

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Edith Deutsch
represented by Rony Kertesz

in re Account of Adolf Dénes and Elisabeth Dénes-Deutsch

Claim Numbers: 300412/MO, 300413/MO, 300431/MO, 300432/MO

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of Edith Deutsch, née Brichta, (the “Claimant”) to the account of Adolf Dénes and Elisabeth Dénes-Deutsch (the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted four Claim Forms identifying the Account Owners as her sister-in-law, Elisabeth Dénes, née Deutsch, and her brother-in-law, Adolf Dénes. The Claimant indicated that her sister-in-law was born in 1896 in Oradea, Romania, and was married to Adolf Dénes, who was born in 1893. The Claimant identified Adolf Dénes as a banker and the manager of the English-Hungarian Bank in Oradea, where he resided with his spouse. The Claimant further stated that her sister-in-law was the daughter of Ignats Deutsch and Ottilia Deutsch, née Fassel, and that she had one daughter: Eva Dénes, who was born in 1926. According to the Claimant, Elisabeth and Adolf Dénes and their daughter, who were Jewish, were deported in June 1944 to Auschwitz and were killed there.

The Claimant stated that she was born on 4 August 1906 in Carei-Mare, Romania, and that she is the widow of Josef Deutsch, who was the only sibling of Elisabeth Dénes to survive the Holocaust. The Claimant further stated that Elisabeth and Adolf Dénes told her late husband of their Swiss bank account, and that during the 1960s, he made efforts to gain access to the account. She stated that her late husband provided evidence to Swiss banks or to Swiss authorities that Elisabeth and Adolf Dénes perished in the Holocaust and that he was their only relative to survive the Holocaust, but the Bank denied him access to the account. The Claimant further stated that her husband died on 18 July 1975 and that his dossier, containing the relevant documentation about his attempt to retrieve the account, was lost.

In support of her claim, the Claimant submitted a copy of her late husband's passport, indicating that he traveled to Switzerland during the 1960s, as well as copies of his death certificate and her marriage certificate.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Elisabeth and Adolf Dénes.

Information Available in the Bank Records

The bank records consist of printouts from the Bank's database, account cards, a registration form lists of dormant accounts, extracts from a suspense account ledger, related correspondence and documentation prepared in connection with the Swiss Federal Decree of 1962 concerning assets of missing foreigners or stateless persons persecuted on the basis of race, religion or politics. According to these records, the Account Owners were Adolf Dénes and Elisabeth Dénes, née Deutsch, who resided in Oradea, Romania, at Bd. Regele Ferdinand 26, and used the fictive name "W. Aden" and the password "Silos." The bank records indicate that the Account Owner held a demand deposit account, numbered 705047, which was opened in 1938. The bank records also indicate that the balance of the account on 1 September 1963 was 225.50 Swiss Francs and that the account was transferred to a suspense account in 1965 and was closed to fees in 1966. The bank records show that the last contact with the Account Owners was before the end of the Second World War.

Furthermore, according to the bank records, the account at issue was reported by the Bank to the registration office for assets of missing foreigners at the Swiss Federal Justice Department on 27 February 1964 under the Federal Decree of 1962, and on 1 November 1965 it was reported by the Justice Department to the Cantonal Guardianship Authority (*Vormundschaftsbehörde*) of Zurich. It is further indicated that two claims to this account were submitted to the Justice Department, one of which was filed on 6 August 1965 by a relative of the Account Owners, Josef Deutsch, who resided at Mandelstamm 18, Tel-Aviv, Israel. The bank records indicate that on 27 August 1965 Josef Deutsch was instructed by the Justice Department to withhold any evidence and documentation until he was expressly requested to hand it in. The correspondence from August to November 1968 between the Bank, the Justice Department, the Cantonal Guardianship Authority and Dr. H. Häberlin, Director of the *Thurgauischen Kantonalbank*, who was appointed by the Cantonal Guardianship Authority in December 1966 as a general counsel (*Generalbeistand*) in this matter, indicates that Josef Deutsch was never requested to present his evidence, and that in 1966, the Bank closed the account at issue to fees. On 15 November 1968 Josef Deutsch was informed of the closure of the account and on 19 November 1968 Dr. H. Häberlin wrote to the Bank and to the Justice Department that he considered the matter finalized.

The CRT's Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (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 four claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owners. Her relatives' names match the published names of the Account Owners. The Claimant identified her brother-in-law's and sister-in-law's city of residence, which matches published information about the Account Owners contained in the bank records. The Claimant also indicated that her late husband, Josef Deutsch, made efforts to gain access to the account during the 1960s, which matches unpublished information contained in the bank records. In support of her claim, the Claimant submitted documents, including a copy of her late husband's passport, showing that he traveled to Switzerland during the 1960s.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and perished in the Holocaust.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named Elisabeth Dénes, née Deutsch, and Adolf Dénes, and indicates that they resided in Oradea, Romania, which matches the information about the Account Owners provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting documents, including her late husband's passport, which demonstrate that her late husband was the brother of Account Owner Elisabeth Dénes.

The Issue of Who Received the Proceeds

The bank records indicate the account was closed to fees.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were her brother-in-law and

sister-in-law, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the demand deposit account as of 1 September 1963 was 225.50 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 1,235.00 Swiss Francs, which reflects numbered account fees and standardized bank fees charged to the demand deposit account between 1945 and 1 September 1963. Consequently, the adjusted balance of the account at issue is 1,460.50 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Initial Payment

In this case, the Claimant is age 75 or older and is therefore entitled to receive 100% of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she 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 Award

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

Claims Resolution Tribunal

November 26, 2002