

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Arthur Pollak

Claim Number: 203493/ES

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Arthur Pollak (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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandfather, Arthur Pollak, who was born on 11 October 1883 in Vienna, Austria, and was married to [REDACTED] on 11 October 1919 in Vienna. The Claimant stated that his grandfather, who was Jewish, owned a film production company that had branches all over Europe: *Continental Film* in Vienna; *Cosmopolitan* in Berlin, Germany; *Films Viennois* in Brussels, Belgium and Vienna, and at least one more branch whose name is unknown to the Claimant. The Claimant further stated that in 1939, his grandfather fled from Vienna to Brussels, via Switzerland. The Claimant indicated that his grandfather had a business associate in Zurich, *Dipl. Ing.* (Engineer) Lazar Wechsler. The Claimant stated that his grandfather was deported to a concentration camp in June 1940, where he was interned until September 1944. The Claimant further stated that after the liberation of the concentration camp and the end of the Second World War, his grandfather returned to Vienna where he died on 18 July 1952. The Claimant stated that he is his grandfather’s only surviving heir. In support of his claim, the Claimant submitted documents including a copy of his grandfather’s birth certificate, identifying him as Arthur Pollak and indicating that he was Jewish; a copy of his grandfather’s divorce papers, indicating that he had two sons, including [REDACTED], the Claimant’s father; a signed excerpt from a letter his grandfather sent on 20 June 1946, stating that his assets were confiscated by a German bank and by the Viennese Chamber of Commerce. The Claimant

stated that he was born on 8 October 1956 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Arthur Pollak who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account. The Bank's record does not indicate any account activity after 21 March 1940. The Bank's record does not indicate the exact date of the account's closure, to whom the account was paid, or the value of this account. There is no evidence in the Bank's record that the 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 grandfather's name matches the published name of the Account Owner. The Claimant identified his grandfather's city of residence, Vienna, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted documents, including a copy of his grandfather's birth certificate, identifying him as Arthur Pollak and indicating he was Jewish; a copy of his grandfather's divorce papers, indicating that he had two sons, one called [REDACTED], who is the Claimant's father; and a signed excerpt from a letter his grandfather sent on 20 June 1946, stating that his assets were confiscated by a German bank and by the Viennese Chamber of Commerce. The CRT notes that the name Arthur Pollak appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT further notes that the other claims to this account were disconfirmed because the other claims provided different countries of residence than the country of residence of the Account Owner. 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, and that he was deported to a concentration camp in June 1940 where he was interned until September 1944.

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 and documentation, including his grandfather's birth certificate

and divorce papers, demonstrating that he is the Account Owner's grandson. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner was Jewish and lived in Austria; that the annexation of Austria into the Nazi regime (the *Anschluss*) occurred in March 1938; that the Account Owner's account was closed in 1940; that Nazi confiscatory legislation was in effect at the time the account was closed¹; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that the Account Owner was interned in a concentration camp between 1940 and 1944; that the Account Owner wrote a letter after the War stating that his assets had been confiscated by a German bank; that there is no record of the 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 accounts 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 his grandfather, 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

In this case, that Account Owner held one demand deposit account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of

¹ As described in the expanded version of Appendix A (see II. A. 2), which appears on the CRT II website -- www.crt-ii.org.

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 26,750.00 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 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
31 December 2003