

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by [REDACTED] and [REDACTED]

**in re Account of Dr. Heribert Keckeis**

Claim Number: 216698/MC

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to an account allegedly owned by Dr. Heribert Keckeis (the “Claimed Account Owner”) at the Zurich Branch of the [REDACTED] (the “Bank”).

All denials 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 claimed account owner, and the bank have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Claimed Account Owner as Dr. Heribert Keckeis, who resided in Ivančice, Czechoslovakia (now the Czech Republic) in 1901, and in Brno, Czechoslovakia (now the Czech Republic) in 1938. The Claimant stated that he was not related to Dr. Heribert Keckeis. The Claimant explained that his mother, [REDACTED], was a resistance fighter during the War and helped Heribert Keckeis, who was Jewish, flee Czechoslovakia. According to the Claimant, Heribert Keckeis, who was the director and part owner of a hospital in Ivančice, gave the Claimant’s mother a key to a safe deposit box allegedly held at the Zurich branch of the Bank, in case he would not survive. The Claimant stated that his mother waited several years after the end of the War for Dr. Heribert Keckeis or members of his family to collect the key, but that no one ever came.

In support of his claim, the Claimant submitted an identification card (“*Legitimationskarte*”) issued by the Bank and a photocopy of a key, which are described in more detail below.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court asserting his entitlement to a Swiss bank account owned by Dr. Heribert Keckeis.

The Claimant indicated that he was born on 28 March 1945 in Sokolnice, Czechoslovakia (now the Czech Republic).

## **Information Available in the Bank's Record**

The CRT notes that 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 report an account belonging to Dr. Heribert Keckeis during their investigation of the Bank. The document relating to the existence of an account at the Bank was submitted by the Claimant to the CRT.

The document consists of an identification card (“*Legitimationskarte*”) issued by the Bank on 25 September of an illegible year. According to the card, which bears an illegible signature (perhaps from a bank employee), a safe deposit box numbered 1410 was held at the Zurich branch of the Bank by a person identified only by an account number (“*Konto No.*”) 60465.

Along with this identification card, the Claimant submitted a photocopy of a key, which bears the notation “*Bern.*”

## **The CRT’s Analysis**

### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

### Basis for the Denial

The CRT notes that the Claimant provided documentation to support a claim to an account owned by the Claimed Account Owner. The CRT has determined that the evidence submitted by the Claimant is insufficient to justify an award. According to Article 17 of the Rules, the CRT shall use the records and files available from the Account History Database, the Account Dossiers, and the Total Accounts Database, the information submitted by the claimants, and to the extent that the CRT deems relevant, other sources of information to determine whether an award is justified. Although the CRT has previously awarded accounts to claimants when the ICEP Investigation failed to locate an account belonging to their relative (an account not included in the Account History Database, the Account Dossiers, and the Total Accounts Database), the evidence submitted by these claimants falls into very limited categories. Article 17 of the Rules lists certain categories of evidence that the CRT has used to justify an award when an account is not identified in the ICEP Investigation. These categories include Austrian State Archives Records and other government records, records of the New York State Holocaust Claims Processing Office, and any other historical and factual material available to the CRT. Examples of facially reliable evidence submitted by claimants include actual bank documents, documents submitted to an official governmental agency, and official letterhead indicating a connection to a Swiss bank.

While the CRT bears in mind the difficulties of proving a claim after the destructive events of the Second World War, it has determined in this case that the identification card, submitted by

the Claimant is insufficient to support the existence of a bank account owned by Dr. Heribert Keckeis during the Relevant Period, which is defined by the Rules as the period from 1933 to 1945. Although the document submitted by the Claimant originates from the Bank, it does not contain the name of Dr. Heribert Keckeis, nor does it contain a legible date.

The CRT also notes that the claimant provided a photocopy of a key, which the Claimant alleges is the key to the safe deposit box numbered 1410. The CRT determines that this evidence is also insufficient to justify an award. The CRT notes that the key bears no legible inscriptions other than “Bern.” There is no evidence to conclude that the key is to a safe deposit box held during the Relevant Period at a Swiss bank by Dr. Heribert Keckeis. Therefore, the CRT is unable to make an award to the Claimant based upon the evidence presented.

Finally, the CRT notes that the Claimant specifically stated that he was not related to Dr. Heribert Keckeis. Therefore, even if the evidence submitted by the Claimant had been sufficient to demonstrate the existence of an account or accounts at a Swiss bank owned by Dr. Heribert Keckeis during the Relevant Period, the Claimant has not demonstrated, through either a family relationship or will or other testamentary document, that he would be entitled to the proceeds.

#### 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 as 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. The Claimant 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 Weiner, Claims Resolution Tribunal, Attention: Appeals/Request for Reconsideration, P.O. Box 9564, 8036 Zürich, 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  
30 August 2010