Owner by marriage, and [REDACTED 1]'s son, [REDACTED 3], who is more distant in relationship.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 31 December 1968 was SF 458.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 360.00, which reflects standardized bank fees charged to the account between 1 January 1945 and 31 December 1968. Consequently, the adjusted balance of the account at issue is SF 818.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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, to produce a total award amount of SF 49,375.00.

Division of the Award

In this case, the Claimant represents [REDACTED 1]'s wife, [REDACTED 2], and son, [REDACTED 3]. As stated above, the Claimant has a better entitlement to the Award than [REDACTED 1]'s wife and son. Accordingly, the Estate of [REDACTED 1] is entitled to 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 its claim to determine whether there are additional Swiss bank accounts to which it 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
10 December 2004

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