

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Edith Handler

in re Accounts of Emil Sachsel and Otto Sachsel

Claim Number: 501639/JW/AC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Edith Handler, née Sachsel, (the “Claimant”) to the published account of Emil Sachsel. This award is to the published accounts of Emil Sachsel (“Account Owner Emil Sachsel”), over which Jeannie Sachsel and Pavel Sachsel held power of attorney, at the Basel branch of the [REDACTED] (the “Bank”), and to the published accounts of Otto Sachsel (“Account Owner Otto Sachsel”) (together the “Account Owners”), over which Paul Sachsel, Paul Lederer, and Luise Zemlinsky (together the “Power of Attorney Holders”) held power of attorney, at the Lausanne branch of the Bank.¹

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Emil Sacshel, who was born on 9 November 1868 in Novy Bydzov, Czechoslovakia (now the Czech Republic), and who was married to Johanna (or Jeannie) Sachsel, née Lichtenstein, who was born on 29 October 1877 in Altenbuch, Germany. The Claimant stated that her parents, who were Jewish, had five children: Edith Handler, neé Sachsel, (the Claimant); Pavel (Paul) Sachsel, who was born on 1 June 1902 in Novy Bydzov and died on 1 June 1981; Robert Sachsel; Hans Sachsel, who was born on 1 January 1907; and Marianne Passer, née Sachsel, who was born on 1 January 1907 in Novy Bydzov and died on 5 March 1980 in Grimsby, Canada. The Claimant indicated that her family resided at Podebradova Street in Prague, Czechoslovakia (now the Czech Republic) as of 1944. According to the Claimant, her father, mother, and brother Hans were deported to Auschwitz, where they perished.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Emil Sachsel is listed as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts.

In support of her claim, the Claimant submitted a detailed family tree, indicating the names, dates of birth, and dates of death of her immediate family. The CRT notes that the Claimant indicated that her sister, Marianne Passer, née Sachsel, had two children, Annemarie Powell, née Passer, and Mary Joan St. James, née Passer, who are not represented in this claim.

The Claimant indicated that she was born on 28 December 1908 in Novy Bydzov.

Information Available in the Bank's Records

Account Owner Otto Sachsel

The Bank's records consist of a customer card and a printout from the Bank's database. According to these records, Account Owner Otto Sachsel was Otto Sachsel, who resided at Podèbradova 8 in Prague, Czechoslovakia. The Bank's records indicate that Account Owner Otto Sachsel granted power of attorney to *Mr. le Dr.* (Doctor) Paul Sachsel, who resided at Podèbradova 8 in Prague; to *Mr. le Dr.* Paul Lederer, who resided at Pozètechnuva 16 in Prague; and to *Mme.* (Mrs.) Luise Zemlinsky, who resided at Marianengasse 28 in Vienna, Austria. The Bank's records further indicate that Account Owner Otto Sachsel owned one custody account, numbered 8322, and three demand deposit accounts, which were held in Swiss Francs, United States Dollars, and British Pounds, respectively. According to these records, the custody account and the demand deposit account in Swiss Francs were closed on 6 January 1939, and the two demand deposit accounts in United States Dollars and in British Pounds were closed on an unspecified date prior to 6 January 1939. The amounts in the accounts on the dates of their closure are not known.

Account Owner Emil Sachsel

The Bank's records consist of three power of attorney forms, a custody account opening form, an instruction form, and an acknowledgement of receipt of general terms and conditions applying to custody accounts. According to these records, Account Owner Emil Sachsel was *Herr* (Mr.) Emil Sachsel, who resided at Podèbradova 8 in Prague. The Bank's records indicate that Account Owner Emil Sachsel held a custody account, numbered 40605, and a demand deposit account. The Bank's records further indicate that Account Owner Emil Sachsel granted power of attorney over his accounts to his wife, Jeannie Sachsel, née Lichtenstein, and to *Herr JUDr.* (Doctor of Law) Pavel (also referred to as Paul) Sachsel, who resided at Skuherskèho 23/25 in Prague.

The Bank's records indicate that the custody account was opened on 12 May 1936. The opening date of the demand deposit account is not recorded. The Bank's records do not show when the accounts at issue were closed, nor do these records indicate the value of these accounts. 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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945.

There is no evidence in the Bank's records that Account Owner Emil Sachsel, Power of Attorney Holders Jeannie Sachsel and Pavel Sachsel, or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified Account Owner Emil Sachsel and Power of Attorney Holders Jeannie Sachsel and Pavel Sachsel. The names of the Claimant's father, mother, and brother and their city of residence match the published names and city of residence of Account Owner Emil Sachsel and Power of Attorney Holders Jeannie Sachsel and Pavel Sachsel, respectively. The Claimant also identified the relationship between Account Owner Emil Sachsel and Power of Attorney Holder Jeannie Sachsel, and the street on which they resided, which matches unpublished information about Account Owner Emil Sachsel and Power of Attorney Holder Jeannie Sachsel contained in the Bank's records.

The CRT notes that the Claimant did not identify Account Owner Otto Sachsel in her claim to the account of Emil Sachsel; however, the Bank's records indicate that Account Owner Otto Sachsel shares the same last name and resided at the same street address as Account Owner Emil Sachsel and Power of Attorney Holder Jeannie Sachsel. The CRT further notes that Power of Attorney Holder Paul (Pavel) Sachsel held power of attorney over the account of Account Owner Emil Sachsel and the accounts of Account Owner Otto Sachsel.² Taking all these factors into account, the CRT concludes that Account Owner Otto Sachsel was related to the Claimant and her immediate family.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Emil Sachsel, indicating that his date of birth was 9 November 1868, which matches the information about Account Owner Emil Sachsel provided by the Claimant, and a person named Otto Sachsel, indicating that he was deported from Prague to Theresienstadt and subsequently to Auschwitz, where he perished. The database also includes a person named Johanna Sachsel, who resided in Prague, which matches information about the Claimant's mother, who held power of attorney over the accounts of Account Owner Emil Sachsel. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the names Emil Sachsel and Otto Sachsel each appear only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT notes that there are no other claims to these accounts.

² The CRT notes that the Claimant listed the first name Paul as a variation for her brother Pavel Sachsel's first name. The CRT further notes that the professional titles listed in the Bank's records for Power of Attorney Holders Pavel Sachsel and Paul Sachsel are consistent with each other, and that, although they listed different street addresses, both addresses were in Prague, and it is plausible that the address given for Power of Attorney Holder Pavel Sachsel was a business address. The CRT also notes that Power of Attorney Holders Pavel Sachsel and Paul Sachsel both held power of attorney over accounts belonging to individuals who resided at the same street address. The CRT concludes that it is plausible that Power of Attorney Holders Pavel Sachsel and Paul Sachsel are the same person.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Emil Sachsel was a Victim of Nazi Persecution. The Claimant stated that Account Owner Emil Sachsel was Jewish, and that he, his wife, and his son were deported to Auschwitz, where they perished.

As noted above, persons named Emil Sachsel, Otto Sachsel and Johanna Sachsel were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to Account Owner Emil Sachsel and the Power of Attorney Holders by submitting specific information, demonstrating that Account Owner Emil Sachsel was the Claimant's father. As stated above, Account Owner Otto Sachsel shares the same last name and resided at the same address listed in the Bank's records for Account Owner Emil Sachsel, and Power of Attorney Holder Paul (Pavel) Sachsel held power of attorney over both of the Account Owners' accounts. The CRT notes that the Claimant's nieces, Annemarie Passer and Mary Joan St. James, are not represented in her claim.

The CRT notes that the Claimant identified unpublished information about Account Owner Emil Sachsel as contained in the Bank's records, and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a detailed family tree, which indicates the names and dates of birth and death of her father, mother and brother, all of whom perished at Auschwitz. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Emil Sachsel was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owners, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that Account Owner Otto Sachsel held one custody account and three demand deposit accounts, and that Account Owner Emil Sachsel held one custody account and one demand deposit account.

With respect to the accounts of Account Owner Otto Sachsel, the Bank's records indicate that these accounts were closed on or before 6 January 1939, over two months prior to the German occupation of the part of Czechoslovakia in which Account Owner Otto Sachsel resided. The CRT therefore concludes that Account Owner Otto Sachsel closed his accounts and received the proceeds himself.

With respect to the accounts of Account Owner Emil Sachsel, given that Account Owner Emil Sachsel and Power of Attorney Holder Jeannie Sachsel resided in Nazi-occupied Czechoslovakia until they were deported to Auschwitz, where they perished; that there is no record of the payment of Account Owner Emil Sachsel's accounts to him nor any record of a date of closure of his accounts; that Account Owner Emil Sachsel and his heirs would not have been able to

obtain information about their 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 Account Owner Emil Sachsel, the Power of Attorney Holders, 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 Account Owner Emil Sachsel was her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither Account Owner Emil Sachsel, nor the Power of Attorney Holders, nor their heirs received the proceeds of Account Owner Emil Sachsel's accounts. The CRT notes that the Claimant's nieces, Annemarie Passer and Mary Joan St. James, are not represented in her claim, and the CRT therefore does not address their potential entitlement to the account.

Amount of the Award

In this case, the Award is for one custody account and one demand deposit account held by Account Owner Emil Sachsel. 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 ("SF"), and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 189,250.00.

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
31 December 2005