

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Karl Perschak

Claim Number: 217535/HS

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Karl Perschak (the “Account Owner”) at the Lausanne 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 identifying the Account Owner as his father, Karl Perschak, who was born on 24 November 1896 in Brno (Brünn), Czechoslovakia,¹ and was married to [REDACTED] on 12 February 1923 in Brno. The Claimant stated that his father was the director of a textile factory in Brno and that he regularly traveled to Zurich on business from 1919 to 1940. The Claimant further stated that his father, who was Jewish, emigrated from Brno to Zagreb, Yugoslavia, in 1940 and remained there until 1942, at which time he fled to Milan, Italy. According to the Claimant, after fleeing to Milan, his father entered Switzerland illegally and was interned in camps there until the end of the Second World War. The Claimant added that in 1942 his father’s parents were deported from Brno to Theresienstadt and later to Auschwitz, where they were murdered. The Claimant stated that his father remained in Switzerland after the Second World War, that he resided at Giessen 6 in Wädenswil, Switzerland, and that he obtained Swiss citizenship in 1953. The Claimant further stated that his father died in Männedorf, Switzerland, on 16 March 1969, and that his mother died in Wädenswil on 22 April 1988.

The Claimant submitted numerous documents including: a letter, dated 31 March 1940, from *Vereinigte Schafwollwarenfabriken A.G. (United Wool Merchandise Factories)* in Brünn, indicating his father’s name, that he was born in Brünn, that his father worked for the firm from 1919 to 1940, and that he left his post as General Director there “because of the changed political

¹ The CRT notes that the city of Brno (in what is now the Czech Republic) is referred to in German as “Brünn.”

conditions” (*auf Grund der geänderten politischen Verhältnisse*); the Claimant’s own marriage certificate, dated 1951, which indicates his name, that he was born in Brünn and that he is the son of Karl Perschak; his parents’ Swiss naturalization certificate, dated 1953, indicating their names and that they were born in Brünn; a document from the District Office for Expelled People (*Bezirksvertriebenenamt*) in Cologne, Germany, dated 1957, indicating the Claimant’s name and certifying, for the purpose of compensation for victims of Nazi persecution, that the Claimant himself had been expelled from his residence; the Claimant’s own Swiss passport, indicating his name; an extract from his father’s will, dated 1967, indicating his name, stating that his wife shall have the use of his property during her lifetime, and containing a sample of his signature; his parents’ death certificates, each indicating their own names and each other’s names and their dates of death; and an inheritance document pertaining to the Claimant’s father, dated 1971 in Zurich, indicating the Claimant’s name and his father’s name, and stating that the Claimant inherited all of his property, subject to the Claimant’s mother’s right to its use during her lifetime.

The Claimant indicated that he was born on 15 July 1926 and that he is an only child.

Information Available in the Bank’s Records

The Bank’s records consist of a customer card, lists of opened and closed accounts, and several documents, dated 1947, from the Swiss Clearing Office (*Verrechnungsstelle*), including a form, a list of accounts, and an internal memo. According to these records, the Account Owner was Karl Perschak, a Czech national, who resided in Brünn, Czechoslovakia, and at Giessen 6 in Wädenswil, Switzerland.

The Bank’s records indicate that the Account Owner held an account, the type of which is not recorded, which was opened on 30 August 1938 and was transferred to the Bank’s Lausanne branch on 25 October 1939.

The Bank’s records indicate that the Account Owner held an account with the Lausanne branch of the Bank, and that those assets in the account were frozen under the 16 February 1945 freeze of assets held in Switzerland by nationals of Germany and the territories incorporated into the Third Reich (the “1945 Freeze”). These records also indicate that the account was unfrozen in October 1947, following a determination by the Swiss Clearing Office that the Account Owner was a citizen of Czechoslovakia and not Germany. Documents from the Swiss Clearing Office also indicate that the account was denominated in United States Dollars, that it had a balance of 1,977.85 United States Dollars, or 8,504.75 Swiss Francs, on 31 October 1947, and that the funds were held at the Bank’s New York branch. The Bank’s records further indicate that the account was closed on 19 June 1948. The documents from the Swiss Clearing Office, including an internal memo, dated 4 August 1947, and a form, dated 31 October 1947, indicate that the Account Owner resided at Giessen 6 in Wädenswil. Additionally, the account card for this account, which records the date that the account was unfrozen, indicates that the Account Owner was in Switzerland (“*en Suisse*”).

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city of residence match the published name and city of residence of the Account Owner. Additionally, the Claimant indicated his father's nationality and his street address in Switzerland, which matches unpublished information contained in the Bank's records. In support of his claim, the Claimant submitted documents including: a letter from his father's former employer, the Claimant's own marriage certificate, his parents' Swiss naturalization certificate, an extract from his father's will, his parents' death certificates, and an inheritance document pertaining to his father. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same cities recorded in the Bank's records as the residences of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Karl Perschak, and indicates that his date of birth was 24 November 1896, and that he resided in Czechoslovakia, which matches the information about the Account Owner provided by the Claimant. Furthermore, the victim database indicates that Karl Perschak, who was Roman Catholic and/or Jewish, entered Switzerland as a refugee on 13 January 1943, which is consistent with the information provided by the Claimant. The database is a compilation of names from various sources, including the Swiss Federal Archives and the Yad Vashem Memorial of Israel. Finally, the CRT notes that there are no other claims to this account.

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 in 1940, after the Nazi occupation of Czechoslovakia, he emigrated to Zagreb, where he remained until 1942, at which time he fled to Milan. The Claimant indicated that the Account Owner eventually took refuge in Switzerland, where he was interned in camps until the end of the Second World War. The Claimant added that in 1942 the Account Owner's parents were deported from Brno to Theresienstadt and later to Auschwitz, where they were murdered. Moreover, the Claimant submitted a letter from the Account Owner's former employer in Brünn, dated 31 March 1940, stating that he left his post as General Director there "because of the changed political conditions." As noted above, a person named Karl Perschak was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting detailed biographical information and documents, including the Claimant's own marriage certificate and an inheritance document, showing that he is the son and heir of the Account Owner.

The Issue of Who Received the Proceeds

In this case, the Account Owner's account was closed on 19 June 1948. The CRT notes that documents in the Bank's records bearing the dates 4 August 1947 and 31 October 1947 indicate the Account Owner's street address in Wädenswil, and that the account card for this account indicates that the Account Owner was in Switzerland. Based on these records, the CRT concludes that the Account Owner had contact with the Bank following the end of the Second World War and that he had free access to the account on the date of its closure. Therefore, the CRT determines that the Account Owner himself closed the account and received the proceeds.

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. 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 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 Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
18 August 2004