

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Esther Paneth

Claim Number: 203897/MO

Award Amount: 47,400.00 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upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].¹ This Award is to the unpublished account of Esther Paneth (the “Account Owner”) at the [REDACTED] (the “Bank”).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 identifying the Account Owner as her maternal grandmother, Esther [REDACTED], née Panet (or Paneth), who was born in approximately 1838 and was married to [REDACTED]. The Claimant stated that her grandmother resided in Tarcao, Hungary, where her only daughter, [REDACTED], née [REDACTED], (the Claimant’s mother), was born in July 1876. The Claimant stated that her mother was married in 1901 to [REDACTED]. Furthermore, the Claimant indicated that her grandmother died in 1925 and that [REDACTED] inherited her property, including a large house. According to the Claimant, her mother sold this house prior to the rise of the pro-Nazi regime in Hungary and deposited the proceeds of that sale in a Swiss bank. The Claimant indicated that her parents resided in Paks, Hungary, where they owned a textile business. The Claimant further stated that her mother, who was Jewish, was deported to Auschwitz in 1944, where she was sent to the gas chambers. The Claimant stated that she was born on 31 January 1911 in Paks, Hungary.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by the Account Owner's daughter and son-in-law, [REDACTED] and [REDACTED] from Paks, Hungary.

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

Information Available in the Bank Records

The bank records consist of printouts from the Bank's database. According to these records, the Account Owner was Esther Paneth from an unknown country. The bank records indicate that the Account Owner held an account of unknown type. The account was transferred on 27 May 1983 to a suspense account. The amount in the account on the date of its transfer was 716.30 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandmother's maiden name matches the unpublished name of the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner other than her name. The CRT notes that a database containing the names of victims of Nazi persecution includes persons named [REDACTED]² and [REDACTED], and indicates that they resided in Paks, Hungary, which matches the information about the Account Owner's daughter and son-in-law provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT also notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by the Account Owner's daughter and son-in-law. The name of Account Owner Esther Paneth was not published on the February 2001 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 her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT also notes that there are no other claims to this account.

Status of the Heir of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner's daughter, who was the beneficial owner of the account and the only heir of the Account Owner, was a Victim of Nazi Persecution. The Claimant stated that the Account Owner died in 1925 and that her daughter, [REDACTED], was Jewish and was sent to the gas chambers in Auschwitz. As noted above, persons named [REDACTED] and [REDACTED] were included in the CRT's database of victims.

² [REDACTED] is a common Jewish nickname for [REDACTED].

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting information, including a family tree. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her grandmother, and that relationship justifies an Award. Finally, 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 records indicate that the value of the account as of 27 May 1983 was 716.30 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 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
May 15, 2003