

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Arpad Hütter

Claim Numbers: 400436/OW; 712099/OW¹

This Certified Denial is based upon the claims of [REDACTED] (the “Claimant”) to the published account of Arpad Hütter (the “Account Owner”), over which Rudolf Guttman (the “Power of Attorney Holder”), held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

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 Form and an Initial Questionnaire (“IQ”) identifying the Account Owner as his father, Arpad Hütter, who was born on 6 April 1890 in Visznek Poszta, Gyöngyös, Hungary, and was married to [REDACTED], née [REDACTED], on 11 May 1935 in Subotica, Yugoslavia (today Serbia-Montenegro). According to the Claimant, his father, who was Jewish, resided in Subotica from 1914 to 1944, and managed the textile factory *Fako*. The Claimant stated that his father was previously married to [REDACTED], who died in 1931. The Claimant indicated that in 1944, his father was imprisoned in the Strasshoff concentration camp near Vienna, Austria. The Claimant further stated that after the Second World War, his father returned to Subotica, and that he subsequently emigrated to Israel in June 1949. The Claimant indicated that his father passed away in Israel on 25 August 1954.

In support of his claim, the Claimant submitted copies of documents, including: (1) his father’s birth certificate, issued on 12 February 1947 in Subotica, indicating that Arpad Hütter was born on 6 April 1890 to [REDACTED] and [REDACTED], née [REDACTED]; (2) his father’s military identity card, indicating that Arpad Hütter was Jewish, and that he resided in Subotica;

¹ In addition to his Claim Form, the Claimant submitted an Initial Questionnaire (“IQ”), numbered HEB-0027015, 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 712099.

(3) his father's marriage certificate, indicating that Arpad Hütter was born on 6 April 1890, and that he resided in Subotica; (4) his father's death certificate, indicating that Arpad Hütter was born in 1890, that he was Jewish, and that he passed away on 25 August 1954 in Gedera, Israel; (5) his father's certificate of inheritance, issued in Tel Aviv, Israel, indicating that the heirs of Arpad Hütter were [REDACTED] and [REDACTED]; (6) his mother's decree of inheritance, issued 19 June 1978 in the Tel Aviv district court in Israel, indicating that [REDACTED] died on 15 December 1977, and that her heir was [REDACTED]; and (7) his marriage certificate, indicating that Arpad Hütter and [REDACTED] were [REDACTED]'s parents.

In addition, the Claimant submitted documents relating to an account held by Arpad Hütter at the Bank. Specifically, the Claimant submitted a receipt from the Bank, dated 11 August 1949, addressed to *Direktor* Arpad Hütter in Tel Aviv. This receipt indicates that according to instructions received from Arpad Hütter on 31 July 1949, the Bank converted 172.06 Pounds Sterling ("£") contained in Arpad Hütter's demand deposit account into 620.37 United States Dollars ("US \$"). This receipt further indicates that this amount was held for the benefit of Arpad Hütter in a temporary booking account ("*Konto-divers*"). Furthermore, the Claimant submitted a letter from Arpad Hütter to the Bank, dated 27 June 1954. In this letter, Arpad Hütter indicated that he had previously owned a demand deposit account containing Swiss Francs at the Bank, and requested an account statement from 1939 for this account.

The Claimant indicated that he was born on 12 May 1936 in Budapest, Hungary.

Information Available in the Bank's Records

The Bank's record submitted by 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") consists of a printout from the Bank's database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). On 7 June 2006, the Bank provided the CRT with additional documents. These documents include a power of attorney form, dated 21 June 1938, and indicate that the Account Owner was Arpad Hütter, who resided in Subotica, Yugoslavia, and that the Power of Attorney Holder was Rudolf Guttman, who resided in Novi Sad, Yugoslavia. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. The Bank's records further indicate that the account was closed on 15 August 1949. The Bank's records do not indicate the balance of the account.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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.

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city and country of residence, which matches unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted documents, including his father's birth certificate and military identity card, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the Claimant filed an IQ with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Arpad Hütter, prior to publication of the List of Account Owners Published in 2005 (the "2005 List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the 2005 List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the 2005 List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the 2005 List. 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 and that he was imprisoned in the Strasshoff concentration camp from 1944 to 1945.

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 and documents, demonstrating that the Account Owner was the Claimant's father. These documents include a copy of the Claimant's marriage certificate, indicating that Arpad Hütter was [REDACTED]'s father. 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 the account was closed on 15 August 1949. According to information submitted by the Claimant, the Account Owner contacted the Bank on 31 July 1949, and instructed the Bank to convert the Pound Sterling held in his account into United States Dollars. Furthermore, the Claimant submitted a letter from the Account Owner to the Bank, dated 27 June 1954, referring to an account the Account Owner had owned at the Bank. Given that these documents indicate that the Account Owner had control over his account in July 1949

and that the account was closed shortly thereafter, the CRT concludes that the Account Owner closed the account and received the proceeds himself.

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: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant should send appeals in writing to the above address and should include all reasons for 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claims 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 Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
17 November 2006