

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Richard Deutsch

Claim Number: 501268/CC/IS

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the published account of Richard Deutsch (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards 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 her father, Richard Deutsch, who was born on 21 September 1892 in Prague, Czechoslovakia (now Czech Republic) and was married to [REDACTED], née [REDACTED]. The Claimant stated that her father, who resided in Prague at Na Babe 1980, was a railway engineer and worked for the Ministry of Railways of Czechoslovakia. In a telephone conversation on 29 March 2005, the Claimant stated that her father held a doctor title. The Claimant indicated that her parents, who were Jewish, had two children: [REDACTED], who was born on 21 March 1927 in Prague, and the Claimant, who was born on 22 February 1932, also in Prague. The Claimant further stated that she and her brother were sent to London, England on a *Kindertransport* in April 1939. The Claimant indicated that her parents wanted to escape to England to reunite with their children, but they were not permitted to leave the country. The Claimant stated that her father was deported to Theresienstadt and from there to Auschwitz, where he perished in 1944. According to the Claimant, her maternal uncle, [REDACTED], who left Prague for England before 1939, told her after the Second World War about the existence of her father’s Swiss bank account. In support of her claim, the Claimant submitted a copy of her husband’s death certificate, which states that her maiden name was [REDACTED] and that she was married in London.

Information Available in the Bank's Record

The Bank's record consists of an account opening card. According to this record, the Account Owner was Dr. Richard Deutsch, who resided in Prague, Czechoslovakia, and London, the United Kingdom. The Bank's record indicates that the Account Owner held a demand deposit account, which was closed on 30 June 1939. The Bank's record does not indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his 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. Her father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified her father's city of residence, Prague, and his title, which match unpublished information about the Account Owner contained in the Bank's record. The Claimant further identified London as the city where she and her brother were sent in April 1939 on a *Kindertransport* and where her parents planned to reunite with the family, which is consistent with unpublished information about the Account Owner's other city of residence contained in the Bank's record.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Richard Deutsch, and indicates that his date of birth was 21 September 1892 and that he was deported from Prague to Theresienstadt, and from there to Auschwitz, where he perished in 1944, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the other claim to this account was disconfirmed because that claimant provided different cities of residence than the cities of residence of the Account Owner and failed to identify the Account Owner's title.

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 deported to Theresienstadt and later to Auschwitz, where he perished in 1944. As noted above, a person named Richard Deutsch was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's father. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record and information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of her husband's death certificate, indicating

that her maiden name was [REDACTED], which provides independent verification that the Claimant has the same family name as the Account Owner. The CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to the Account Owner, as she asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that the account was closed after the Nazi occupation of Bohemia, Czechoslovakia; that the Account Owner perished in 1944; that there is no record of the payment of the Account Owner's account to him; that the heirs of the Account Owner would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (a), (h) 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 or his 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 her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). 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 SF 26,750.00.

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 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
13 May 2005