

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Dr. Susanne Bock

in re Accounts of Alexander Pisk

Claim Number: 300139/SB¹

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claim of Dr. Susanne Bock, née Hackl, (the “Claimant”) to the published accounts of Alexander Pisk (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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 identifying the Account Owner as her maternal uncle, Alexander Pisk, who was born on 30 March 1896 in Vienna, Austria. The Claimant stated that she could not recall the name of her uncle’s first wife but stated that the name of her uncle’s second wife was Gemma Pisk. The Claimant stated further that her uncle was childless. According to the Claimant, her uncle, who was Jewish, was a gemstone trader, and lived in Vienna until 1938, when he fled to Milan, Italy. The Claimant stated that in 1939, Alexander Pisk fled Italy for England, where he remained until about 1948, when he returned to Italy. The Claimant added that her uncle died on 9 March 1963 in Monte Carlo, Monaco. In support of her claim, the Claimant submitted the birth certificate of her uncle, which indicates that his name was Alexander Pisk and that he was born on 30 March 1896 in Vienna to Leopold and Amalie Pisk. The Claimant also submitted her and her mother’s birth certificates, which indicate that the Claimant’s mother was Rosa Pisk and that her mother’s parents were Leopold and Amalie Pisk. The Claimant indicated that she was born on 13 May 1920 in Vienna.

¹ The Claimant submitted an additional claim to the account of Otto Pisk, which is registered under the Claim Number 300138. The CRT has treated the claim to this account in a separate decision. See *In re Account of Otto Pisk*, (approved on 7 August 2003).

² The CRT notes that, 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 “ICEP List”), Alexander Pisk is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of three accounts.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Heinrich Rosen and Valerie Rosen.³

Information Available in the Bank Record

The Bank’s record consists of a customer card. According to this record, the Account Owner was Alexander Pisk, who resided in Milan, Italy. The Bank’s record indicates that the Account Owner held two demand deposit accounts and one custody account numbered V4269.

The Bank’s record indicates that one demand deposit account was closed on 30 September 1938 and the other demand deposit account was closed on 31 December 1940. The custody account, which was opened on 21 June 1938, was closed on 19 November 1938. The amount in the accounts on the dates of their closure is unknown. There is no evidence in the Bank’s record that the Account Owner or his heirs closed the accounts and received the proceeds.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s uncle’s name matches the published name of the Account Owner. The Claimant identified the fact that her uncle was living in Milan, which matches unpublished information about the Account Owner contained in the Bank’s record. The CRT notes that the name Alexander Pisk appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT further notes that there are no other claims to these accounts.

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 fled Austria to Italy in 1938 and then to England in 1939.

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 the Claimant’s uncle. These documents include her uncle’s birth certificate, which indicates that his name was

³ The CRT did not locate an account belonging to the Claimant’s relatives, Heinrich Rosen and Valerie Rosen, 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 her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Alexander Pisk and that he was born on 30 March 1896 in Vienna to Leopold and Amalie Pisk. The Claimant also submitted her and her mother's birth certificates, which indicate that the Claimant's mother was Rosa Pisk and that her mother's parents were Leopold and Amalie Pisk. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that both demand deposit accounts were closed on 30 September 1938 and 31 December 1940, respectively, and that the custody account was closed on 19 November 1938.

The CRT notes that, in this case, the Account Owner was from Vienna, but that the Bank's records only indicate "Milan" as the Account Owner's city of residence. In any case, the accounts were all closed after the incorporation of Austria into the Reich in March 1938 (the "Anschluss"). Moreover, with respect to the demand deposit account closed on 30 September 1938 and the custody account closed on 19 November 1938, the CRT notes that for the purposes of the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), the date of Axis occupation of Italy has been taken as 10 June 1940. However, because Italy formed an alliance with Germany on 25 October 1936, it is considered that from this date there existed the possibility of oppression. Accordingly, an asset closed between 25 October 1936 and 10 June 1940 will only be considered as closed prior to Axis occupation if there is evidence that the asset was paid to the account owner or an authorized party. In this case, the Bank's record indicates only the closure dates of the accounts, and gives no information as to the circumstances surrounding the closure of the assets and contains no record of payment of the Account Owner's accounts to him.

With respect to the demand deposit account closed on 31 December 1940, the CRT notes that, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory at the time the account was closed. The CRT notes, however, that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin, and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety. Accordingly, for all three of the Account Owner's accounts, given that the Bank's record does not indicate to whom the accounts were closed, 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, even for the stated purpose of obtaining indemnification from the German authorities, 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 or his 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 her uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts and 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 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 demand deposit account was 2,140.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00. The total average value of two demand deposit accounts and a custody account in 1945 would therefore be SF 17,280.00. 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 216,000.00.

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 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
25 October 2004