

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by [REDACTED]

and Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3]

in re Accounts of Hans Eiseck

Claim Numbers: 501399/OW; 222487/OW¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the published accounts of Hans Eiseck, and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of [REDACTED] (or the Estate of [REDACTED]).² This Award is to the published accounts of Hans Eiseck (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where the claimants have 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

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father, Dr. Hans Albert Eiseck, who was born on 22 January 1900 in Berlin, Germany, and was married to [REDACTED], née [REDACTED], on 14 December 1935 in Hampstead, England. Claimant [REDACTED 1] stated that her father resided at Yorkstrasse in Berlin until 1933. Claimant

¹ Claimant [REDACTED 2] and [REDACTED 3] submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], Berthold Oppler, and accounts held in the names of [REDACTED], [REDACTED], and [REDACTED]. These claims are registered under the Claim Numbers 222483, 222484, 222485, 222486, 222488, 222489, 222754 and 222759. The CRT has awarded the accounts of Dr. Berthold Oppler to Claimant [REDACTED 2] and [REDACTED 3]. See *In Re Accounts of Dr. Berthold Oppler* (approved on 3 June 2003). The CRT will treat the claims to the remaining accounts in separate determinations.

² The CRT will treat the claim to these accounts in a separate determination.

[REDACTED 1] further stated that her father, who was Jewish, was a medical doctor, and that he worked at a private practice in Berlin from 1930 to 1933. According to Claimant [REDACTED 1], her father moved to Chiusa, Italy in 1933, and her family subsequently lived there until 1940. Claimant [REDACTED 1] indicated that her father was imprisoned in an internment camp in Italy in 1940. According to Claimant [REDACTED 1], her father was deported to Auschwitz in 1942, and transferred in 1945 to Dachau, where he perished on 24 March 1945. Claimant [REDACTED 1] indicated that her mother survived the Second World War, and that she died on 14 July 1986 in Berlin.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her father's birth certificate, indicating that his name was Hans Eiseck and that he was born on 22 January 1900 in Berlin; her father's and her mother's certificates of inheritance, indicating that Hans Eiseck was a medical doctor and used a doctor title; a copy of a registry entry regarding her parents' marriage, dated 20 February 1947, indicating that Hans Albert Eiseck, a physician, was married to [REDACTED] on 14 December 1935 in Hampstead, England; and a copy of an excerpt from the birth registry of the Bolzano province in Italy, indicating that Claimant [REDACTED 1] was born to Giovanni Eiseck,³ a medical doctor, and [REDACTED], née [REDACTED], who resided in Chiusa, Italy. Claimant [REDACTED 1] indicated that she was born on 25 February 1939 in Bressanone, Italy.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his distant relative, Dr. Hans Eiseck, who was born on 22 January 1900, and resided at Yorkstrasse 10B in Berlin. Claimant [REDACTED 2] indicated that Dr. Hans Eiseck emigrated to Chiusa sometime after 1933, and that, by the late 1930s, he was married to [REDACTED], née [REDACTED], with whom he had a daughter named [REDACTED 1]. Claimant [REDACTED 2] indicated that Dr. Hans Eiseck, who was Jewish, was arrested in Tronto, Italy on 30 November 1943, and transferred to the Fossoli camp in Verona, Italy. Claimant [REDACTED 2] further indicated that, on 2 August 1944, Dr. Hans Eiseck was deported to Auschwitz, where he remained until he was transferred to Dachau on 27 October 1944. According to Claimant [REDACTED 2], Dr. Hans Eiseck perished on 24 March 1945 in Dachau. Claimant [REDACTED 2] indicated that he was born on 19 October 1957 in Queens, New York, the United States. Claimant [REDACTED 2] is representing his cousin, [REDACTED 3], née [REDACTED], who was born on 19 February 1948 in Burlington, Vermont, the United States.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Hans Eiseck, who resided in Chiusa d'Isarco in the Bolzano region of Italy. The Bank's record indicates that the Account Owner held one custody account, which was opened on 28 March 1934, and one demand deposit account, which was opened on 30 April 1934. The Bank's record further indicates that the custody account was closed on 13 March 1939, and that the

³ The CRT notes that "Giovanni" is the Italian equivalent of "Hans."

demand deposit account was closed on 20 November 1961. The amounts in the accounts on the dates of their closures are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

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. The Claimants' relative's name and country of residence match the published name and country of residence of the Account Owner. The Claimants identified the Account Owner's professional title and city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, Claimant [REDACTED 1] submitted documents, including a copy of a registry entry regarding her parents' marriage, her father's and mother's certificates of inheritance, and a copy of an excerpt from a birth registry regarding her own birth, which identify Claimant [REDACTED 1]'s father as Dr. Hans Eiseck and indicate that he resided in Chiusa, Italy, providing independent verification that the person who is claimed to be the Account Owner had the same name, profession title and resided in the same city recorded in the Bank's record as the name, professional title and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hans Eiseck, and indicates that his date of birth was 22 January 1900 and that his place of birth was Berlin, Germany, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Finally, the CRT 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, that he was initially imprisoned in Italy, that he was subsequently deported to Auschwitz and interned there, and that he perished in the Dachau concentration camp on 24 March 1945. As noted above, a person named Hans Eiseck was included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father. These documents include a copy of an excerpt from the birth registry of the Bolzano province in Italy, indicating that Claimant [REDACTED 1] was born to [REDACTED].

Claimant [REDACTED 2]

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was a distant relative of Claimant [REDACTED 2]. The CRT notes that Claimant [REDACTED 2] identified unpublished information about the Account Owner as contained in the Bank's record, and further notes that Claimant [REDACTED 2] also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was known to Claimant [REDACTED 2] as a family member. All of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs who have submitted a claim.

The Issue of Who Received the Proceeds

Given that the custody account was closed on 13 March 1939, when the Account Owner resided in Nazi-allied Italy, and that the demand deposit account was closed on 20 November 1961, many years after the Account Owner perished at Dachau; that there is no record of the payment of the Account Owner's accounts to him or to his heirs; that the Account Owner's heirs would not have been able to obtain information about his accounts 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; and given the application of Presumptions (h), and (j), as provided in Article 28 of 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 Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her

father, 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. Further, the CRT notes that Claimant [REDACTED 1], as the Account Owner's daughter, has a better entitlement to the accounts than Claimant [REDACTED 2] or [REDACTED 3], who are both distant relatives of the Account Owner.

Amount of the Award

In this case, the Account Owner held one demand deposit account 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 custody account was 13,000.00 Swiss Francs ("SF") and the average value of a demand deposit account was SF 2,140.00, for a combined average value of SF 15,140.00 for the two accounts. 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 189,250.00.

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. In this case, the Account Owner's spouse is deceased, Claimant [REDACTED 1] is the daughter of the Account Owner, and Claimant [REDACTED 2] and [REDACTED 3], who is represented by Claimant [REDACTED 2], are distant relatives of the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to the total award amount, and Claimant [REDACTED 2] and [REDACTED 3] are not entitled to any portion of the 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 November 2005