

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED] (represented by [REDACTED]),
[REDACTED] and [REDACTED]

in re Account of Henrik S. Braunfeld

Claim Numbers: 207250/MD; 213217/MD; 213240/MD

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (“Claimant [REDACTED]”), [REDACTED] (“Claimant [REDACTED]”), and [REDACTED] (“Claimant [REDACTED]”), (together the “Claimants”) to the account of Henrik S. Braunfeld (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 Claimants

The Claimants each submitted a Claim Form, and Claimant [REDACTED] and Claimant [REDACTED] also submitted Initial Questionnaires. The Claimants identified the Account Owner as their relative, Henrik S. Braunfeld. Claimant [REDACTED] stated that Henrik (Henry) S. Braunfeld was his maternal uncle, and Claimant [REDACTED] and Claimant [REDACTED], who are siblings, stated that the Account Owner was their cousin’s husband. Claimant [REDACTED] stated that his uncle was born in 1894 in Galatz, Romania, and Claimant [REDACTED] and Claimant [REDACTED] stated that Henrik Braunfeld was born in Breslhu, Romania. The Claimants stated that their relative, who was a Hungarian citizen, was married to [REDACTED], and that they had two children: [REDACTED] and [REDACTED]. According to the Claimants’ submissions, Henrik Braunfeld, who was Jewish, lived in Kolozsvar (Cluj)¹ where he owned a jewelry store. The Claimants asserted that their relative, his wife, and his daughters were deported to a concentration camp, where they perished.

Claimant [REDACTED] submitted a probate decision of the court in Cluj demonstrating that his mother was the sole heir of Henrik Braunfeld. Claimants [REDACTED] and [REDACTED] submitted a detailed family tree indicating that Henrik Braunfeld’s wife was their cousin.

¹ Kolozsvar belonged to Austria-Hungary before 1918 and was incorporated into Romania as Cluj after the First World War.

Claimant [REDACTED] stated that he was born on 26 December 1911 in Bacau, Romania and that he is being represented by his daughter [REDACTED], née [REDACTED], in these proceedings. Claimant [REDACTED] stated that she was born on [REDACTED] and Claimant [REDACTED] stated that he was born on [REDACTED], both in [REDACTED], Hungary.

Information Available in the Bank Records

The bank records consist of a list of dormant accounts, bank statements, and of an application for appointment of a custodian for the account. According to these records, the Account Owner was Henrik S. Braunfeld from Kolozsvár. The bank records indicate that the Account Owner held a demand deposit account.

The bank records further indicate that the Bank registered the account in the 1962 survey of accounts owned by victims of racial, religious, or political persecution. The recorded balance as of 1 September 1963 was 1,098.00 Swiss Francs. The bank documents also indicate that the Bank applied to the relevant authority (*Vormundschaftsbehörde*) to appoint a custodian for the account, and that such custodian was appointed in 1966. This appointment was revoked in 1973 by the same authority.

According to the bank documents, the account was closed in November 1968, and the balance of 978.00 Swiss Francs was transferred to a newly opened savings account. The savings account was closed on 2 August 1973 with a balance of 1,180.00 Swiss Francs, and the assets were transferred to a fund of dormant and heirless accounts that was created pursuant to the 1962 survey of accounts owned by victims of racial, religious or political persecution (the “1962 Fund”). The auditors who carried out the investigation of the Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) reported that the account was then transferred to the Hungarian Government as part of a settlement agreement between Switzerland and Hungary.

The CRT’s Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the claims of Claimant [REDACTED], Claimant [REDACTED], and Claimant [REDACTED] in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The published name and domicile matches the name and domicile of the Claimants’ relative, as documented by Claimant [REDACTED]. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name and his domicile. Thus, the additional information provided by the Claimant cannot be compared with the bank information.

Moreover, the CRT notes that Claimant [REDACTED] and Claimant [REDACTED] each filed an Initial Questionnaire with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Henry Braunfeld, prior to the publication in February 2001 of the 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”). This indicates that Claimant [REDACTED] and Claimant [REDACTED] have based their claims not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP list. It also indicates that Claimant [REDACTED] and Claimant [REDACTED] had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP list. This strongly supports the credibility of the information provided by the Claimants and the validity of their claims.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have plausibly shown that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he and his family were deported to a concentration camp where they perished.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Henrik Braunfeld, and indicates that he was born in 1894 in Galatz, which matches the information about the Account Owner provided by Claimant [REDACTED]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner. Claimant [REDACTED] submitted the probate order of the court in Cluj, demonstrating that the sole heir of the Account Owner was the Account Owner’s sister (Claimant [REDACTED]’s mother). Claimant [REDACTED] and Claimant [REDACTED] submitted a detailed family tree indicating that the Account Owner’s wife was their cousin.

The Issue of Who Received the Proceeds

The auditors who carried out the ICEP investigation of the Bank reported that the account was paid to the Hungarian Government as part of a settlement fund. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the account, and no presumption is required for the CRT to conclude that the Account Owner did not receive the proceeds of his account.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED]. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules.

Second, Claimant [REDACTED] has plausibly demonstrated that the Account Owner was his uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the demand deposit account as of 1 September 1963 was 1,098.00 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 760.00 Swiss Francs, which reflects hold mail fees and standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is 1,858.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 8,988.00 Swiss Francs.

Division of the Award

According to the principles of distribution set forth in Article 29(1)(e) of the Rules Governing the Claims Resolution Process (the “Rules”), an award will provide for an equal division among the children of the Account Owner’s parents or their descendants who have submitted claims to the account. Claimant [REDACTED], as a direct descendant of the Account Owner’s parents and the only blood relative who has submitted a claim to the account, has a better entitlement to the account than Claimant [REDACTED] and Claimant [REDACTED]. In light of Claimant [REDACTED]’s claim, Claimant [REDACTED] and Claimant [REDACTED], who are related to the Account Owner through marriage, are not entitled to the account. Consequently, pursuant to Article 29 of the Rules, Claimant [REDACTED] is entitled to the entire amount of the Award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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