

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]

and Claimant [REDACTED 2]

in re Account of Josef Parkus (Power of Attorney Holder Fanny Parkus)

Claim Numbers: 217737/MG; 217738/MG; 754380/MG¹

This Certified Denial is based on the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Josef and Fanny Pincas (Parkus). The CRT did not locate an account belonging to Josef or Fanny Pincas 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 account of Josef Parkus (the “Account Owner”), over which Fanny Parkus (“the Power of Attorney Holder”) held power of attorney, at 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 Claimants

The Claimants each submitted a Claim Form asserting that their father, Joseph Pincas, who was born on 24 March 1883 in Vidin, Bulgaria, owned a Swiss bank account, and that their mother, Fanny Pincas, née Salti, who was born on 31 December 1898 in Constantinople, Turkey, was a power of attorney holder of a Swiss bank account. The Claimants stated that their parents were married on 11 November 1919 in Lucerne, Switzerland. The Claimants further stated that their father, who was Jewish, was a merchant, and that he resided in Vidin until 1919 and later at Zirkusgasse 14 and Müllerngasse 4 in Vienna, Austria. The Claimants stated that between 1919 and 1953 their father lived in Lucerne, (from 1919 until 1929), in Varna, Bulgaria (from 1929 until 1941) and in Tehran, Iran (from 1941 until 1953). According to the Claimants, their father

¹ 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 three claims of the Claimants in one proceeding.

lived in Haifa, Israel, from 1953 until his death on 31 July 1970. The Claimants also stated that their mother died on 7 January 1990 in Holon, Israel. According to the Claimants, the published last name of the Account Owner and the published last name of the Power of Attorney Holder are misspelled due to illegible handwriting and should actually read “Pincas.” Claimant [REDACTED 1] stated that she was born on 31 August 1920 in Marseille, France. Claimant [REDACTED 2] stated that he was born on 29 November 1921 in Vienna.

The Claimants previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting their entitlement to a Swiss bank account owned by Joseph and Fanny Pincas.

The Claimants submitted documents in support of their application, including: (1) their parents’ birth certificates; (2) their parents’ death certificates; and (3) their parents’ marriage certificates.

Information Available in the Bank’s Records

The CRT notes that the Claimants submitted a claim to an account belonging to their relatives, Joseph and Fanny Pincas (Parkus). The auditors who carried out the ICEP Investigation reported one account whose owner’s and power of attorney holder’s names match to those provided by the Claimants. The account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 5024029

The Bank’s records indicate that the Account Owner was Josef Parkus, who resided in Vienna, Austria, and that the Power of Attorney Holder was Fanny Parkus. The Bank’s records also indicate the Account Owner’s street address and profession, his relationship to the Power of Attorney Holder, and the Power of Attorney Holder’s address. Furthermore, the Bank’s records indicate the date on which the power of attorney was granted. Finally, the Bank’s records contain the Account Owner’s and the Power of Attorney Holder’s 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 Owner

The CRT concludes that the Claimants have not identified the Account Owner or the Power of Attorney Holder as their relatives. Although the Claimants argue that the last name of their parents’ was misspelled as “Parkus,” and that their names match the published names of the Account Owner and the Power of Attorney Holder, the information provided by the Claimants differs materially from the unpublished information about the Account Owner and the Power of

Attorney Holder available in the Bank's records. Specifically, the Claimants stated that their parents' last name was Pincas, and that due to illegible handwriting it was misspelled, which resulted in a mispublication of their last name as Parkus. In contrast, the Bank's records contain printed family names of the Account Owner and the Power of Attorney Holder as well as legible signatures of both, indicating Parkus as their family name. Moreover, the Claimants stated that their father's addresses in Vienna were at Zirkusgasse 14 and Müllerngasse 4. In contrast, the Bank's records show that the Account Owner resided at a different street address. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' father or the Power of Attorney Holder and the Claimants' mother are the same persons.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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 Claimants 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 Claimants should be aware that the CRT will carry out further research on their 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
31 March 2005