

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Edit Moses
represented by Eyal Frost

in re Account of Paul Edelstein

Claim Number: 200889/LH¹

This Certified Denial is based upon the claim of Edit Moses, née Fink, (the “Claimant”) to the account of Hans Edelstein.² This Denial is to the unpublished account of Paul Edelstein (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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

Procedural History

On 27 January 2002, the Court approved an award to the Claimant (the “January 2002 Award”) for one account of an unknown type held by Hans Edelstein, over which the Account Owner held power of attorney, at the Zurich branch of another Swiss bank. In that decision, the CRT did not make a determination regarding the disposition of a safe deposit box held by the Account Owner at the Bank. This Certified Denial addresses the safe deposit box held by the Account Owner that was held for further consideration in the January 2002 Award.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her mother’s cousin, Paul Edelstein, who was born on 6 December 1903 in Pribram, Czechoslovakia (now the Czech Republic). The Claimant stated that her maternal grandmother, Lea Freiburger, née Edelstein, had a brother, Ludwig Edelstein, and that Paul Edelstein was Ludwig’s son. According to the Claimant, Paul Edelstein never married or had children. The Claimant stated that her relative, who was Jewish, resided in Reichenberg, Czechoslovakia (today Liberec, the Czech Republic), and that he owned, together with his brother, Hans Edelstein, an undergarment and garment

¹ Claimant Edit Moses (the “Claimant”) submitted an additional claim, which is registered under the Claim Number 719900. The CRT has treated this claim in a separate determination in a decision released 25 July 2007.

² In a separate decision, the CRT awarded the account of Hans Edelstein to the Claimant. See *In re Accounts of Hans Edelstein and Paul Edelstein* (approved on 27 January 2002) (the “January 2002 Award”).

manufacturing wholesale business, which was located at Winnerstrasse in Reichenberg. The Claimant stated that Paul Edelstein and his brother Hans Edelstein traveled to Switzerland on business.

The Claimant indicated that Paul Edelstein was deported first to Theresienstadt, and on 26 October 1941 to the Lodz ghetto in Lodz, Poland, where he perished. The Claimant further stated that Hans Edelstein was deported on 26 October 1942 from Theresienstadt to Auschwitz, where he perished, and that she is the only member of her family who survived the Holocaust.

In support of her claim, the Claimant submitted copies of documents, including certificates from the Theresienstadt Martyrs Remembrance Association, indicating that Paul Edelstein, who was born on 6 December 1903, was deported from Theresienstadt to Lodz on 26 October 1941, and that Hans Edelstein, who was born on 25 May 1899, was deported from Theresienstadt to Auschwitz on 26 October 1942; and pages of testimony that the Claimant submitted in 1999 to the Yad Vashem database of victims regarding Paul Edelstein and Hans Edelstein, indicating that they were born in Pribram and resided in Reichenberg.

The Claimant indicated that she was born on 18 February 1921 in Reichenberg.

Information Available in the Bank's Records

The Bank's records consist of a list of closed safe deposit boxes and an extract from the Bank's ledger. According to these records, the Account Owner was Paul Edelstein, who resided in Reichenberg, Czechoslovakia. The Bank's records indicate that the Account Owner held a safe deposit box, numbered 602, which was closed on 21 July 1938. The records indicate that the safe deposit box contained an envelope which had a value on the date of its closure of 8,000.00 Swiss Francs ("SF").³

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with an additional document. This document consists of a list of safe deposit boxes and indicates that the safe deposit box numbered 602, which was held by the Account Owner, was opened on 8 July 1938, and confirms that the value of the envelope contained in the safe deposit box was SF 8,000.00.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's mother's cousin's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner.

³ The CRT notes that in the January 2002 Award, the value of the safe deposit box was indicated to be SF 9,000.00 as of 21 July 1938. Upon careful review and comparison of the original bank records with the newly obtained bank records, the CRT has concluded that the Bank's records actually indicate that the value of the safe deposit box was SF 8,000.00.

In support of her claim, the Claimant submitted documents, including a certificate from the Theresienstadt Martyrs Remembrance Association, and a Yad Vashem page of testimony, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Paul Edelstein, and indicates that his date of birth was 6 December 1903, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of 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, that he resided in Nazi-occupied Czechoslovakia, and that he was deported on 26 October 1941 from Theresienstadt to the Lodz ghetto, where he perished. Additionally, the Claimant indicated that the Account Owner's brother was deported on 26 October 1942 from Theresienstadt to Auschwitz, where he perished. The Claimant also submitted a certificate from the Theresienstadt Martyrs Remembrance Association, indicating that the Account Owner was deported from Theresienstadt to Lodz on 26 October 1941. As noted above, a person named Paul Edelstein was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was the Claimant's mother's cousin. These documents include a Yad Vashem page of testimony, indicating that Paul Edelstein was Edit Moses' cousin. There is no information to indicate that the Account Owner has other surviving heirs.

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

The Issue of Who Received the Proceeds

The Bank's records indicate that the safe deposit box was opened on 8 July 1938 and closed on 21 July 1938. The CRT notes that this closure occurred two months prior to Nazi Germany's occupation of the Sudetenland, in which Reichenberg was located, on 30 September 1938.

Therefore, the CRT concludes that the Account Owner was able to access this account, and that he closed the account and received the proceeds himself.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
3 June 2009