

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 Maximilian Krasny

Claim Number: 501727/LH

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Maximilian Krasny (the “Account Owner”), over which Else Krasny (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 her father-in-law, Maximilian (Max) Krasny, who was born on 10 December 1875 in Ostrau, Czechoslovakia (now Ostrava, Czech Republic), and was married to Else (Eliska) Krasny in Czechoslovakia. The Claimant indicated that Maximilian and Else Krasny, who were Jewish, resided in Ostrau and that they had two children: [REDACTED] (the Claimant’s late husband), who was born on 15 March 1909 in Ostrau, and [REDACTED]. The Claimant further stated that her parents-in-law were deported to Auschwitz, where they perished on 15 December 1943.

The Claimant submitted copies of documents in support of her claim, including: (1) her late husband’s Czech passport, indicating that [REDACTED] was born in Mährisch Ostrau; and (2) information excerpted from lists of Theresienstadt inmates from the Yad Vashem Memorial of Israel pertaining to Maximilian and Eliska Krasny indicating that Maximilian Krasny was born in 1875, and was deported on 20 November 1942 from Prague, Czechoslovakia (now Czech Republic) to Theresienstadt, and subsequently to Auschwitz, where he perished; that Eliska Krasna was born in 1881 and that she was deported from Prague to Theresienstadt and later to Auschwitz, where she perished, on the same dates as Maximilian Krasny.

The Claimant indicated that she was born on 25 April 1925 in Palestine (today Israel).

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form and printouts from the Bank's database. According to these records, the Account Owner was Maximilian Krasny and the Power of Attorney Holder was *Frau* (Mrs.) Else Krasny, the Account Owner's wife, and they both resided at Strasse des 28. Oktober No. 36 in Mährisch Ostrau, Czechoslovakia. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which was opened on 22 May 1931. The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account.

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 this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. 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 parents-in-law's 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 relationship between the Account Owner and the Power of Attorney Holder, which matches unpublished information contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including records from Yad Vashem, providing independent verification that the person who is claimed to be the Account Owner had the same name and country of residence recorded in the Bank's records as the name and country of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant in 1999, which indicates that Max Krasny was born in Czechoslovakia, resided in Mährisch Ostrau and that he perished in Auschwitz, 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 name Maximilian Krasny appears 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 "ICEP List"). The CRT further 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 and the Power of Attorney Holder were Jewish, that they resided in Nazi-occupied Czechoslovakia and that they both perished in Auschwitz in 1943. As noted above, the Claimant also submitted records from Yad Vashem, which indicate that Maximilian Krasny and Eliska Krasna perished in Auschwitz in 1943.

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 demonstrating that the Account Owner was the Claimant's father-in-law. The CRT 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.

The CRT further notes that the Claimant submitted a copy of her late husband's Czech passport, which provides independent verification that the Claimant's husband bore the same family name as the Account Owner and that he resided in Mährisch Ostrau. 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.

While the information provided by the Claimant indicates that the Account Owner may have other surviving relatives, the CRT will not treat their potential entitlement to the Account Owner's account in this decision because they are not represented in the Claimant's claim. The CRT notes that no other relative has submitted a claim to this account.

The Issue of Who Received the Proceeds

Given that the Account Owner and the Power of Attorney Holder resided in Nazi-occupied Czechoslovakia until they were deported first to Theresienstadt and subsequently to Auschwitz, where they perished; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner's and Power of Attorney Holder'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 (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, 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 her father-in-law and that relationship justifies 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 an account of unknown type. 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 an account of unknown type was 3,950.00 Swiss Francs ("SF"). 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 49,375.00.

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
23 April 2007