

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Samuel Pollak

Claim Number: 731842/LV¹

Award Amount: 107,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished accounts of Samuel Pollak (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 (“IQ”) identifying the Account Owner as his paternal uncle, who was Jewish and was born in 1862 in Szeged, Hungary. The Claimant indicated that his uncle resided in Szeged at Dozsa György utca. The Claimant stated that his uncle had a fabric store and that he frequently traveled to other European countries on business. The Claimant explained that his uncle attempted to flee to Switzerland but was refused entry. The Claimant stated that his uncle was forced to live in the Jewish ghetto in Szeged and was later deported to Mauthausen. The Claimant stated that his uncle passed away in 1952 in Szeged. The Claimant stated that he was born on 22 November 1944.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HUN 0109 184, 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 731842.

Information Available in the Bank's Records

The Bank's records consist of two customer cards. According to these records, the Account Owner was Samuel Pollak, who resided in Szeged, Hungary, and who was in the hemp export business. The Bank's records indicate that the Account Owner held four demand deposit accounts, two of which were held in United States Dollars. The Bank's records indicate that one of the demand deposit accounts held in United States Dollars was transferred to the other account held in United States Dollars on 31 July 1940, and that the account to which it had been transferred was closed on 31 December 1940. The Bank's records indicate that the remaining two demand deposit accounts were closed in June 1941 and November 1947. The Bank's records do not indicate the value of these accounts. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner. The Claimant indicated that his uncle owned a fabric store, which is consistent with unpublished information in the Bank's records indicating that the Account Owner was in the hemp export business.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city and country of residence than the city and 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 the Account Owner tried to flee to Switzerland but was refused entry. The Claimant also stated that the Account Owner was forced to live in a Jewish ghetto in Szeged and that he was later deported to Mauthausen.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's uncle. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records, and that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant. 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 this information supports the plausibility that the Claimant is related to the Account Owner, as he

has asserted in his IQ. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that one of the demand deposit accounts in United States Dollars was transferred to the other demand deposit account that was held in United States Dollars on 31 July 1940, and that this other account was closed on 31 December 1940. The Bank's records further indicate that the Account Owner's remaining two demand deposit accounts were closed in June 1941 and November 1947.

Given that the Account Owner was refused entry into Switzerland; that he was forced to live in a ghetto before being deported to Mauthausen; that the Account Owner resided behind the Iron Curtain after the Second World War; that there is no record of the payment of the Account Owner's accounts to him; 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), (i) 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 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 accounts.

Amount of the Award

In this case, the Account Owner held four demand deposit accounts of unknown value. 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 ("SF"). Thus, the total 1945 average value of the accounts at issue is SF 8,560.00. 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 107,000.00.

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
30 December 2004