

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED], née [REDACTED],

and to Claimant [REDACTED],
represented by Steven Whinston

in re Account of Frieda Eckstein

Claim Numbers: 203116/TW; 218133/TW¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the unpublished account of [REDACTED], and upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”), to the published account of Frieda Eckstein. This Award is to the published account of Frieda Eckstein (the “Account Owner”) at the Kreuzlingen branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as both Claimants have 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

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her paternal grandmother, Frieda Eckstein, who was from Lodz, Poland, and was married to [REDACTED]. Claimant [REDACTED 1] indicated that her grandparents’ son, her father, [REDACTED], was a tailor who owned three businesses in Berlin, Germany. Claimant [REDACTED 1] stated that her grandmother, who was Jewish, perished in a Nazi concentration camp during the Holocaust. Claimant [REDACTED 1] indicated that she was born on 6 January 1929 in Berlin, Germany.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Daniel Eckstein.

¹ Claimant [REDACTED 2] submitted an additional claim to the account of his father, [REDACTED], which is registered under the Claim Number 000773. The CRT will treat the claim to this account in a separate decision.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his older sister, Frida (Feige) Eckstein, who was born in approximately 1915 in Brod, Czechoslovakia. Claimant [REDACTED 2] stated that his sister, who was Jewish, lived in Brod from 1915 until 1944, when she was deported to Auschwitz, where she perished. Claimant [REDACTED 2] further stated that prior to his family's deportation, his father, [REDACTED], told him that his sister Frida, as the eldest child in the family, had been entrusted with the opening of an account in a Swiss bank on behalf of the Eckstein family. Claimant [REDACTED 2] stated that his father further explained that, in the event that anyone in the family survived the Second World War, there would be money deposited by Frida in Switzerland. Claimant [REDACTED 2] indicated that he was born on 6 January 1927 in Brod.

Claimant [REDACTED 2] previously submitted an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Frieda Eckstein. The Bank's records do not indicate the Account Owner's place of residence. The Bank's records indicate that the Account Owner held an account, the type of which is not recorded. The account was transferred to a suspense account for dormant assets on 16 November 1981. The amount in the account on the date of its transfer was 149.85 Swiss Francs. The account remains in the Bank's suspense account.

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

Claimant [REDACTED 1]'s grandmother's name and Claimant [REDACTED 2]'s sister's name match the published name of the Account Owner.² The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not

² The CRT notes that Claimant [REDACTED 2]'s sister's name is spelled "Frida," while the Bank's records indicate that the Account Owner's name is spelled "Frieda." However, the CRT notes that "Frida" is a common spelling variation for the name "Frieda" and concludes that this discrepancy is not material to Claimant [REDACTED 2]'s identification of the Account Owner.

the same person. However, given that the Claimants have identified all the information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identification of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

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. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that she was from Lodz, Poland, and that she perished in a Nazi concentration camp during the Second World War. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that she was from Brod, Czechoslovakia, and that she perished in a Nazi concentration camp during the Second World War.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that they are related to the Account Owner. Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her grandmother, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his sister. The CRT notes that both Claimants filed IQs with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by members of their respective families with the last name "Eckstein," which supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms. The CRT notes that Claimant [REDACTED 2] has a brother, [REDACTED], and another sister, [REDACTED], née [REDACTED]. In a telephone conversation with the CRT on 11 June 2002, Claimant [REDACTED 2] stated that he does not wish to represent his siblings in these proceedings. Other than Claimant [REDACTED 2]'s siblings, the CRT has no information to indicate that the Account Owner had other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that on 16 November 1981 the account was transferred to a suspense account for dormant assets, where it remains.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, their 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 Claimant [REDACTED 1]'s grandmother and Claimant [REDACTED 2]'s sister, 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 one account of unknown type. The Bank's records indicate that the value of the account as of 16 November 1981 was 149.85 Swiss Francs ("SF"). Consequently, the adjusted balance of the account at issue is SF 714.85. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the Bank's documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the total award amount, and Claimant [REDACTED 2] 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
18 August 2004