

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of W. Kessler

Claim Numbers: 205396/MI; 214136/MI

Award Amount: 26,750.00 Swiss Francs

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 This Award is to the unpublished account of W. Kessler (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).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

The Claimants each submitted a Claim Form containing substantially similar information and identifying the Account Owner as their father, Wolf Kessler, who was born in 1896 in Jovra, Czechoslovakia, (today Slovakia), and was married to [REDACTED] in Jovra. The Claimants indicated that their father, who was Jewish, owned a cattle farm and traded in livestock. Claimant [REDACTED 2] indicated that his father was deported, first to the Ungvar Ghetto, and then to Auschwitz. The Claimants further indicated that their father’s wife, who was also their mother, was deported to Auschwitz, where she perished.

Claimant [REDACTED 1] indicated that she was born on 9 August 1925 in Jovra. Claimant [REDACTED 2] indicated that he was born on 22 May 1923 in Jovra.

Claimant [REDACTED 2] previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by his mother, Regina Kessler.¹

¹ The CRT did not locate an account belonging to Regina Kessler in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”),

Information Available in the Bank's Records

The Bank's records consist of a list of unclaimed accounts transferred to a suspense account and a customer card. According to these records, the Account Owner was W. Kessler. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held a demand deposit account. The Bank's records further indicate that the account was transferred to a suspense account on 20 October 1936 and closed to the Bank's profit and loss account on 23 January 1964. The amount in the account on the date of its transfer was 6.70 Swiss Francs ("SF").

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' father's name matches the unpublished first initial and last name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his first initial and last name. The CRT further notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have 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. The Claimants stated that the Account Owner was Jewish. Furthermore, Claimant [REDACTED 2] indicated that his father was deported, first to the Ungvar Ghetto, and then to Auschwitz. Finally, the Claimants indicated that their father's wife was deported to Auschwitz, where she perished.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimants' father. There is no information to indicate that the Account Owner has other surviving heirs. The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the

which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account on 20 October 1936 and closed to the Bank's profit and loss account on 23 January 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 their father, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 20 October 1936 was SF 6.70. 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 as 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. In this case, Claimant [REDACTED 1] and Claimant [REDACTED 2] are siblings. Accordingly, Claimant [REDACTED 1] is entitled to half of the total award amount, and Claimant [REDACTED 2] is entitled to 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
12 October 2007