

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Account of Lasser Seckbach

Claim Numbers: 501808/DE

Award Amount: 312,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Lasser Seckbach (the “Account Owner”), over which Olga Seckbach, née Meyer, (the “Power of Attorney Holder”) held power of attorney, 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 identifying the Account Owner as his maternal grandfather, Lasser Seckbach, who was born in approximately 1868 in Halberstadt, Germany and was married to Olga Seckbach, née Meyer, who was born on 15 August 1873. The Claimant indicated that his grandparents, who were Jewish, resided at Bukostrasse 1 in Halberstadt. According to the Claimant, his grandfather worked as an authorized signing officer (*Prokurist*) of the company *Aron Hirsch und Sohn*, where he worked with Counselor of Commerce (*Kommerzialrat*) Benjamin Hirsch. The Claimant indicated that his grandparents had three children, [REDACTED], [REDACTED] (the Claimant’s mother), and [REDACTED], and that [REDACTED] perished in the Holocaust. The Claimant further indicated that his grandfather died in Halberstadt in November 1939 and that his grandmother was deported to Theresienstadt, where she perished on 29 May 1945.

In support of his claim, the Claimant provided copies of two Yad Vashem pages of testimony from the Yad Vashem Memorial of Israel which were submitted by the Claimant’s mother, [REDACTED], in 1956. This testimony indicates that [REDACTED]’s mother, Olga Seckbach, and brother, [REDACTED], perished in the Holocaust. The Claimant also provided a Yad Vashem page of testimony from the Yad Vashem Memorial of Israel submitted by the Claimant in 1999, indicating that the Claimant’s grandmother, Olga Seckbach, resided at Bukostrasse 1 in

Halberstadt before being deported to Theresienstadt, where she perished on 29 May 1945. These documents indicate that Olga Seckbach, née Meyer, also known as Gitel, was born in 1873, was married to Elezar Seckbach, and worked as a homemaker. According to these documents, [REDACTED], the son of Elezar and Gitel Seckbach, resided in Halberstadt, and worked as a merchant before being deported to Auschwitz, where he perished in 1942.

The Claimant indicated that he was born on 3 March 1938 in Fulda, Germany.

Information Available in the Bank's Records

The Bank's records include: an account card, a bank ledger of accounts that were transferred to German Banks in 1936 pursuant to the Seventh Ordinance regarding implementation of the Foreign Exchange Control Law (*Siebente Durchführungsverordnung zum Gesetz über die Devisenbewirtschaftung*) effective 19 November 1936 and the First Announcement regarding the Custody of Foreign Securities (*Erste Bekanntmachung über die Verwahrung ausländischer Wertpapiere*) effective 20 November 1936, copies of the text of these regulations, and a letter from the *Deutsche Bank und Disconto-Gesellschaft* in Konstanz to the Bank dated 25 November 1936, informing the Bank that pursuant to these orders, all custody accounts containing foreign securities noted on the German Stock Exchange must be transferred to a German bank entitled to deal with foreign currency (*Devisenbank*) or into such a bank's account at a foreign institution. The Bank's records also contain two documents, dated 11 February 1937 and 16 February 1937 respectively, detailing the Bank's compliance with these orders.

According to the Bank's records, the Account Owner was Lasser Seckbach, who resided at Bukostrasse 1 in Halberstadt, Germany and the Power of Attorney Holder was *Frau* (Mrs.) Olga Seckbach, née Meyer. The Bank's records indicate that the Account Owner held one custody account, numbered 32835.

The Bank's records indicate that the account was closed on 17 December 1936. The records indicate that the account was closed due to a transfer made pursuant to the currency and securities regulations outlined above. According to the internal Bank memorandum dated 11 February 1937, the Bank transferred 291 custody accounts belonging to German nationals worth a total of 6,266,760.00 Swiss Francs ("SF") to German *Devisenbanken* in accordance with this order. The Bank ledger detailing this transfer includes a listing for custody account 32835, and indicates that that account belonged to Lasser Seckbach of Halberstadt. This ledger further indicates that on 18 December 1936, this account contained SF 25,000.00.

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. The Claimant's maternal grandparents' names and city and country of residence match the published names and city and

country of residence of the Account Owner and the Power of Attorney Holder. The Claimant also identified the Account Owner's street address, which matches unpublished information about the Account Owner contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes two pages of testimony, one submitted by the Claimant in 1999 and one submitted by the Claimant's mother in 1956, which indicate that Olga Seckbach was born 15 August 1873 in Halberstadt, resided at Bukostrasse 1 in Halberstadt, and was married to Elezar Seckbach, which matches the information about the Power of Attorney Holder provided by the Claimant.¹ The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Lasser Seckbach 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 this account.

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 after his death in 1939, his wife, the Power of Attorney Holder, was deported to Theresienstadt, where she perished on 29 May 1945, and his son was deported to Auschwitz, where he perished in 1942.

As noted above, persons named Olga Seckbach, née Meyer, 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 specific information demonstrating that the Account Owner was the Claimant's maternal grandfather.

The CRT notes that the Claimant indicated that he has other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records, and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this

¹ The CRT notes that Lasser is phonetically similar to the Hebrew name Elezar.

information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the proceeds of this account were transferred in 1936 to a German bank entitled to deal with foreign currency (*Devisenbank*) in compliance with Nazi banking laws.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner died in Germany in 1939 and the Power of Attorney Holder was deported to Theresienstadt where she perished on 29 May 1945; that there is no record of the payment of the Account Owner's account to him, the Power of Attorney Holder, or their heirs; that the Account Owner's heirs would not have been able to obtain information about his account 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 (a), (h) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C), 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 his maternal grandfather and the Power of Attorney Holder was his maternal grandmother, and these relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor 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. The Bank's records indicate that the value of the custody account as of December 1936 was 25,000.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 312,500.00.

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 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
18 December 2008