

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Walter Friedrich

in re Accounts of Oskar Doktor

Claim Number: 500992/LV

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Oskar Doktor (the “Account Owner”) at 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 her father, Oskar Doktor, who was born on 4 September 1873 in Horic, Czechoslovakia, and was married to [REDACTED] in Vienna, Austria. The Claimant stated that her parents had two children: [REDACTED], the Claimant’s brother, who was born on 29 July 1908 in Vienna, and the Claimant. The Claimant stated that her father, who was Jewish, was a partner in a textile company named *Lilien-Leinwand-Unternehmung Bernhard Goldstein* located in Vienna. The Claimant stated that on 11 October 1938, her father fled from Austria to Prague, Czechoslovakia, where he resided until 1942, when he was captured and deported to Theresienstadt, where he perished on 26 November 1942. In support of her claim, the Claimant submitted a copy of the 1938 Census of Jewish-owned assets declaration filed by Oskar Doktor in 1938, which is more fully described below, and her brother’s death certificate, documenting that his name was [REDACTED] and that he passed away on 1 August 1987 in Neulengbach, Austria.

The Claimant indicated that she was born on 26 October 1913 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Oskar Doktor, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account and a custody account, numbered L 59994. The Bank's record further indicates that both accounts were opened on 31 March 1931, that the demand deposit account was closed on 30 June 1938, and that the custody account was closed on 4 July 1938. The Bank's record does not indicate the value of these accounts on the dates of their closure. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Oskar Doktor, numbered 07003, including his asset declaration dated 14 July 1938. The declaration shows that Oskar Doktor was born on 4 September 1873, that he was married to [REDACTED], née [REDACTED], and that he resided at Gentzgasse 137, Vienna. It further indicates that Oskar Doktor was a partner in the company, *Lilien-Leinwand-Unternehmung Bernhard Goldstein*, which operated in Austria and Czechoslovakia, and in which he held a 16 percent interest, valued (including the Czechoslovakian operation) at 279,485.14 Reichsmark ("RM"). The file also contains an amendment to Oskar Doktor's asset declaration submitted by the *Treuhand Aktien Gesellschaft* (Trust Company) which indicates that his assets had apparently been sequestered and shows that he had paid flight tax (*Fluchtsteuer*) sometime before 12 November 1938, though the record does not indicate the amount that was paid. According to an official undated internal note, citing the Emigration Office, Oskar Doktor left Austria on 11 October 1938 for Czechoslovakia or Cyprus and his file was closed. The asset declaration also indicates that Oskar Doktor held various Austrian and Czechoslovakian bonds as well as three insurance policies. The records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner. In support of her claim, the Claimant submitted her father's 1938 Census form, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Oskar Doktor, and indicates that his date of birth was 4 September 1873, that his place of birth was Horice, Czechoslovakia, and that he was a merchant, which match 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 further notes that the name Oskar Doktor appears only once 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”).

The CRT notes that there are no other claims to these accounts.

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 he was deported to Theresienstadt, where he perished. As noted above, a person named Oskar Doktor 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 information, demonstrating that the Account Owner was the Claimant’s father. The CRT notes that the Claimant identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of her brother’s death certificate, which identifies his family name as “Doktor” and indicates that he was born in Vienna, which provides independent verification that the Claimant’s relatives bore the same family name as the Account Owner and that they resided in Vienna. 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 demand deposit account and custody account were closed on 30 June 1938 and 4 July 1938, respectively. Given that the Account Owner fled Austria in 1938 and was subsequently deported to Theresienstadt, where he perished; that there is no record of the payment of the Account Owner’s accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his 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 the Account Owner or his 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 her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account, both of unknown value. 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 investigation carried out pursuant to the instructions ICEP (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00. 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 March 2005