

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Hugo Bryk

Claim Number: 706861/BW¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Hugo Bryk (the “Account Owner”) at the Biel 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 an Initial Questionnaire identifying the Account Owner as his paternal great-uncle, Hugo Bryk, who was born on 4 February 1874 in Vienna, Austria. According to a page of testimony submitted by the Claimant to the Yad Vashem Memorial of Israel, Hugo Bryk, who was the son of [REDACTED] and [REDACTED], was married to [REDACTED]. According to the Claimant, his great-uncle, who was Jewish, represented American movie studios in Europe, and lived in Switzerland and later France. The Claimant indicated that his great-uncle’s last known residence was at the *Hotel Beausoleil* in Nice, France, where he lived until he committed suicide to avoid Nazi arrest on 3 March 1944.

The Claimant indicated that he was born on 12 November 1928 in Berlin, Germany.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 2000 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0810175, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 706861.

Information Available in the Bank's Records

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 Hugo Bryk during their investigation of the Bank. The existence of an account at the Bank is evidenced by documents from the Swiss Federal Archive in Bern, Switzerland.

Information Available from the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (“the 1962 Survey”).

In the records of the Swiss Federal Archive in Berne, Switzerland, there are documents concerning the registration of assets belonging to Hugo Bryk, numbered 638. According to these records, the Account Owner was Hugo Bryk, whose last known address was: *c/o Mlle. (Miss) Bridel, Le Grand Mesnil, av. Béthusy, in Lausanne, Switzerland*. These records indicate that the last contact the Account Owner had with the Bank occurred in 1942. These records further indicate that the Bank dealt with a middleman named *Herr (Mr.) Fr. Ostersetzer* on behalf of the Account Owner until 1944. Finally, these records indicate that according to information received by the Bank, the Account Owner had died on an unknown date in France.

The records indicate that the Account Owner held a demand deposit account, which had a balance of 209.30 Swiss Francs (“SF”) on 31 December 1944, and that this amount was reduced by fees and had a balance of SF 175.50 on 6 December 1963, the date on which the account was registered pursuant to the 1962 Survey. The records do not indicate the ultimate disposition of the account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-uncle's name matches the published name of the Account Owner. The Claimant indicated that the Account Owner lived in Switzerland and later France, and that the Account Owner died in France, which matches unpublished information about the Account Owner contained in the records from the Swiss Federal Archive.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes pages of testimony submitted by the Claimant on 5 May 1999 and 9 May 2000 regarding a person named Hugo Bryk, which indicate that Hugo Bryk's date of birth was 4 February 1874 and place of birth was Vienna, and which further indicates that Hugo Bryk last

resided in Nice, where he committed suicide on 3 March 1944 to avoid arrest. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Hugo Bryk appears only once on the 2005 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the “2005 List”).

The CRT 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 was Jewish, that he resided in Nazi-occupied France, and that he committed suicide on 3 March 1944 to avoid arrest by the Nazis. As noted above, a person named Hugo Bryk was included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant’s great-uncle. 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 Swiss Federal Archive records; that the Claimant filed an Initial Questionnaire with the Court in 2000, identifying the relationship between the Account Owner and the Claimant, prior to the publication of the 2005 List; and that the Claimant submitted pages of testimony regarding his great-uncle in 1999 and 2000 to the Yad Vashem Memorial.

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 he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Swiss Federal Archive records indicate that the Account Owner’s demand deposit account had a balance of SF 209.30 on 31 December 1944. The Bank’s records further indicate that this amount was reduced by fees and had a balance of SF 175.50 on 6 December 1963, which was the date the account was registered pursuant to the 1962 Survey. There is no evidence in the Swiss Federal Archive records that the Account Owner or his heirs closed the account and received the proceeds themselves.

Given that the Bank had no contact with the Account Owner after 1942; that the Account Owner resided in Nazi-occupied France until he committed suicide in 1944 to avoid Nazi arrest; that the Account Owner’s name was published in the 1962 Survey; that there is no record of payment of

the Account Owner's account to him or to his heirs; that the Account Owner and his 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 Presumption (h) 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 his great-uncle, 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 account.

Amount of the Award

In this case, the Account Owner held a demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 31 December 1944 was SF 209.30. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 26,750.00.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
27 February 2007