

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Karl Freund

Claim Number: 601298/AE^{1, 2}

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Karoly (Karl) Freund.³ This Denial is to the published account of Karl Freund (the “Account Owner”) at the [REDACTED] (the “Bank”).⁴

All denials 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 to the Holocaust Claims Processing Office (“HCPO”), asserting that his paternal grandfather, Karoly (Karl) Freund, owned a Swiss bank account. The Claimant indicated that his grandfather, who was Jewish, resided in Novi Beksi, Törökbecse, Hungary (later Novi Becej, Yugoslavia; now Novi Becej, Serbia and Montenegro). The Claimant indicated that his father, [REDACTED], formerly [REDACTED], was born on 8 January 1895 in Novi Beksi. The Claimant further indicated that during the Second World War, his father was forced to live in the ghetto in Budapest, Hungary, and that he was subsequently transported to the

¹ The Claimant submitted a claim, numbered B-02171, on 22 February 2000, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601298. The Claimant previously submitted an Initial Questionnaire with the Court in 1999. The CRT is treating the Initial Questionnaire and the HCPO claim under the consolidated Claim Number 601298.

² According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (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 two claims of the Claimant in one proceeding.

³ In his claim, the Claimant also claimed the accounts of Zoltan Foty and Zoltan Strasser. In a separate decision, the CRT treated these claims. The CRT did not locate an account belonging to Karoly Freund in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

⁴ The CRT notes that, 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”), Karl Freund is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of three accounts.

labor camp in Ciszka Puszta, Hungary. In addition, the Claimant indicated that his father also lived in hiding for part of the Second World War. The Claimant indicated that he was born on 17 February 1928 in Budapest.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an HCPO claim form, asserting his entitlement to a Swiss bank account owned by his father.

The Claimant submitted documents in support of his application, including his parents' marriage certificate, indicating that [REDACTED] married [REDACTED] on 14 May 1927, that their last name was changed from [REDACTED] to [REDACTED] on 29 March 1934, that they converted to Catholicism on 29 December 1938, that they lived in Budapest, and that [REDACTED], mother was [REDACTED]; correspondence between his maternal grandmother, [REDACTED], his mother, [REDACTED], and the Bank, indicating that they contacted the Bank in the 1957 and 1962; and a certificate issued in Budapest, indicating that [REDACTED] was an architect, and that he resided in Budapest in 1928.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Karoly (Karl) Freund. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported one account whose owner's name matches that provided by the Claimant. As noted above, the CRT has determined that the Bank's records indicate that there were actually three such accounts. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Accounts 1008794, 6000634, 6000635

The Bank's records indicate that the Account Owner was Karl Freund, who resided in Yugoslavia. The Bank's records also indicate the Account Owner's city of residence. The Bank's records show that the Account Owner held one of the accounts jointly with another individual who appears to be related to the Account Owner. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owner

As for Accounts 1008794, 6000634, 6000635, the CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his grandfather is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant indicated that his grandfather resided in Novi Beksi, Hungary. In contrast, the Bank's records indicate that the Account Owner resided in a city in Yugoslavia, which was not identified by the Claimant, and to which the Claimant did not establish any connection. The CRT notes that although Novi Beksi was a part of Yugoslavia for some time, the Account Owner's city of residence was located approximately 400 kilometers from Novi Beksi. In addition, the Claimant failed to identify the individual who held one of the accounts jointly with the Account Owner, even though this person appears to be related to the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's grandfather are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: c/o Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20037, the United States.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimant should be aware that the CRT will carry out further research on his claims to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Certification of the Denial

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

Claims Resolution Tribunal
31 October 2005