

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2],

and to Claimant [REDACTED 3]

in re Account of R. Dresner

Claim Numbers: 214934/HS; 501131/HS

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”), (together the “Claimants”) to the published account of R. Dresner (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 Claimants

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his paternal grandmother, Regina (or Riwciencha) Dresner, née Hellman. Additionally, Claimant [REDACTED 3], who stated that she is Claimant [REDACTED 1]'s aunt, submitted a Claim Form identifying the Account Owner as her mother-in-law. The Claimants, who provided substantially similar information about Regina Dresner, indicated that she was born on 6 July 1884 in Tarnopol, Poland, and married on 20 December 1903 in Tarnopol to [REDACTED]. The Claimants indicated that their relative, who was Jewish, had three children: [REDACTED] (Claimant [REDACTED 1]'s father), [REDACTED] (Claimant [REDACTED 3]' late husband), and [REDACTED], née [REDACTED]. The Claimants indicated that their relative resided in Podwoloczyska, Poland, from 1905 to 1914; in Berlin, Germany, from 1914 to 1916; in Mährisch-Ostrau, Czechoslovakia, from 1916 to 1918; and in Lwow, Poland, from 1920 to 1922. The Claimants stated that in 1922, Regina Dresner and her family moved to Zagreb, Yugoslavia, where they owned an egg export business. According to the Claimants, their relative's last known addresses were Zrinjevac 19/11 and Draskoviceva ul. 13, both in Zagreb.

The Claimants further indicated that [REDACTED] died in Zagreb in 1931, and that Regina Dresner died in Zagreb on 25 February 1940. The Claimants stated that Regina Dresner's

daughter, [REDACTED], died in 1942 in the Jasenovac concentration camp, that [REDACTED] died in 1979 in Vienna, Austria, and that [REDACTED] died in 1983 in Rome, Italy. The Claimants indicated that [REDACTED] has two grandchildren: [REDACTED] and [REDACTED], whose last known residence was Tel Aviv, Israel. In correspondence between Claimant [REDACTED 1] and the CRT on 6 January 2005, and a telephone conversation between Claimant [REDACTED 3] and the CRT on 7 January 2005, the Claimants indicated that they have been unable to locate or contact [REDACTED]'s grandchildren, nor do they know whether the grandchildren are still living.

Claimant [REDACTED 1] submitted various documents, including: [REDACTED]'s birth certificate, dated in 1908 and issued by the Podwoloczyska Jewish Community, documenting that his mother was [REDACTED]; a photograph of Regina Dresner's gravestone, Regina Dresner's death certificate, dated in 1940 in Zagreb, stating her residence at Zrinjevac 19/11 in Zagreb; a certificate from the Zagreb Jewish Community, dated in 1959 in Zagreb, stating that [REDACTED], the son of Regina Dresner, resided at Draskoviceva ul. 13 in Zagreb, and that after the Nazi invasion of Yugoslavia in April 1941 he was persecuted for being Jewish and forced to wear the Yellow Star, and that he escaped in August 1941. Claimant [REDACTED 1] also submitted his own birth certificate and that of his sister, represented party [REDACTED 2], which are dated in 1954 and 1956 in New York, the United States, and state that their father is [REDACTED].

Claimant [REDACTED 3] submitted several documents, including: Regina Dresner's death certificate (as above); her own marriage certificate, dated in 1973 in Rome, Italy, documenting that her husband was [REDACTED]; and [REDACTED]'s death certificate, dated in 1983 in Rome, stating that his mother was Regina Dresner and his wife was Claimant [REDACTED 3].

Claimant [REDACTED 1] indicated that he was born on 17 July 1954 in New York, New York. Claimant [REDACTED 1] represents his sister, [REDACTED 2], who was born on 28 February 1956, also in New York, New York. Claimant [REDACTED 3] stated that she was born on 12 September 1924 in Sarajevo, Yugoslavia.

Information Available in the Bank's Records

The Bank's record provided to the CRT by 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") consists of a list of owners of dormant accounts. According to this record, the Account Owner was R. Dresner, who resided in Zagreb, Yugoslavia. This record indicates that the Account Owner held a demand deposit account, that the account was considered dormant by the Bank, and that it was transferred to a suspense account for dormant assets on 26 February 1937. The amount in the account on the date of the transfer was 14.00 Swiss Francs ("SF").

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information ("Voluntary Assistance"). On 27 May 2004, the Bank provided the CRT with

additional documents, including: a form regarding the Account Owner's correspondence address, dated in Basel on 14 September 1932, and an account-registry card.

These records indicate that the Account Owner was *Frau* (Mrs.) R. Dresner of Djordjiceva 23 in Zagreb. These records further indicate that the demand deposit account was opened no later than 14 September 1932 and that it was closed to fees on 23 January 1964.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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. The Claimants' relative's first initial, surname and city of residence match the Account Owner's published first initial, surname and city of residence.¹ The Claimants also identified the Account Owner's gender, which matches unpublished information about the Account Owner contained in the Bank's records. In support of their claims, the Claimants submitted [REDACTED]'s birth certificate, a photograph of Regina Dresner's gravestone, Regina Dresner's death certificate, a certificate from the Zagreb Jewish Community, and [REDACTED]'s death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same first initial, surname, city of residence, and gender as the Account Owner. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different gender and/or different countries of residence than the gender and country of residence of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that the Account Owner, who was Jewish, passed away before the April 1941 Nazi invasion of Yugoslavia. However, the Claimants indicated that the Account Owner's daughter and heir, [REDACTED], perished in Jasenovac, and that the Account Owner's son and heir, [REDACTED], was persecuted by the Nazis and forced to wear the Yellow Star.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they and represented party [REDACTED 2] are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the paternal grandmother of Claimant [REDACTED 1] and

¹ The CRT notes that the Claimants provided addresses for their relative in Zagreb that differ from the Account Owner's address contained in the Bank's records. However, considering that the address listed in the Bank's records dates from 1932, while the Claimants' relative may have had several business and/or residential addresses in Zagreb between 1922, when she moved to Zagreb, and 1940, when she died, the CRT determines that this difference is not substantial.

[REDACTED 2] and that the Account Owner was the mother-in-law of Claimant [REDACTED 3]. These documents include: [REDACTED]'s birth certificate, a certificate from the Zagreb Jewish Community, the birth certificates of Claimant [REDACTED 1] and represented party [REDACTED 2], Claimant [REDACTED 3]' marriage certificate, and [REDACTED]'s death certificate. The CRT notes that the Claimants indicated that the Account Owner may have other surviving heirs, whom the Claimants have been unable to locate. Further, there is no information to indicate that the Account Owner has other heirs who submitted a claim.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owner's account was closed to fees in 1964.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was the grandmother of Claimant [REDACTED 1] and represented party [REDACTED 2], and that she was the mother-in-law of Claimant [REDACTED 3], and those relationships justify an award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a demand deposit account. The Bank's records indicate that the value of the account as of 1937 was SF 14.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 26,750.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Further, Article 23(1)(f) of the Rules provides that if a child of the Account Owner is deceased, and that child's spouse but none of that child's descendants has submitted a claim, that child's spouse shall be considered a child of the Account Owner. Accordingly, as the children of one of the Account Owner's children, Claimant [REDACTED 1] and represented party [REDACTED 2] are each entitled to one-fourth of the total award amount. Claimant [REDACTED 3], as the surviving spouse of another of the Account Owner's children, is entitled to one-half of 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
9 March 2005