

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
represented by [REDACTED]

and to the Estate of Claimant [REDACTED 3]¹
also acting on behalf of [REDACTED 4]
represented by [REDACTED]

in re Accounts of Bela, Rosa, Otto, and Erwin Honig

Claim Numbers: 400352/MC; 400357/MC; 400358/MC; 501656/MC; 754354/MC; 754370/MC²

Award Amount: 44,821.25 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published and unpublished accounts of Bela Honig (“Account Owner Bela Honig”), Rosa Honig (“Account Owner Rosa Honig”), Otto Honig (“Account Owner Otto Honig”), and Erwin Honig (“Account Owner Erwin Honig”) (together the “Account Owners”) at the [REDACTED] (“Bank 1”) and at the Zurich branches of the [REDACTED] (“Bank 2”) and the [REDACTED] (“Bank 3”) (together the “Banks”). This Award is to the unpublished account of Account Owner Erwin Honig at Bank 2 and to the published accounts of Account Owner Rosa Honig at Bank 2 and Bank 3.³

¹ [REDACTED] informed the CRT that her mother, [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”), passed away on 1 April 2006 in Ramat-Gan, Israel.

² Claimant [REDACTED 3] did not submit a CRT Claim Form. However, in 1998 she submitted two ATAG Ernst & Young claim forms (“ATAG Forms”), numbered C-TLV-W-71-223-151-211 and C-TLV-W-80-128-214-949, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). See Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 3]’s ATAG Forms were forwarded to the CRT and have been assigned Claim Numbers 754354 and 754370, respectively.

³ The CRT notes that the name Rosa Honig appears twice 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”). Upon careful review, the CRT has determined that these two names refer to the same person, Account Owner Rosa Honig. The CRT further notes that the names Bela Honig, Otto Honig, and Rosa Honig appear on the List of Account

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

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted four Claim Forms identifying each of the Account Owners. Claimant [REDACTED 1] stated that he is not related to the Account Owners but that he and his brother [REDACTED 2], whom he represents, are their testamentary heirs.

Claimant [REDACTED 1] stated that Bela Honig was born on 10 April 1867 in Gige, Hungary, and that Rosa Honig, née Beck, was born on 24 May 1867 in Vienna, Austria. Claimant [REDACTED 1] explained that Bela and Rosa Honig, who were Jewish, were married on 19 September 1897 in Vienna, and that they had two children: Otto, who was born on 9 November 1899 in Vienna, and Erwin, who was born in August 1903 in Mödling, Austria. Claimant [REDACTED 1] stated that the Honig family owned two movie theaters in Vienna and that they lived at the following addresses in Vienna: Theobaldgasse 8, Judenplatz 5/13, and Hörlgasse 4/11.

Claimant [REDACTED 1] stated that Erwin Honig died in Vienna on 15 July 1937, that Bela Honig died in Vienna on 17 January 1941, and that Rosa Honig died in Vienna on 26 April 1941. Claimant [REDACTED 1] explained that Otto Honig moved to Switzerland before 1941 and that he died in Prilly, Switzerland, on 18 February 1951. Claimant [REDACTED 1] stated that neither Erwin nor Otto Honig married or had children.

In support of his claim, Claimant [REDACTED 1] submitted numerous documents, including:

- Erwin Honig's notification of death (*Todfallsaufnahme*), indicating that he was born in August 1903 in Mödling; that he was Jewish; that he was a commercial employee; that his last address was Theobaldgasse 8 in Vienna VI; and that he died on 15 July 1937.
- A decision of the Vienna district court, dated 17 January 1938, indicating that Erwin Honig died without a will; and that his legal heirs were his parents, Bela and Rosa Honig, who resided at Theobaldgasse 8.
- Bela Honig's notification of death, indicating that Bela Honig, who was Jewish, formerly owned a movie theater, resided at Judenplatz 5 in Vienna I, died on 17 January 1941, and was survived by his wife, Rosa Honig, née Beck, who resided at Hörlgasse 4 in Vienna IX, and his son, Otto Honig, who resided in Bern, Switzerland.
- Rosa Honig's notification of death, indicating that Rosa Honig, who was Jewish, resided at a pension at Hörlgasse 4, Vienna, and that she died in Vienna on 26 April 1941, at which time her relatives were unknown.

Owners Published in 2005 (the "2005 List"), and that the name Erwin Honig was published on that list incorrectly as "Emma" Honig.

- Otto Honig's notification of death, indicating that Otto Honig, who was Jewish, previously resided at Judenplatz 5/13 in Vienna, and that at the time of his death he resided in Münsingen in canton Bern, Switzerland. The notification states that he was declared incapacitated by the authorities in Münsingen on 2 November 1949, at which time the bank administrator (*Bankverwalter*) Walter Mühlemann of Münsingen was appointed guardian to manage his affairs. According to this document, Otto Honig died on 18 February 1951 in Prilly, Switzerland, by which time his parents and his brother were deceased, and his only known relative was [REDACTED], a distant cousin living in Detroit, Michigan. The document indicates that he had executed two wills, in 1940 and 1943, naming [REDACTED], née [REDACTED], of Münsingen, as his sole heir, and that his assets included a movie theater at Mariahilferstrasse 36 in Vienna VI.
- Otto Honig's will, dated in 1943, and a certificate related to the opening of his will, dated 26 February 1951, indicating that his sole heir was [REDACTED], née [REDACTED].
- A decision from the district court in Vienna, dated 30 March 1953, stating that Otto Honig's entire estate would go to his sole heir, [REDACTED], née [REDACTED].
- [REDACTED]'s will, dated 17 June 1981, naming as heirs: 1) her brother, [REDACTED], who was to receive one-third of her estate; 2) the children of her late sister [REDACTED], namely, Claimant [REDACTED 1], represented party [REDACTED 2], [REDACTED], and [REDACTED], who were to share one-third of her estate; and 3) the children of her late brother [REDACTED], namely, [REDACTED] and [REDACTED], who were to share the remaining one-third of her estate.

Claimant [REDACTED 1] indicated that he was born on 7 February 1939 in Sachsenburg, Austria. Claimant [REDACTED 1] is representing his brother [REDACTED 2], who was born on 21 March 1942 in Sachsenburg.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted two ATAG Ernst & Young Forms identifying the Account Owners as her maternal grandmother's sister, Rosa Honig, née Beck, her husband, Bela Otto and Erwin Honig.

The information provided by Claimant [REDACTED 3] regarding the Honig family is consistent with the information submitted by Claimant [REDACTED 1]. Claimant [REDACTED 3] explained that her cousin, Otto Honig, was diagnosed with mental illness and sent to a sanatorium in Switzerland in 1938. Claimant [REDACTED 3] stated that Otto Honig later married his nurse and that he may have changed his name to "Honegger." According to Claimant [REDACTED 3], after the incorporation of Austria into the Reich in March 1938 (the "Anschluss"), Bela and Rosa Honig fled Austria and attempted to enter Switzerland illegally, but they were turned back. Claimant [REDACTED 3] stated that Bela and Rosa Honig's apartment and its contents were confiscated by Nazi authorities, and they both died in poverty.

In support of her claim, Claimant [REDACTED 3] submitted numerous documents including:

- Rosa Beck's birth certificate, indicating that she was born on 24 May 1867 in Vienna to [REDACTED] and [REDACTED], née [REDACTED].

- The marriage certificate of [REDACTED] and [REDACTED] (Claimant [REDACTED 3]’s maternal grandparents), dated 6 January 1892 in Vienna, indicating that [REDACTED], née [REDACTED], was born in Vienna on 5 May 1865, and that her parents were [REDACTED] and [REDACTED], née [REDACTED].
- The marriage certificate of Bela Honig and Rosa Beck, dated 19 September 1897 in Vienna, indicating that Rosa Honig, née Beck, was the daughter of [REDACTED] and [REDACTED], née [REDACTED].
- An official confirmation (*Bestätigung*) from the Jewish Community of Vienna (*Israelitische Kultusgemeinde Wien*), dated 28 April 2005, indicating that Claimant [REDACTED 3] was born in Vienna on 10 November 1923 to [REDACTED], née [REDACTED], who was the daughter of [REDACTED] and [REDACTED], née [REDACTED]. This document also indicates that Otto Honig was born to Rosa Honig, née [REDACTED], and Bela Honig in Vienna on 6 January 1899.
- Bela Honig’s death certificate, indicating that he was born on 10 April 1867 in Gige, Hungary, that he was Jewish, and that he died on 17 January 1941 in Vienna.
- Rosa Honig’s death certificate, indicating that she was born on 24 May 1867 in Vienna, that she was Jewish, and that she died in Vienna on 26 April 1941.

Claimant [REDACTED 3] indicated that she was born in Vienna on 10 November 1923. Claimant [REDACTED 3] is representing her cousin (the son of Claimant [REDACTED 3]’s mother’s sister), [REDACTED 4], who was born in 1944 in Palestine (today Israel). Claimant [REDACTED 3]’s daughter, [REDACTED], informed the CRT that Claimant [REDACTED 3] passed away 1 April 2006 in Ramat-Gan, Israel.

Information Available in the Banks’ Records

Bank 1

Bank 1’s record consists of a customer card. According to this record, the Account Owners were Bela, Rosa, Otto, and Erwin Honig, who resided in Vienna, Austria. The account card also contains an undated notation indicating that account correspondence was to be directed to Walter Mühlemann of Münsingen, Switzerland. Bank 1’s record indicates that the Account Owners jointly held five accounts:

- (1) A demand deposit account denominated in United States Dollars (“US \$”), which was opened on 31 October 1931 and closed on 10 July 1934.
- (2) A demand deposit account denominated in French Francs (“FF”), which was opened on 31 October 1931 and closed on 20 June 1935, when its contents were transferred to the demand deposit account denominated in Swiss Francs (listed below).
- (3) A demand deposit account, which was opened on 10 September 1937 and closed on 31 December 1949, when its contents were transferred to a debit account (listed below).
- (4) A debit account (*Debitor-Konto*), which was opened on an unknown date and closed on 20 June 1950, when its balance was closed to the demand deposit account denominated in Swiss Francs (listed below).

- (5) A demand deposit account denominated in Swiss Francs (“SF”), which was opened on 20 March 1927 and closed on 10 February 1951.

In addition to Bank 1’s records, Claimant [REDACTED 1] submitted various account statements and correspondence from Bank 1, dated between 24 December 1931 and 8 June 1935. These records refer to demand deposit accounts jointly owned by Bela, Rosa, Otto, and Erwin Honig, and a custody account held solely by Erwin Honig. The CRT notes that these documents do not indicate that any of these accounts were still open at the time of the *Anschluss*.

Bank 2

Bank 2’s records consist of documents prepared during the course of the 1945 freeze of assets held in Switzerland by the citizens of Germany and the territories incorporated into the Third Reich, including Austria (the “1945 Freeze”) and a protocol of the opening of a safe deposit box and the cataloging of its contents by Swiss officials, and a list of account owners whose accounts were released from the 1945 Freeze. According to these records, Account Owner Rosa Honig owned one safe deposit box, numbered 1629. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT requested the voluntary assistance of Bank 2 to obtain additional information about the Account Owners’ accounts (“Voluntary Assistance”). Bank 2 provided the CRT with a list of safe deposit boxes that were forced open in 1946.

According to these records, Account Owner *Frau* (Mrs.) Rosa Honig, whose residence is listed as “previously Zurich,” opened safe deposit box 1629 on 19 October 1931. These records indicate that box 1629 was frozen pursuant to the 1945 Freeze. The records show that on 20 March 1946, the safe was forcibly opened by Bank 2 and found to contain bank correspondence and account statements. According to a decision of the Swiss Compensation Office’s Division for Blocked German Assets (*Schweizerische Verrechnungsstelle, Abteilung für die Liquidation deutscher Vermögenswerte*), dated 12 January 1951, the safe was re-registered under the name of “Estate of Bela Honig, Austrian, Vienna” (*Nachlass Bela Honig, Oesterreicher, Wien*) and released from the Freeze on 24 July 1952.

In addition to the records from Bank 2, Claimant [REDACTED 1] submitted rent receipts for two safe deposit boxes at Bank 2. One of the receipts refers to safe 1629 held by Account Owner Rosa Honig, and shows that on 14 May 1935 a rental fee of SF 30.00 was paid for the period 19 April 1937 to 19 April 1939. The second receipt refers to a safe deposit box, numbered 1710, held by Account Owner Erwin Honig. This receipt indicates that on 14 May 1935, a rental fee of SF 30.00 was paid for box 1710 for the period 10 March 1937 to 10 March 1939. The CRT notes that the auditors who carried out the ICEP Investigation did not report safe deposit box 1710.

With regard to these two safe deposit boxes, there is no evidence in Bank 2’s records that the Account Owners or the Account Owners’ heirs closed the accounts themselves and received the proceeds.

Bank 3

Bank 3's records consist of account opening contracts, registration forms for the 1945 Freeze, correspondence between Bank 3 and the Swiss Compensation Office and the guardians of Account Owner Otto Honig's affairs, and printouts from Bank 3's database. Bank 3 provided Voluntary Assistance, consisting of account opening contracts, account cards, correspondence and forms concerning the 1945 Freeze, various death certificates and inheritance documents pertaining to the Account Owners, additional correspondence between Account Owner Otto Honig's custodians, Bank 3 and the Swiss Compensation Office, and lists of accounts.

According to these records, the Account Owners were Bela Honig and Rosa Honig, née Beck, and their sons, Otto and Erwin. These records indicate that Bela Honig was born on 10 April 1869 in Gige, Austro-Hungary, that Rosa Honig was born on 24 May 1867 in Vienna, that Otto Honig was born in 1899, and that Erwin Honig was born on 27 August 1903 in Mödling, Austria. The records show that the Account Owners, who were Jewish, resided at Theobaldgasse 8, Vienna VI, before the Second World War. According to these records, Erwin Honig never married and died without a will on 15 July 1937 in Austria, leaving his parents as his sole heirs; Otto Honig moved to Switzerland on 3 March 1938, where he resided in various locations, including Lausanne, Neuchatel, and, eventually, the canton sanatorium in Münsingen; Bela Honig died without a will on 17 January 1941, at which time he resided at Judenplatz 5 in Vienna I, and left Otto Honig as his sole heir; and Rosa Honig died intestate on 26 April 1941, at which time she resided at Hörlgasse 4 in Vienna IX, and her estate was awarded to the Jewish Community of Vienna in order to cover the costs of her burial.

Bank 3's records show that, as of 6 September 1945 or earlier, Otto Honig's affairs were managed by his legal guardian (*Vormund*), Ernst Marti, who was associated with automobile garages (*Automobilwerkstätten*) in Münsingen, and that on 2 November 1949, Walter Mühlemann, administrator (*Verwalter*) for the *Münsingen Savings and Loan Bank*, was appointed legal guardian (*Vormund*) of Otto Honig. The records show that Otto Honig died on 18 February 1951 in Münsingen, leaving two wills, both naming [REDACTED] of Münsingen as his sole heir. On 20 August 1951, Walter Mühlemann was appointed executor (*Erbschaftsverwalter*) of Otto Honig's estate. According to several decisions of the Münsingen local authority (*Einwohnergemeinde*) contained in Bank 3's records, Otto Honig's will was contested by his distant cousin, [REDACTED], née [REDACTED], of Detroit, Michigan, the United States. On 20 December 1952, following a settlement in which [REDACTED] agreed to pay SF 190,000.00 to [REDACTED], the Münsingen authority awarded all of Otto Honig's remaining assets to [REDACTED] and discharged Walter Mühlemann from his duties as executor of Account Owner Otto Honig's estate.

Bank 3's records indicate that the Account Owners opened a joint custody account and a demand deposit account, both numbered 38865, on 18 June 1931. A contract signed by Account Owner Erwin Honig indicates that as of 8 June 1935, each of the four Account Owners had individual authority over custody account 38865. These records further indicate that Account Owner Rosa Honig owned a savings account at Bank 3, which was opened on an unknown date before September 1939. Bank 3's records indicate that all three of these accounts were frozen in the 1945 Freeze, and that as of 17 February 1945, custody account 38865 contained gold bars with a

total fine weight of 88,569.59 grams, worth SF 440,190.00; demand deposit account 38865 had a balance of SF 1,283.00; and Account Owner Rosa Honig's savings account had a balance of SF 1,105.70. According to the records, during the course of the 1945 Freeze, the savings account was placed in a blocked demand deposit account, numbered 272.822.

With respect to the custody and demand deposit accounts numbered 38865, the records show that, pursuant to post-War regulations, these accounts were released from the Freeze and that, on 2 June 1951, the accounts were closed and the assets were transferred to custody account and demand deposit account numbered 48935 that were opened in the name of "the late Otto Honig" (*Otto Honig, selig*), pursuant to instructions from the executor of Otto Honig's estate. Following the Münsingen local authority's distribution of Otto Honig's estate and declaration that [REDACTED] was Otto Honig's sole heir, the accounts were registered in her name. The records show that the assets in the account were paid to [REDACTED] and the accounts closed on 10 October 1953.

Bank 3's records do not indicate that Account Owner Rosa Honig's blocked savings account was included in Account Owner Otto Honig's estate. According to Bank 3's records, on 2 November 1955, three years after the Münsingen local authority completed distribution of Account Owner Otto Honig's estate and discharged the executor of the estate, the funds from Account Owner Rosa Honig's savings account were still blocked under the 1945 Freeze. On 2 November 1955, Bank 3 sought to have the funds released from the 1945 Freeze. Bank 3's records indicate that the Swiss Compensation Office released the funds to Bank 3 on 10 November 1955. According to Bank 3's records, demand deposit account 272.822 (which was created during the 1945 Freeze to hold the funds from Account Owner Rosa Honig's savings account) was still open in September 1980.

The auditors who carried out the ICEP Investigation did not locate this in Bank 3's system of open accounts and they therefore presumed that it was closed. There is no evidence in Bank 3's records that the Account Owners, the representatives of Account Owner Otto Honig, or the heirs of the Account Owners received the proceeds of Account Owner Rosa Honig's savings account.

The CRT notes that Claimant [REDACTED 1] submitted various correspondence and account statements from Bank 3 and handwritten notes, dated between 15 February 1932 and 8 June 1935. These documents refer to demand deposit accounts owned jointly by Bela, Rosa, Otto, and Erwin Honig. There is no evidence that these accounts remained open at the time of the *Anschluss*. The documents submitted by Claimant [REDACTED 1] also refer to a custody account and demand deposit account, both held jointly by the Account Owners and both numbered 38865. According to these documents, as of 8 June 1935, this custody account contained gold bars with a total fine weight of 89.93348 kilograms and the demand deposit account had a balance of SF 13,206.00. The CRT notes that these accounts correspond to the custody and demand deposit accounts numbered 38865 that were reported by the auditors.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, 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 Bela and Rosa Honig, numbered 50357 and 50358. These records indicate that Bela and Rosa Honig, née [REDACTED], who were born on 10 April 1867 and 24 May 1867, respectively, were married and lived at Theobaldgasse 8 in Vienna VI. These records further indicate that the Honigs owned two movie theaters in Vienna, located at Mariahilferstrasse 57 in Vienna VI and Ausstellungsstrasse 147 in Vienna II. In these documents, Rosa Honig indicated that she could not place a value on the movie theaters as they had been placed under the Nazi administration. According to these records, Bela Honig reported assets totaling 659,112.00 Reichsmark (“RM”) and was assessed flight tax (*Reichsfluchtsteuer*) of RM 164,778.00 on 27 March 1939. These records make no mention of assets held in a Swiss bank account.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of 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 six claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The Claimants have identified extensive published and unpublished information about the Account Owners, including the published names of each of the Account Owners and the published city of residence of Account Owner Rosa Honig (Vienna), which is also the unpublished city of residence of the remaining Account Owners. The Claimants have further identified the Account Owners’ street addresses, their relationships to one another, the dates of their births and deaths, the names of the heir and of the legal guardian of Account Owner Otto Honig, and two of the Account Owners’ account numbers (1629 and 38865), all of which match unpublished information contained in the Banks’ records. The CRT notes that Claimant [REDACTED 1] also submitted bank records that correspond in part to the records identified by the auditors.

In support of his claim, Claimant [REDACTED 1] submitted numerous family and inheritance documents (including notifications of death for Erwin, Bela, Rosa, and Otto Honig; the wills of Otto Honig and [REDACTED]; and a decision from the Vienna district court) as well as numerous account statements, correspondence, and receipts pertaining to accounts held at the Banks. Further, Claimant [REDACTED 3] submitted the marriage and death certificates of Bela and Rosa Honig and an official letter from the Jewish Community of Vienna. Taken together, these documents provide independent verification that the persons who are claimed to be the Account Owners had the same names, dates of birth and death, familial relationships, residences, and account numbers as those pertaining to the Account Owners in the Banks’ records.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owners and/or failed to identify one or more of the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Bela Honig, Account Owner Rosa Honig, and Account Owner Otto Honig were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish, that they were Austrian nationals, and that Account Owner Bela Honig and Account Owner Rosa Honig lived in Austria after the *Anschluss*. Furthermore, according to Claimant [REDACTED 3], Account Owner Bela Honig and Account Owner Rosa Honig fled Austria after the *Anschluss* and attempted to enter Switzerland illegally, but were turned back. The CRT notes that Bela and Rosa Honig were required to register their assets pursuant to the 1938 Census.

The CRT notes that Account Owner Erwin Honig died before the *Anschluss*, and that he was therefore not a Victim of Nazi Persecution. However, his parents, who were his direct heirs, were Victims.

The Claimants' Relationships to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that he and represented party [REDACTED 2] are heirs of the Account Owners, by submitting specific information and documents that create an unbroken chain of inheritance between them and the Account Owners. These documents include the death notifications for Bela and Rosa Honig, indicating that they were survived by Otto Honig; Otto Honig's notification of death and his will, as well as a Vienna district court decision, indicating that he bequeathed his entire estate to [REDACTED]; and [REDACTED]'s will, naming Claimant [REDACTED 1] and represented party [REDACTED 2] as two of her heirs. Additional inheritance documents contained in the records of Bank 2 and Bank 3 indicate that Otto Honig was Bela Honig's sole heir and that, in the absence of known heirs at the time of her death, Rosa Honig's estate was awarded to the Jewish Community of Vienna in order to defray the costs of her funeral.

The CRT notes that [REDACTED]'s will designates other heirs in addition to Claimant [REDACTED 1] and represented party [REDACTED 2]. However, because these additional heirs have not filed claims with the CRT, nor are they represented in Claimant [REDACTED 1]'s claim, the CRT will not treat their potential entitlement to the Account Owners' accounts in this decision.

Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents indicating that she is the great-niece of Bela and Rosa Honig and the cousin of Erwin and Otto Honig. These documents include an official letter from the Jewish Community of Vienna regarding Claimant [REDACTED 3]'s parentage, the marriage certificates of Claimant [REDACTED 3]'s maternal grandparents, and the marriage certificate of Account Owners Bela and Rosa Honig, providing independent verification that

Claimant [REDACTED 3]'s maternal grandmother was the sister of Account Owner Rosa Honig.

The Issue of Who Received the Proceeds

Bank 1

The account record for Bank 1 shows five accounts held by the Account Owners. With regard to the demand deposit account denominated in United States Dollars and the demand deposit account denominated in French Francs, Bank 1's records indicate that the accounts were closed on 10 July 1934 and 20 June 1935, respectively. As these accounts were closed several years prior to the *Anschluss*, the CRT concludes that the Account Owners closed them and received the proceeds themselves.

Bank 1's record indicates that the Account Owners held three accounts that remained open after the *Anschluss*: a demand deposit account that was closed on 31 December 1949 when its proceeds were transferred to a debit account; the debit account that was closed on 20 June 1950 when its proceeds were transferred to a second demand deposit account; and this second demand deposit account, which was closed on 10 February 1951. The CRT notes that these account transfers and closures took place during the period of Walter Mühlemann's guardianship of Account Owner Otto Honig and his affairs (as detailed in Bank 3's records). Given that the account transfers indicate that the accounts were actively managed after the War, and that Bank 1's record show that Walter Mühlemann received all correspondence regarding the Account Owners' accounts, the CRT concludes that Walter Mühlemann closed the last demand deposit account on 10 February 1951 on behalf of Account Owner Otto Honig.

With respect to the demand deposit accounts referenced in documents dated between 24 December 1931 and 8 June 1935 submitted by Claimant [REDACTED 1], the CRT notes that these documents do not indicate that any of these accounts remained open after 1935, and that some of them may refer to the accounts referenced in Bank 1's records, which show that two accounts belonging to the Account Owners were closed in 1934 and 1935. Neither the documents submitted by Claimant [REDACTED 1] nor Bank 1's record provide identifying information, such as an account number, for these accounts, making it impossible to establish an exact correlation between the account records. However, the CRT notes that the latest date recorded in the documents submitted by Claimant [REDACTED 1] is 8 June 1935, and that Bank 1's record indicates that the Account Owners actively managed their accounts on 20 June 1935, when the demand deposit account in French Francs was closed. Given that these documents all pre-date a known date on which the Account Owners managed their accounts, that they all refer to dates three years prior to the *Anschluss*; and that Bank 1's records reflect accounts belonging to the Account Owners that were closed during the time period reflected in these documents, the CRT concludes that no award is appropriate based upon these records.

Bank 2

With respect to Account Owner Rosa Honig's safe deposit box, numbered 1629, Bank 2's records indicate that it was released from the Freeze at the end of July 1952 and re-registered

under the title “Estate of Bela Honig, Austrian, Vienna” (*Nachlass Bela Honig, Oesterreicher, Wien*). This indicates that Bank 2 was aware of the deaths of Account Owner Rosa Honig and Account Owner Bela Honig by the end of July 1952. The CRT notes that Otto Honig, who was Account Owner Bela Honig’s heir, died in February 1951, prior to this safe’s release from the Freeze, and that there is no indication that this safe was included in his [Otto’s] estate.

With regard to Account Owner Erwin Honig’s safe deposit box, numbered 1710, the CRT notes that the receipt submitted by Claimant [REDACTED 1] shows that in 1935 Account Owner Erwin Honig paid rent on the safe deposit box covering the period from 10 March 1937 to 10 March 1939. The CRT considers this to be sufficient evidence to demonstrate that the safe remained open until at least 10 March 1939. The CRT notes that Account Owner Erwin Honig died in July 1937, and that in January 1938, just three months before the *Anschluss*, his parents Account Owner Bela Honig and Account Owner Rosa Honig were declared to be his sole heirs. The CRT additionally notes that, according to Claimant [REDACTED 3], after the *Anschluss*, Account Owner Bela Honig and Account Owner Rosa Honig fled Austria and attempted to enter Switzerland illegally, but they were turned back.

Therefore, with regard to both safes, given with the absence of any evidence of contact between Bank 2 and Otto Honig or his guardians; that Account Owner Rosa Honig’s safe deposit box remained open after the death of Otto Honig; that Account Owner Erwin Honig’s parents, who were his sole heirs, were unable to enter Switzerland prior to their death; that there is no record of the payment of the proceeds of either safe deposit box to any of the Account Owners or their heirs; that the Account Owners’ heirs would not have been able to obtain information about this account after the Second World War from Bank 2 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 proceeds of Rosa Honig’s safe deposit box numbered 1629 and Erwin Honig’s safe deposit box numbered 1710 were not paid to the Account Owners 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.

Bank 3

With regard to the Account Owners’ joint custody and demand deposit accounts at Bank 3, Bank 3’s records indicate that Account Owner Otto Honig’s sole heir, [REDACTED], assumed ownership of these accounts following a December 1952 ruling by the Münsingen local authority, and that these accounts were closed on 10 October 1953. Therefore, the CRT concludes that [REDACTED], who was the Account Owners’ sole heir, closed these two accounts and received the proceeds.

With regard to Account Owner Rosa Honig’s savings account at Bank 3, Bank 3’s records show that it remained frozen under the 1945 Freeze until 10 November 1955, three years after the Münsingen local authority completed distribution of Account Owner Otto Honig’s estate and discharged the executor of the estate. Bank 3’s records indicate that Account Owner Rosa

Honig's savings account, which had been converted to a demand deposit account in the 1945 Freeze, was still open in September 1980. Given that there is no record of the payment of Account Owner Rosa Honig's savings account to her heirs; that the Account Owners' heirs would not have been able to obtain information about this account after the Second World War from Bank 3 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, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their heirs.

With respect to the demand deposit accounts referenced in documents dated between 15 February 1932 and 8 June 1935 submitted by Claimant [REDACTED 1], the CRT notes that the latest date recorded in the documents submitted by Claimant [REDACTED 1] is 8 June 1935, and that Bank III's record indicates that the Account Owners actively managed their accounts on that same date, 8 June 1935, when Account Owner Erwin Honig signed a contract authorizing each of the four Account Owners to act individually with regard to custody account 38865. Given that these documents all pre-date or have the same date as a known date on which the Account Owners managed their accounts, that they all refer to dates three years prior to the *Anschluss*; and that Bank III's records indicate that accounts belonging to the Account Owners were either included in the Estate of Otto Honig (which is well-documented in Bank III's records) or remained frozen pursuant to the 1945 Freeze (as did Account Owner Rosa Honig's savings account); and that none of these accounts is included either in the records involving the Estate of Otto Honig or in the records of the 1945 Freeze, the CRT concludes that these accounts were all closed prior to the *Anschluss*, and that therefore no award is appropriate based upon these records.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1] and represented party [REDACTED 2]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that he and represented party [REDACTED 2] are the heirs of the heirs of the Account Owners, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of safe deposit boxes 1629 and 1710 at Bank 2 and Account Owner Rosa Honig's savings account at Bank 3.

Further, the CRT notes that Claimant [REDACTED 1] has submitted an unbroken chain of inheritance documents that show that he and represented party [REDACTED 2] are the heirs of the Account Owners' heirs. Accordingly, they have a better entitlement to the accounts than Claimant [REDACTED 3] and represented party [REDACTED 4], who are the great-niece and great-nephew, respectively, of Account Owner Bela Honig and Account Owner Rosa Honig and the cousins of Account Owner Otto Honig and Account Owner Erwin Honig.

Amount of the Award

The award is for Account Owner Rosa Honig's safe deposit box numbered 1629 and Account Owner Erwin Honig's safe deposit box numbered 1710 at Bank 2, and Account Owner Rosa Honig's savings account at Bank 3.

With respect to the two safes at Bank 2, the CRT notes that Bank 2's records indicate that when the safe deposit box numbered 1629 was forced open in 1946, it contained only bank correspondence and account statements. The CRT considers it is implausible that an account owner would maintain a safe deposit box, and pay the required rental fees, if the safe contained nothing of value. Accordingly, the CRT determines that it cannot rely on records to determine the value of this account. Further, there is no value information for safe deposit box numbered 1710. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with these two safes, 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 a safe deposit box was SF 1,240.00. The combined value of these two safes is therefore SF 2,480.00.

With respect to Account Owner Rosa Honig's savings account, Bank 3's records indicate that it had a balance of SF 1,105.70 as of 17 February 1945. Thus, 1945 value of the three accounts at issue is SF 3,585.70. 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 44,821.25.

Division of the Award

According to Article 23(2)(b) of the Rules, if none of the named beneficiaries in an Account Owner's will has filed a claim, the CRT shall make an award to any claimant who has submitted an unbroken chain of wills or other inheritance documents, starting with the will of, or other inheritance documents pertaining to, the Account Owner. In this case, Claimant [REDACTED 1] and his brother, represented party [REDACTED 2] are named as heirs in the will of [REDACTED], who was the sole heir of Account Owner Otto Honig, who in turn was the sole heir of the other three Account Owners. Accordingly, Claimant [REDACTED 1] and represented party [REDACTED 2] are each entitled to one-half of the total award amount. As noted above, Claimant [REDACTED 3] and represented party [REDACTED 4] are not entitled to share in the award.

Certification of the Award

The CRT certifies this Award for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
16 April 2010