

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of J. Lukács

Claim Number: 788464/DE¹

Award Amount: SF 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of J. Lukács (the “Account Owner”) at the Zurich branch of the [REDACTED], which was absorbed by the [REDACTED] (the “Bank”) in 1945.

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 her father, József Lukács, who was born on 21 August 1892 in Hungary and was married to [REDACTED], who was born on 6 January 1898. The Claimant stated that her father, who was Jewish, resided at Sirkert Utca 11 in Makó, Hungary with his wife, [REDACTED], and his daughter [REDACTED] (the Claimant). According to the Claimant, her father regularly deposited money in a Swiss bank account as savings for her education. The Claimant explained that in 1944 her family was moved to a ghetto in Makó and in June of that year the family was deported to a slave labor camp. According to the Claimant, the train on which her family was deported was rerouted to Strasshof, Austria, due to air raids, and the family eventually was confined to a slave labor camp in Neudorf bei Bahnhof, near Bruck an der Leitha, Austria. The Claimant indicated that in the autumn of 1944 her family was deported to Bergen-Belsen, where her father perished on 17 April 1945. The Claimant indicated that she and her mother survived and that in April 1945 they

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG 0722 173, 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 788464.

were placed in a rehabilitation center in Germany. According to the Claimant, in July 1945 she and her mother left Germany and entered a rehabilitation center in Sweden.

The Claimant indicated that she was born on 8 February 1933.

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 any accounts belonging to Joe Lukàcs during their investigation of the Bank. The documents evidencing an account belonging to Joe Lukàcs were obtained from archival sources in Switzerland and are further described below.

Information Available in 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 Bern, Switzerland, there are documents concerning the assets of Joe Lukàcs, numbered 150. These records indicate that Joe Lukàcs held one demand deposit account, which held a balance of 279.50 Swiss Francs ("SF") on 27 February 1964. The records do not indicate the Account Owner's domicile.

The records indicate that the Bank last had contact with the account owner prior to the end of the Second World War. According to a document dated 14 December 1966, Dr. H. Häberlin of Weinfelden, Switzerland, was appointed custodian of the account on 2 December 1966.

The records do not contain information about the disposition of this account. There is no evidence in the records of the Swiss Federal Archive that Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published family name and first initial of the Account Owner. The Claimant identified the Account Owner's first name which matches unpublished information about the Account Owner contained in the Swiss Archive's records.²

² The CRT notes that "József" is the Hungarian form of the English, French, and German name "Joseph," and that "Joe" is a common short form for Joseph.

The CRT notes that the Swiss Archive records do not contain any specific information about the Account Owner other than his name.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Jozsef Lukacs, and indicates that his date of birth was 21 August 1892 and place of birth was Olaszliska, Hungary, 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 J. Lukàcs appears only once on the List of Account Owners Published in 2005 (the “2005 List”).

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by József Lukács, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”) and to the publication of the 2005 List. This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on these lists as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the lists. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the lists. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 was deported to the Makó ghetto, that he was forced to perform slave labor in Austria, and that he was deported to Bergen-Belsen, where he perished. As noted above, a person named Jozsef Lukacs 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. 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 Archive records; that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in 2005; and that the Claimant also identified information which matches information contained in the Yad Vashem records. 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

Given that the Account Owner was Jewish and that he was deported to a ghetto, a slave labor camp, and to Bergen-Belsen, where he perished; that the account was reported in the 1962 Survey, which indicates that it existed until at least that time; 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 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 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 account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Swiss Archive records indicate that the value of the demand deposit account as of 27 February 1964 was SF 279.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to a demand deposit account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 579.50. According to Article 29 of the Rules, if the amount in a demand deposit 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 balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 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 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
30 May 2008