

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Isidor Lissner

Claim Number: 203612/MBC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].¹ This Award is to the account of Isidor Lissner (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 claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form that claimed the unpublished account of her father, [REDACTED], but also identified the Account Owner Isidor Lissner as her paternal uncle of Breslau, Germany, who was married to Paula Lissner. The Claimant stated that her father, [REDACTED], probably opened a Swiss bank account in his brother’s name on a business trip to Switzerland. The Claimant indicated that her father’s family owned businesses in many German cities, including Berlin, and that her father, who was Jewish, was a tailor who was born in 1926 in Breslau. The Claimant explained that her family lived in Germany until 1937, when all of the family fled to Shanghai, China and later to San Francisco, California. The Claimant stated that her father was married to her mother, [REDACTED], née [REDACTED], in 1950 in San Francisco and that her father died in 1981, also in San Francisco. The Claimant submitted a family tree in support of her claim. The Claimant indicated that she was born on 29 November 1954 in San Francisco, California, United States.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED] of Breslau, Germany.

¹ The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form dated 7 October 1930 in Breslau, Germany, and printouts from the Bank's database. According to these records, the Account Owner was Isidor Lissner, who resided at Charlottenstrasse 86 in Breslau, and the Power of Attorney Holder was Paula Lissner, née Weber, the Account Owner's wife. The Bank's records indicate that the Account Owner held a custody account.² The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account.

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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's and aunt's names match the published names of the Account Owner and the Power of Attorney Holder. The Claimant identified her relatives' city of residence, which matches published information about the Account Owner contained in the Bank's records. The CRT notes that the Claimant indicated she believes the account was actually opened by her father, [REDACTED]. In support of her claim, the Claimant submitted a family tree. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Issidor Lissner from Breslau, Germany, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED] of Breslau, Germany, and his family, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that one of her paternal relatives owned a Swiss bank account prior to the publication of the ICEP List. The CRT notes that the other claims to

² The Bank's records contain a power of attorney form that references a "Titeldepot," a type of custody account.

this account were disconfirmed because those claimants provided a different spouse's name than the name of the spouse of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he fled Germany for Shanghai, China in 1937. As noted above, a person named Isidor Lissner was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting a family tree showing that he was her uncle.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1937, and would not have been able to repatriate his account to Germany without its confiscation; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owners and his 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 inquires 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 Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their 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 the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account owner held 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 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 162,500.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she 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
September 30, 2003