

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

**in re Accounts of Herman König
and
Account of Hermann König
and
Account of H. von König¹**

Claim Numbers: 218098/SJ/AH; 218353/SJ/AH^{2,3}

This Certified Denial is based upon the claims of [REDACTED 1] (the “Claimant”) to accounts of Herman König (Köhing), Alzbeta (Elza) Königová, née Weisova, Bernard König and Mozhe Weisovi.⁴ The CRT did not locate an account belonging to Alzbeta (Elza) Königová, née Weisova, Bernard König or Mozhe Weisovi 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 Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published accounts of Herman König (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the unpublished account of Hermann König (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the unpublished account of H. von König (“Account Owner 3”) at the [REDACTED] (“Bank 3”).

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 owners, and the banks have been redacted.

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

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 The Claimant submitted four Initial Questionnaires with the Court in 1999 and two Claim Forms to the CRT. The CRT is treating the Initial Questionnaires under the consolidated Claim Numbers 218098 and 218353, respectively.

⁴ In one of his Initial Questionnaires, the Claimant also claimed the account of Jozef König. The CRT will treat the claim to this account in a separate decision.

Information provided by the Claimant

The Claimant submitted a Claim Form asserting that his paternal grandfather, Herman König (Köning), owned a Swiss bank account. The Claimant stated that his grandfather was born on 15 November 1881 in Pezinok, Slovakia, was married to [REDACTED], née [REDACTED], and resided in Pezinok. The Claimant further indicated that his grandfather also resided in Budapest, Hungary, and Vienna, Austria, and was a wealthy crop trader. According to the Claimant, his grandfather, who was Jewish, was deported to a concentration camp in 1942, where he perished. The Claimant indicated that he was born on 15 August 1956 in Bratislava, Slovakia.

The Claimant previously submitted four Initial Questionnaires with the Court in 1999, asserting his entitlement to a Swiss bank accounts owned by Herman König (Köhing), Alzbeta (Elza) Königová, née Weisova, Bernard König, Jozef König and Mozhe Weisovi.

The Claimant submitted documents in support of his application, including his birth certificate, which indicates that his grandfather was Herman König, who was born in Pezinok.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Herman König (Köning). The auditors who carried out the ICEP Investigation reported twenty accounts whose owners' names match or are substantially similar to that provided by the Claimant. 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 1008942 to 1008959

Bank 1's records indicate that Account Owner 1 was Herman König, who resided in Italy. Bank 1's records also indicate Account Owner 1's city of residence, a second country of residence, and his cities of residence in this second country, as well as his title. In addition, Bank 1's records indicate the name of an individual who jointly held the accounts at issue, as well as the country of residence and cities of residence of this person, who appears to be closely related to Account Owner 1. Furthermore, Bank 1's records indicate the dates of closing of nine of the accounts at issue.

Account 5019271

Bank 2's records indicate that Account Owner 2 was Hermann König. Bank 2's records indicate Account Owner 2's country of residence, city of residence and his title. In addition, Bank 2's records indicate the name of an individual who jointly held the account at issue, as well as the country of residence and city of residence of this person, who appears to be closely related to Account Owner 2.

Account 5030421

Bank 3's records indicate that Account Owner 3 was H. von König. Bank 3's records also indicate Account Owner 3's city of residence, country of residence, and lists the names of the Power of Attorney Holders, who appear to be related to Account Owner 3. Furthermore, Bank 3's records indicate the date on which the power of attorney form was signed. Finally, Bank 3's records contain the Account Owner's and the Power of Attorney Holders' signatures.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for Accounts 1008942 to 1008959, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his grandfather matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his grandfather, a crop trader, resided in Slovakia, Hungary and Austria until his deportation in 1942. In contrast, Bank 1's records show that Account Owner 1 resided in Italy and in another country to which the Claimant established no connection, and held a title which was not identified by the Claimant. Furthermore, the Claimant did not identify the individual who jointly held the accounts at issue, despite the fact that this person appears to be closely related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Account 5019271, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his grandfather is substantially similar to the unpublished name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his grandfather, a crop trader, resided in Slovakia, Hungary and Austria until his deportation in 1942. In contrast, Bank 2's records show that Account Owner 2 resided in another country to which the Claimant established no connection, and held a title which was not identified by the Claimant. Furthermore, the Claimant did not identify the individual who jointly held the account at issue, despite the fact that this person appears to be closely related to Account Owner 2. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person.

As for Account 50304521, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his grandfather is substantially similar to the unpublished name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that his grandfather resided in Slovakia, Hungary and

Austria until his deportation in 1942. In contrast, Bank 3's records show that Account Owner 3 resided in a different country, to which the Claimant established no connection. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holders as his relatives, although they appear to be closely related to Account Owner 3. The Claimant also did not identify the title "von." Consequently, the CRT is unable to conclude that Account Owner 3 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: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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 claim 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.

Claims Resolution Tribunal
19 November 2004