

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Herta Monowicz

in re Accounts of Josephine Pollack

Claim Number: 004628/AH

Award Amount: 292,006.00 Swiss Francs

This Certified Award is based upon the claim of Herta Monowicz, née Glaser, (the “Claimant”) to the accounts of Josephine Pollack (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).¹

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her mother, Josefina (Jozefina or Fina) Pollack, who was born on 21 April 1889 in Brno, Czechoslovakia, and was married to Moritz Glaser, in 1918 in Vienna, Austria, and had two daughters, Liselotte and Herta (the Claimant). The Claimant indicated that until 1923 her parents resided in Vienna, where her mother worked as a language teacher, and until 1939 in Bielsko (Bielitz), Poland. The Claimant indicated that her father was a director of a large, well-known furniture company called *Thonet-Mundus* in Bielsko. The Claimant stated that in 1939, her parents, who were Jewish, were deported by the Nazis to the Krakow Ghetto, and that they and her sister perished in a concentration camp in 1942. The Claimant added that she was the only member of her family to survive the Holocaust. The Claimant submitted various documents, including her identity documents indicating her mother’s name and maiden name, handwritten letters signed by her mother, and a letter from the Yad Vashem Memorial of Israel regarding the death of her parents, sister and other relatives. The Claimant stated that she was born on 3 May 1925 in Bielsko.

The Claimant previously submitted two Initial Questionnaires with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by her father and her mother.

¹ In a previous decision, the CRT awarded the Claimant an account belonging to her father.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts that were transferred to a suspense account, a letter from the Bank dated 19 February 1953, and printouts from the Bank's database. According to these records, the Account Owner was *Mme.* (Mrs.) Josephine Pollack. The Bank's records indicate that the Account Owner held a demand deposit account and a custody account. On an unknown date, the Bank was instructed to hold all mail to the account. On 19 February 1953, the Bank wrote a letter addressed to the Account Owner, stating that since there had been no contact with her for several years, the Bank had transferred the accounts to a suspense account. The amount in the demand deposit account on that date was 2,709.00 Swiss Francs. The content of the custody account on that date was two gold bars weighing a total of 2,000.55 grams and 275.00 Pounds Sterling in gold coins with a nominal value of 1 Pound Sterling each. The Bank's records do not show when the accounts at issue were closed, or to whom they were paid. 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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her mother's maiden name matches the published name of the Account Owner, although the Bank in Lausanne appears to have used the French version of her name and not the Hungarian or German ones, and referred to her as *Madame* (Mrs.), whereas Pollack was the Claimant's mother's maiden name. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. The CRT also notes that a database containing the names of victims of Nazi persecution includes a person named Josefina Glaser, née Pollack, and indicates that her date of birth was 21 April 1889, and place of birth was Brno, 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 further notes that it previously awarded the Claimant an account which belonged to her father, the Account Owner's husband, based on the Claimant's identification of unpublished information about her father.² The Claimant's ability to provide unpublished information regarding her father, the Account Owner's husband, supports the Claimant's identification of the Account Owner. In support of her claim, the Claimant submitted various documents, including her identity documents indicating her mother's name and maiden name, handwritten letters signed by her mother, and a Yad Vashem letter regarding the death of her parents, sister, and other relatives.

² See In re Account of Maurice Glauser (approved on May 14, 2002).

In addition, 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 the claimed account owner, Josefine Pollak, 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”). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List 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 ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT finally notes that there are no other claims to these accounts.

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 and perished in a concentration camp in 1942. As noted above, a person named Josefine Glaser, née Pollack, 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 documents, including her birth certificate, demonstrating that Josefine Pollack was her mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the Account Owner's death in a Nazi concentration camp in 1942; given that in 1953 the Bank wrote a letter addressed to the Account Owner, stating that since there had been no contact with her for several years, the Bank had transferred the accounts to a suspense account; and given the application of Presumptions (h), (i) and (j) contained 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 her 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 mother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. The Bank's records indicate that the value of the demand deposit account as of 19 February 1953 was 2,709.00 Swiss Francs. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 135.00 Swiss Francs, which reflects standardized bank fees charged to the demand deposit account between 1945 and 19 February 1953. Consequently, the adjusted balance of the account at issue is 2,844.00 Swiss Francs.

The content of the custody account on that same date was two gold bars weighing a total of 2,000.55 grams and 275.00 Pounds Sterling in gold coins with a nominal value of one Pound Sterling each. On 31 December 1944, the value of a one kilogram gold bar was 4,970.00 Swiss Francs, and the value of a one Pound Sterling gold coin was 38.45 Swiss Francs, which is the value applied by the Tax Office of the Canton of Zurich to one Pound Sterling gold coin as of December 1944. Consequently, the CRT has determined that for the purpose of this award, the 1945 value of the 275 gold coins and 2,000.55 gram gold bar in the account at issue is 20,516.48 Swiss Francs (10,573.75 Swiss Francs and 9,942.73 Swiss Francs, respectively).

The total value for the two accounts is 23,360.48 Swiss Francs. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 292,006.00 Swiss Francs.

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
September 30, 2003