

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Dr. Walter Friedrich

and to Claimant [REDACTED 2]
represented by Erez Bernstein

in re Accounts of Friedrich Pasch

Claim Numbers: 501017/CU; 501810/CU

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and to the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Friedrich Pasch (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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father, Friedrich Pasch, who was born on 8 May 1877 in Dublowitz Czechoslovakia (today Dublovice, the Czech Republic), and was married to [REDACTED], née [REDACTED], who was born on 27 November 1885. Claimant [REDACTED 1] stated that her father, who was Jewish, resided at Salurnerstrasse 3 in Innsbruck, Austria, and that he owned a fashion boutique, *Modenhaus Pasch*, located at Maria Theresienstrasse 21, also in Innsbruck. Claimant [REDACTED 1] explained that after the Nazis incorporated Austria into the Reich in March 1938 (the “Anschluss”), the business was aryanized, and that her family fled Austria in approximately 1944 to the United Kingdom. Claimant [REDACTED 1] indicated that Friedrich and [REDACTED] Pasch had two other children, [REDACTED] and [REDACTED], and that they died in 1982 and 1992, respectively, in London, the United Kingdom. Claimant [REDACTED 1] stated that her father died on 21 December 1944 in London.

Claimant [REDACTED 1] submitted a copy of her marriage certificate, indicating that [REDACTED] and [REDACTED 1] married on 24 October 1947 in Hampstead, the United Kingdom, and that [REDACTED 1]'s father was the merchant Fred Pasch.

Claimant [REDACTED 1] indicated that she was born on 15 November 1923 in Innsbruck.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her maternal great-uncle, Friedrich (Fritz) Pasch, who was born on 9 May 1877 and died 21 December 1944 in London, the United Kingdom, and who was married to [REDACTED], née [REDACTED], who was born on 27 November 1885 and died 20 April 1958 in London. Claimant [REDACTED 2] stated that her great-aunt and great-uncle had three daughters, [REDACTED], who was born 20 October 1913 in Innsbruck, Austria, and died 24 December 1982 in London, [REDACTED], who was born 6 April 1916 in Innsbruck and died 13 January 1992 in London, and [REDACTED 1], Claimant [REDACTED 1], who was born 15 November 1923 in Innsbruck. Claimant [REDACTED 2] indicated that her great-uncle, who was Jewish, resided with his family in Innsbruck.

Claimant [REDACTED 2] explained that her great-uncle had 13 siblings, including [REDACTED], who was born 7 June 1875 in Dublovice, Austria-Hungary (now the Czech Republic), and perished on 19 October 1942 in Treblinka, and [REDACTED], Claimant [REDACTED 2]'s maternal grandfather, who was born 21 May 1873 in Dublovice and died 22 October 1946 in New York, New York, the United States. According to the information provided by Claimant [REDACTED 2], her grandfather was married to [REDACTED], née [REDACTED], whose brother, [REDACTED], was the business partner of [REDACTED] in Vienna, Austria. Claimant [REDACTED 2] further indicated that her grandparents had six children: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], Claimant [REDACTED 2]'s mother.

Additionally, Claimant [REDACTED 2] identified another person named Friedrich Pasch, namely, her grandfather's cousin, who was born on 4 March 1872 in Skresjov, Austria-Hungary (now the Czech Republic), and died 22 July 1934, in Salzburg, Austria, and was married to [REDACTED], née [REDACTED], who was born on 13 February 1878 and died 1952 in New York. Claimant [REDACTED 2] explained that Friedrich and [REDACTED] Pasch resided in Salzburg, where Friedrich Pasch was a shoe manufacturer, and that he owned shoe shops *Friedrich Pasch* in Salzburg, Linz, Braunau, Inn, Wels and Amtstetten, all Austria. According to the information provided by Claimant [REDACTED 2], Friedrich and [REDACTED] had two children: [REDACTED] and [REDACTED], who were born on 23 December 1906 and 4 March 1908, respectively, in Salzburg. Claimant [REDACTED 2] explained that in 1938 when the Nazis confiscated the property of the family, they fled Austria to the United States. Claimant [REDACTED 2] also indicated that [REDACTED] married his cousin, [REDACTED], née [REDACTED], Claimant [REDACTED 2]'s maternal aunt.

In support of her claim, Claimant [REDACTED 2] submitted copies of documents, including:
(1) an insurance document, dated 20 October 1927, indicating that Friedrich Pasch, who was born 4 March 1872 in Skresjov, was a business man in Salzburg, and that his wife was

[REDACTED], née [REDACTED]; (2) an insurance document, dated 12 March 1934, indicating that [REDACTED] was a manager of a business in Salzburg, and that her brother was [REDACTED]; and (3) a detailed family tree.

Claimant [REDACTED 2] indicated that she was born on 30 September 1955 in New York, New York, 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 Friedrich Pasch, who resided in Innsbruck, Austria, and had a second domicile in Salzburg, Austria.

The Bank's record indicates that the Account Owner held two demand deposit accounts, one denominated in Swiss Francs ("SF") and one in British Pounds ("£"), which were both closed on 30 September 1938. The amount in the accounts on the date of their closure is unknown. There is no indication that the Account Owner died before the accounts were closed. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive, there is a document concerning the assets of Friedrich Pasch, numbered 14164. The record contains no more than a cover sheet. The document indicates that Friedrich Pasch, who was born on 8 May 1877, resided at Salurnerstrasse 3, Vienna, and that the file was transferred within the administration on 7 December 1939.

The records also contain registers of assets regarding [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], numbered 14748, 14165, 14164, 23920, 36988, 15209 and 23664.

These records indicate that [REDACTED] was born on 13 November 1878, and that she resided at Lodromstrasse 2 in Salzburg. The record of [REDACTED] indicates that she was born on 18 September 1888, and that she resided at Anichstrasse 1 in Innsbruck. The record of [REDACTED] indicates that she was born on 4 March 1908, and that she resided at Paris-Lodronstrasse 2 in Salzburg. The record of [REDACTED] indicates that he was born on 23 December 1906, and that he also resided at Paris-Lodronstrasse 2 in Salzburg. The record of [REDACTED] indicates that he was born on 21 May 1873, and that he resided at Anichstrasse 2 in Innsbruck. These records do not contain an actual register of assets but cover sheets, indicating that the files were also transferred within the administration on 7 December 1939.

The records of [REDACTED] indicate that he was born on 7 June 1875 and that he was of Czech nationality. These records indicate that [REDACTED] was a single and a businessman, who resided at Wickenburggasse 10/7 in Vienna. The records further indicate that he owned a textile business with [REDACTED] called *Pasch & Schneider*, located at Sterngasse 3 in Vienna. The register of [REDACTED]'s assets was signed by him on 14 July 1938. These records make no mention of assets held in Swiss bank accounts.

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 father's name and country of residence and Claimant [REDACTED 2]'s great-uncle'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 city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that Claimant [REDACTED 2] indicated the existence of a second Friedrich Pasch, who resided in Salzburg; however, given that the Bank's record indicates that the Account Owner resided in Innsbruck, and that Salzburg was listed solely as a second domicile, and given that the Bank's record show no indication that the Account Owner died, nor any indication that the heirs assumed the account, despite the fact that this Friedrich Pasch died over four years before the accounts were closed, the CRT determines that this second Friedrich Pasch is not the Account Owner.

In support of her claim, Claimant [REDACTED 1] submitted her marriage certificate providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT notes that Claimant [REDACTED 1]'s father's name appears on her marriage certificate as Fred Pasch whereas the Account Owner's name was Friedrich Pasch. However, the CRT notes that Claimant [REDACTED 1] and her father fled Austria to the United Kingdom, and that the name Fred is derived from the German first name Friedrich.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Friedrich Pasch, and indicates that his date of birth was 8 May 1877 and place of birth was Dublowitz, 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.

The CRT notes that the name Friedrich Pasch appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”). The CRT notes that there are no other claims to these accounts. 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, and that he resided in Nazi-controlled Austria, and that his business, *Modenhaus Pasch*, was aryanized in 1938. As noted above, a person named Friedrich Pasch was included in the CRT’s database of victims.

The Claimants’ Relationship 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 a document, demonstrating that the Account Owner was Claimant [REDACTED 1]’s father. Claimant [REDACTED 1] submitted her marriage certificate, indicating that [REDACTED 1] was the daughter of Fred Pasch. The CRT notes that Claimant [REDACTED 1] indicated that she has other surviving relatives, but that because they are not represented in Claimant [REDACTED 1]’s claim, the CRT will not treat their potential entitlement to the Account Owner’s account in this decision.

Claimant [REDACTED 2]

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]’s great-uncle. Claimant [REDACTED 2] indicated that she has other surviving relatives, but that because they are not represented in Claimant [REDACTED 2]’s claim, the CRT will not treat their potential entitlement to the Account Owner’s account in this decision.

The Issue of Who Received the Proceeds

The Bank’s record indicates that the accounts were closed on 30 September 1938.

Given that the accounts were closed after the Anschluss, and that the Account Owner resided in Nazi-controlled Austria, and subsequently fled Austria to the United Kingdom in 1944; that there is no record of the payment of the Account Owner’s accounts to him; that the Account Owner 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 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 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, 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], the Account Owner's great-niece.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts. 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 demand deposit account was SF 2,140.00. Thus, the combined 1945 average value for the two accounts at issue is SF 4,280.00. 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 53,500.00.

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, and as noted above, Claimant [REDACTED 1], who is the Account Owner's daughter, is more entitled to the accounts than Claimant [REDACTED 2], who is the Account Owner's great-niece. Accordingly, Claimant [REDACTED 1] is entitled to the entire 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
8 October 2008