

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of Frantisek Myska

Claim Numbers: 208920/MBC, 500608/MBC¹

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Frantisek Myska (the “Account Owner”) 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Information Provided by Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his paternal uncle, Frantisek Myska, who was born in Vodnany, Czech Republic, and was married to [REDACTED]. According to Claimant [REDACTED 1], Frantisek and [REDACTED] Myska had one child, [REDACTED], who was born in Prague, Czech Republic, sometime around 1940 and died in Prague in or about 1967. Claimant [REDACTED 1] stated that his uncle was a businessman in the men’s apparel industry in Prague, and that he traveled to Switzerland on business. Claimant [REDACTED 1] further stated that his uncle, who was Jewish, was deported to the Theresienstadt concentration camp in 1942, and then to Auschwitz, where he perished in 1942. In support of his claim, Claimant [REDACTED 1] submitted a family tree. Claimant [REDACTED 1] indicated that he was born on 28 March 1929 in Prague, Czechoslovakia.

¹ Claimant [REDACTED 1] submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 201643. The CRT has treated the claim to this account in a separate decision.

Information Provided by Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his paternal grandfather, František Jan Myška, who was born on 30 September 1902 in Vodňany, Czech Republic, and was married to [REDACTED], née [REDACTED], on 28 January 1931 in Prague, Czech Republic. Claimant [REDACTED 2] stated that his grandfather was a businessman and the owner of a shirt and necktie manufacturing company named *Cravat Club* with various shops all over the country. Claimant [REDACTED 2] further stated that his grandfather traveled to Switzerland for business purposes. Claimant [REDACTED 2] also provided various addresses in Czechoslovakia where his grandfather resided, including, Korunni 122 in Prague, where his grandfather lived in 1939. Claimant [REDACTED 2] explained that his grandfather was catholic, but of Jewish origin, and that he was deported to the Treblinka concentration camp sometime around 1940, and perished there. Claimant [REDACTED 2] indicated that [REDACTED] died on an unknown date in Prague, and that his father, [REDACTED], died on 14 October 1987 in Benešov, Czech Republic. Claimant [REDACTED 2] submitted documents in support of his claim, including a detailed family tree; a photograph of his grandfather; his grandparents' marriage certificate, dated 30 January 1931; his grandfather's marriage and baptism certificate, dated 12 April 1939; his father's baptism certificate, dated 7 October 1939, indicating his parents' names as František Myška and [REDACTED], née [REDACTED]; as well as a document issued by a Prague court of first instance, dated 10 October 1948, by which his grandfather was declared legally dead as of 23 September 1947. Claimant [REDACTED 2] indicated that he was born on 20 August 1974 in Prague.

Information Available in the Bank's Records

The Bank's records consist of a list of internal bank records prepared as part of the 1962 survey of accounts belonging to victims of racial, religious and political persecution, a letter from the Bank to the Account Owner, and print-out's from the Bank's electronic database. According to these records, the Account Owner was Frantisek Myska, who resided at Korunni 122 in Prague, Czechoslovakia. The Bank's records indicate that the Account Owner held a safe deposit box account that was opened on 28 March 1938. According to the Bank's records, the Account Owner contacted the Bank for the last time on 13 February 1939. The Bank's records further indicate that the unpaid rental fees for the safe deposit box accrued to 440.00 Swiss Francs as of March 1964, and that the Bank forcibly opened the safe deposit box in May 1964. According to the Bank's records, upon its opening the safe deposit box contained only bank correspondence, without any value.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the

CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant [REDACTED 1]'s uncle's name matches the published name of the Account Owner. Claimant [REDACTED 1] identified his uncle's city of residence as Prague, which matches published information about the Account Owner contained in the Bank's record.

Claimant [REDACTED 2]'s grandfather's name matches the published name of the Account Owner. Claimant [REDACTED 2] identified his grandfather's street address in Prague as Korunni 122, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, Claimant [REDACTED 2] submitted documents, including his grandparents' marriage certificate and his father's baptism certificate, indicating that his grandfather was Frantisek Myska from Prague.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Frantisek Myska, and indicates that his date of birth was 30 September 1902, which matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. 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 Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he perished in a Nazi concentration camp. As noted above, a person named Frantisek Myska was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographic information demonstrating that the Account Owner was his uncle.

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his father's baptism certificate, demonstrating that the Account Owner was his grandfather.

According to Article 23(1)(c) of the Rules, in absence of the Account Owner's will, if the Account Owner's spouse has not submitted a claim, the award shall be made in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 2], who is the grandson of the Account Owner and thus his direct descendant, has a better entitlement to the account than Claimant [REDACTED 1], who is a nephew of the Account Owner.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Bank forcibly opened the safe deposit box in April 1964 and took out the safe deposit box contents.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his grandfather, 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 accounts.

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 the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs. 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 15,500.00 Swiss Francs.

Division of the Award

As indicated above, Claimant [REDACTED 2] has a better entitlement to the account, while Claimant [REDACTED 1] is not entitled to the account. Accordingly, Claimant [REDACTED 2] is entitled to receive the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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