

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Alfred Israel

Claim Number: 782254/CC/YS/CC/IK¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Alfred Israel (the “Account Owner”), over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney, at the Basel branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case,² 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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his relative, Alfred Israel. In telephone conversations with the Claims Conference staff on behalf of the Claims Resolution Tribunal (“CRT”) on 1 September 2004 and 29 September 2004, the Claimant identified Alfred Israel as his father, who was born in April 1888 and was married to [REDACTED], née [REDACTED]. The Claimant stated that he is the only child of Alfred and [REDACTED]. The Claimant further stated that his parents, who were Jewish, resided at 32 Grand Rue, Luxembourg-Ville, Luxembourg, between 1934 and 1940. According to the Claimant, his parents fled Luxembourg to France in March 1940, and his parents’ assets were looted by German troops and civilians during the Second World War. The Claimant stated that his parents attempted to access their Swiss bank account through a local bank in the south of France around 1940 but were unsuccessful. The Claimant also stated that his father changed his

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG/0479092, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 782254.

² The CRT notes that, as a matter of policy, all IQs are afforded confidential treatment.

name from Alfred Israel to Alfred Learsy in 1940 or 1941. According to the Claimant, his parents immigrated to the United States in December 1940, where they remained until 1945. The Claimant indicated that his father died in Luxembourg in April 1961.

The Claimant submitted a copy of his birth certificate, which indicates that he was born in Strasbourg, France on 16 October 1935 and that his parents were Alfred Israel, who was born in Luxembourg on 19 June 1889,³ and [REDACTED], and that they resided at 32 Grand Rue in Luxembourg. The Claimant also provided a copy of his mother's death certificate, which identifies her as [REDACTED], née [REDACTED], and the widow of Alfred Israel, also known as Alfred Learsy. The death certificate also shows that [REDACTED], a retired merchant, was born on 25 July 1908 and died on 18 October 2003.⁴ The Claimant also submitted a copy of a pension document from the Union of Artists, Merchants and Industrialists in Luxembourg, which indicates that [REDACTED] resided in Luxembourg.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form, dated 16 April 1935, and a printout from the Bank's database. According to these records, the Account Owner was Alfred Israel and the Power of Attorney Holder was his wife, [REDACTED], née [REDACTED], both of whom resided at 32 Grosstrasse in Luxembourg, Luxembourg. According to the Bank's records, the Account Owner held one custody account, numbered 37324, which was opened on 24 October 1931. The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account.

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 this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the account or received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and Power of Attorney Holder. The Claimant's parents' names and city and country of residence match the unpublished names and

³ The CRT notes that Alfred Israel's birth date is listed on the Claimant's birth certificate as 19 June 1889, while the Claimant indicated that his father's birth date was April 1888.

⁴ The CRT notes that the death certificate provided by the Claimant lists the deceased as [REDACTED], née [REDACTED], that the Claimant's birth certificate identifies his mother as [REDACTED], and that the Bank's records identifies the Account Owner's wife as [REDACTED], née [REDACTED]. The CRT concludes that [REDACTED], [REDACTED], and [REDACTED] are variations of the Claimant's mother's name.

city and country of residence of the Account Owner and Power of Attorney Holder. The Claimant identified the Account Owner's address as 32 Grand Rue, Luxembourg-Ville, while the Bank's records list the Account Owner's address as 32 Grossstrasse. The CRT notes that the address provided by the Claimant is the exact French translation of the unpublished address contained in the Bank's records. The Claimant also identified the relationship between the Account Owner and the Power of Attorney Holder, which matches unpublished information about the relationship between the Account Holder and the Power of Attorney Holder contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including a copy of his birth certificate, indicating that his parents were Alfred Israel and [REDACTED], and that they resided at 32 Grand Rue in Luxembourg, and copies of his mother's pension document and her death certificate, providing independent verification that the persons who are claimed to be the Account Owner and the Power of Attorney Holder had the same names and resided at the same address recorded in the Bank's records as the names and address of the Account Owner and the Power of Attorney Holder. The CRT notes that there are no other claims to this account.

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, that he fled both Luxembourg and France in 1940, and that his assets were looted by German troops.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include a copy of his birth certificate, which lists his parents as Alfred Siegfried Israel and [REDACTED], demonstrating that the Account Owner and Power of Attorney Holder were the Claimant's parents. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner fled both Luxembourg and France in 1940 under the threat of Nazi persecution; that the Account Owner tried unsuccessfully to access his Swiss bank account in 1940; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his account 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A); the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder 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 Owner was his father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs, received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). 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 162,500.00.

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 claim 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
30 December 2004