

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Account of Leopold Rieser

Claim Number: 501851/GO

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of Rabbi [REDACTED] (the “Claimant”) to the published account of Leopold Rieser, over which Siegfried Frank (“Power of Attorney Holder Frank”) and [REDACTED] (“Power of Attorney Holder [REDACTED]”) (the “Power of Attorney Holders”) held power of attorney, at the Zurich 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 his paternal great-uncle, Leopold Rieser, who was born in 1879 or 1880 in Germany. The Claimant stated that his great-uncle, who was Jewish, resided in Augsburg, Germany, and that he was a lawyer. The Claimant explained that his great-uncle had a brother, [REDACTED], who was the Claimant’s paternal grandfather. Finally, the Claimant stated that his great-uncle perished on 13 November 1938 in Dachau concentration camp.

The Claimant submitted a copy of a page of testimony that he submitted in 1988 to the Yad Vashem Memorial of Israel, which indicates that Leopold Rieser was born on 23 August 1879 in Germany, that he resided in Augsburg, that he perished on 13 November 1938 in Dachau, and that he was [REDACTED]’s great-uncle.

The Claimant indicated that he was born on 5 November 1948 in Kentucky, the United States.

Information Available in the Bank’s Records

The Bank’s records consist of a safe deposit box rental contract, a power of attorney form dated

5 January 1931, a customer card, and printouts from the Bank's database. According to these records, the Account Owner was *Herr* (Mr.) Leopold Rieser, who was a lawyer (*Rechtsanwalt*) who resided at Fugerstrasse 4 in Augsburg, Germany; the Power of Attorney Holder [REDACTED] was *Herr* [REDACTED], who was a pharmacist (*Apotheker*) and the owner of the *Sternapotheke* pharmacy in Nuremberg, Germany; and Power of Attorney Holder Frank was Siegfried Frank.

The Bank's records indicate that the Account Owner rented a safe deposit box, numbered 1194, on 4 October 1930, and that the account was closed on 19 June 1933. The value of the contents of the safe deposit box on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holders or their heirs closed the safe deposit box and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner's profession, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of his claim, the Claimant submitted a copy of a page of testimony submitted by himself in 1988 to the Yad Vashem Memorial of Israel, indicating that Leopold Rieser was born in 1879 in Germany, that he resided in Augsburg, and that he perished on 13 November 1938 in Dachau, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the name Leopold Rieser 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 ("ICEP" or the "ICEP List").

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, and that he perished on 13 November 1938 in Dachau concentration camp.

The Claimant also submitted a page of testimony that he submitted to the Yad Vashem Memorial of Israel in 1988, which indicates that Leopold Rieser perished on 13 November 1938 in Dachau.

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 great-uncle. These documents include a page of testimony that he submitted to the Yad Vashem Memorial of Israel in 1988, indicating that [REDACTED] was Leopold Rieser's great-nephew.

The Issue of Who Received the Proceeds

In this case, the Account Owner held one safe deposit box that was closed on 19 June 1933. Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until his death on 13 November 1938 in Dachau; that there is no evidence that the Account Owner fled Germany prior to his death in a concentration camp and that he would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to him; that the Account Owner's 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holders, 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 great-uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holders, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one safe deposit box. 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 ICEP, in 1945 the

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

average value of a safe deposit box was 1,240.00 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 15,500.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
13 February 2009