

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Shalom Sandor Dothan

## **in re Account of David Deutsch**

Claim Number: 004876/MG

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Shalom Dothan (the “Claimant”) to the account of David Deutsch (the “Account Owner”) 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 a Claim Form identifying the Account Owner as his father, David Deutsch, who was born on 1 August 1884 in Hungary, and was married to Olga Miriam Deutsch, née Biringer, in 1919 in Hungary. The Claimant stated that his father, who was Jewish, resided in Kapuvar, Hungary, and worked as a private lawyer. The Claimant further stated that in 1944 the Nazis deported his father to Auschwitz, where he was killed. The Claimant submitted various documents, including his own birth certificate, which indicates his father’s and mother’s names, and a letter, dated 30 November 1951, from the Israeli Home Ministry indicating that his name was changed from Deutsch to Dothan. The Claimant also submitted a letter, which was sent to him from *Bank Hamizrachi* in Tel-Aviv, dated 12 January 1939, indicating that the Bank in Zurich transferred approximately 428.00 Sterling Pounds for an account, which was opened in Tel-Aviv by the Claimant’s father, David Deutsch, for the benefit of the Claimant and his father. The Claimant indicated that he was born on 26 September 1920 in Kapuvar.

### **Information Available in the Bank’s Record**

The Bank’s record consists of a printout from the Bank’s database. According to this record, the Account Owner was David Deutsch, who resided in Kapuvar, Hungary, and the Power of Attorney Holder was Olga Deutsch. 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”) indicated that the Power of Attorney Holder resided in Kapuvar. The Bank’s record indicates that the Account Owner held an account of unknown type. According to this record, the account was opened in 1930.

The Bank's record does not show when the account at issue was closed, or to whom it was paid, nor does this record indicate the value of this account. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's and mother's names match the published names of the Account Owner and the Power of Attorney Holder. The Claimant identified his father's city of residence, which matches published information about the Account Owner contained in the Bank's record. The Claimant submitted a letter addressed to the Claimant from *Bank Hamizrahi* in Tel-Aviv, dated 12 January 1939, identifying the Bank and the location of its branch, which match unpublished information contained in the Bank's record. In support of his claim, the Claimant submitted documents, including his own birth certificate, which indicates that he was born in Kapuvar, Hungary, and that his parents were David and Olga Deutsch, and a letter, dated 30 November 1951, from the Israeli Home Ministry indicating that his name was changed from Deutsch to Dothan.

### 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 killed in Auschwitz.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting his own birth certificate and marriage certificate indicating that his father was David Deutsch from Kapuvar, Hungary. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

In this case, there is evidence of a transfer of 428.00 Sterling Pounds from a Zurich account to an account opened in Palestine for the benefit of the Claimant on 12 January 1939, but no evidence that this transfer represented the entire value of the account. Moreover, the Nazis invaded Hungary in 1944, at which time the Nazis sent the Account Owner to Auschwitz where he was killed, and there is also no evidence that the account at issue was closed by the Account Owner nor is there evidence of any activity in the account after 1945. Given the imposition of Swiss visa requirements on 20 January

1939, the fact the Account Owner perished in 1944, and the fact that the Account Owner's heirs would have been unable to obtain information about the account after the Second World War from the Swiss bank due to banks' concerns regarding double liability, and given the application of Presumptions (h), (i) and (j), as provided in Article 28 of the Rules governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

### 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 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 Swiss Francs.

### **Scope of the Award**

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 Award**

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

Claims Resolution Tribunal  
8 April 2004