

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Marcel Probst

Claim Number: 217494/AH

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Marcel Probst (the “Account Owner”) at the [REDACTED] (the “Bank”).¹

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 his maternal aunt’s husband, Marcel Probst, who was born in Posen, Poland, in 1902 and was married to the Claimant’s maternal aunt, [REDACTED], née [REDACTED], in Berlin, Germany, in 1924. The Claimant stated that his uncle owned a chain of shoe stores called *Probst Shoes* in Berlin. The Claimant also indicated that his uncle traveled to Switzerland on business. The Claimant indicated that his uncle, who was Jewish, held both Polish and French citizenships. The Claimant added that his parents were [REDACTED], who was born on 23 June 1898 in Posen, and [REDACTED], née [REDACTED], who was born on 4 August 1899 in Berlin. The Claimant stated that his parents also owned several wholesale businesses in Germany and Paris, and that they also deposited money in Swiss accounts. The Claimant also indicated that his maternal grandfather owned a jewelry store in Germany. The Claimant indicated that his uncle survived the Holocaust, but that the Claimant’s parents, who were also Jewish, were deported to the concentration camp in Drancy, France, and from there to Auschwitz, where they were both killed. The Claimant further indicated that at a certain period, following the Second World War, his uncle resided in Paris, France, where he died in 1986. The Claimant submitted his parents’ declarations of death, issued in France on 18 July 1947, which indicate that they were deported to Drancy on 20 July 1942, and four days later to Auschwitz, and which indicate that the Claimant’s mother’s name was [REDACTED], née [REDACTED]. The Claimant also

¹ In his Claim Form, the Claimant also claimed the accounts belonging to his grandfather, [REDACTED], and his parents, [REDACTED] and [REDACTED]. The CRT will treat these claims in separate decisions.

submitted documents regarding his parents' businesses in Paris and his own identity records. The Claimant indicated that he was born on 21 August 1928 in Berlin, Germany.

Information Available in the Bank's Record

The Bank's record consists of a list of open and dormant savings/passbook accounts. According to this document, the Account Owner was Marcel Probst. The Bank's record indicates that the Account Owner held a savings/passbook account. The record further indicates that the balance of this account as of 1 January 1999 was 18.20 Swiss Francs, and that the account remains open and dormant. 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 "ICEP Investigation") indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the unpublished name of the Account Owner. The CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], née [REDACTED], and indicates that her date of birth was 4 August 1899, her place of birth was Berlin, and that she died in Auschwitz on 27 August 1942, matching information provided by the Claimant. The database also includes a person named [REDACTED], and indicates that his date of birth was 23 June 1898, his place of birth was Posen, and that he died in Auschwitz on 14 September 1942, which also matches the information about the Claimant's parents 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 Bank's record does not contain any specific information about the Account Owner other than his name. In support of his claim, the Claimant submitted his parents' declarations of death, issued in France on 18 July 1947, showing that they were deported to Drancy on 20 July 1942 and four days later to Auschwitz, documents regarding his parents' businesses in Paris and the Claimant's identity records. 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 Claimant has plausibly identified 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 lived in Nazi occupied France during the Second World War, and that his sister and her husband were both killed in Auschwitz. As noted above, persons named [REDACTED] and [REDACTED] were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting biographical information and a family tree, demonstrating that the Account Owner was his uncle by marriage. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that 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 his uncle by marriage, and that relationship justifies an Award. Finally, 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 savings/passbook account. The Bank's records indicate that the value of the savings/passbook account as of 1 January 1999 was 18.20 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. 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, to produce a total award amount of 10,375.00 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 his claim to determine whether there are additional Swiss bank accounts to which he 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
August 20, 2003