

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of Josef Büchler

Claim Numbers: 215293/CH; 752520/CH; 222736/CH

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Josef Büchler (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in the case of each of the Claimants, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as either her paternal grandfather or her father. Claimant [REDACTED 1] stated that her paternal grandfather, József Büchler, was born on 25 September 1903 in Jászfelsőszentgyörgy, Hungary, and was married to [REDACTED] in 1931. Claimant [REDACTED 1] stated that her father, József Büchler, was born on 12 May 1931 in Jászberény, Hungary, and was married to [REDACTED]. Claimant [REDACTED 1] stated that her grandfather, József Büchler, was a merchant. Claimant [REDACTED 1] indicated that her grandfather lived in Jászfelsőszentgyörgy until 1931, in Jászberény from 1931 to 1937, at Horthy Miklós 5 in Budapest, Hungary, from 1937 to 1940, and at Bajnok 30 in Jászberény from 1940 until he was sent to perform hard labor, from which he never returned. Claimant [REDACTED 1] stated that her father, who was also named József Büchler, was the only child of her grandfather, who was Jewish. Claimant [REDACTED 1] stated that her paternal grandmother, [REDACTED], died on 17 July 1980 and that her own father died on 2 December 1990 in Budapest. Claimant [REDACTED 1] submitted numerous documents, including her grandfather’s birth and death certificates and his identity record issued in 1939, which indicated the name József Büchler and

his address in Budapest in 1939. Claimant [REDACTED 1] also submitted her great-grandmother's and grandmother's death certificates, her father's birth and death certificates, and identity records indicating that her father's name was József Büchler and that he had an address in Budapest, and her own identity card indicating that her father was József Büchler. Claimant [REDACTED 1] stated that she was born on 4 March 1956 in Jászberény.

Claimant [REDACTED 1] previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by [REDACTED], her great-grandfather, and mentioning her grandfather and her father, who both had the name József Büchler, and her family's residence in Budapest.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her great-grandfather's brother's son, József Büchler, who was born on 15 February 1886 in Borsodnádásd, Hungary. Claimant [REDACTED 2] indicated that József Büchler, who was Jewish, was not married and had no children. Claimant [REDACTED 2] stated that her relative was a politician in the Hungarian Social Democratic Party. Claimant [REDACTED 2] stated that, as a result of this position, her relative was exiled for some period of time between World War I and World War II. Claimant [REDACTED 2] indicated that her relative had connections with other persons associated with the international labor movement and visited them while in exile. Claimant [REDACTED 2] stated that her relative lived in Budapest during the 1930s in order to further his political career. Claimant [REDACTED 2] indicated that she presumed her relative was moved to the Budapest Ghetto during Nazi occupation. Claimant [REDACTED 2] stated that her relative became the President of the Hungarian National Bank after World War II, but was then imprisoned upon the imposition by the Communist Party of the one-party system. Claimant [REDACTED 2] indicated that József Büchler died on 27 December 1958 in Budapest. In support of her claim, Claimant [REDACTED 2] submitted her identity card, which indicates that she resides in Budapest and that her maiden name is Büchler, and a short biography of József Büchler, indicating that he was born in 1886, that he was in the printing business and became a prominent politician in the Hungarian Social Democratic Party, that he resided in Budapest for some time, and indicating that he spent two years in political exile starting in 1920. Claimant [REDACTED 2] stated that she was born on 13 February 1949 in Budapest.

Information Available in the Bank's Records

The Bank's records consist of registers of numbered accounts. According to these records, the Account Owner was Josef Büchler who resided in Budapest, Hungary. The Bank's records indicate that the Account Owner held an account, numbered 66461, the type of which is not indicated. According to the Bank's records, the account was opened on 22 September 1938 and closed in June 1948. 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") determined that the account was closed to the Bank's profit and loss account. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) 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.

Identification of the Account Owner

Claimant [REDACTED 1]'s grandfather's and father's names and city and country of residence match the published name and city and country of residence of the Account Owner.¹ In support of her claim, Claimant [REDACTED 1] submitted documents, including her grandfather's birth and death certificates and his identity record issued in 1939, which indicates the name József Büchler and her grandfather's address in Budapest in 1939. In addition, Claimant [REDACTED 1] submitted her father's birth and death certificates, identity records indicating that her father's name was József Büchler and had an address in Budapest, and her identity card indicating that her father was József Büchler. These documents provide independent verification that the persons who are claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Jozsef Buchler, and indicates that he was married and that his place of residence was Budapest, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the name Josef Büchler appears only once on the February 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution.

The CRT notes that Claimant [REDACTED 1] filed an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by [REDACTED], her great-grandfather, mentioning her grandfather, József Büchler, and her father, József Büchler, and indicating their residence in Budapest, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 1] has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1].

¹ The CRT notes that each Claimant has identified her relative as József Büchler, whereas the published accounts were to Josef Büchler. However, the common Hungarian spelling for Josef is József.

Claimant [REDACTED 2]'s great-grandfather's brother's son's name and city and country of residence match the published name and city and country of residence of the Account Owner. In support of her claim, Claimant [REDACTED 2] submitted documents, including a biography of her relative, indicating that her relative's name was József Büchler and that he resided in Budapest, providing independent verification that the person who is claimed to be the Account Owner had the same name as the Account Owner and resided in the same city recorded in the Bank's records as the residence of the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all the information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determination as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] each have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish and that he was sent to perform hard labor and never returned. In addition, Claimant [REDACTED 1] stated that her father was Jewish and resided in Nazi-occupied Hungary. As noted above, a person named Jozsef Buchler was included in the CRT's database of victims.

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish and that he was probably confined in the Budapest Ghetto during the Nazi occupation of Hungary.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s grandfather or father. These documents include her grandfather's birth and death certificates and his identity record issued in 1939, her father's birth and death certificates, identity records indicating that her father's name was József Büchler and that his father's name was József Büchler, and her identity card indicating that her father was József Büchler.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s great-grandfather's brother's son. The CRT notes that Claimant [REDACTED 2] submitted a copy of her identity card, indicating that her maiden name is Büchler and that she resides in Budapest, providing independent verification that she bears the same family name and resides in the same city as the Account Owner, which supports the plausibility that she is related to the Account Owner, as she has asserted in her Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed in June 1948. The auditors who carried out the ICEP Investigation determined that the account was closed to the Bank's profit and loss account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was either her grandfather or father, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her great-grandfather's brother's son, and those relationships justify an Award. Third, the CRT has determined 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 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 ("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 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the Account Owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated Claimants have established a plausible relationship to a person with the same name as the Account Owner, the Award may provide for a pro rata share of the full amount in the Account to each Claimant or group of Claimants who would be otherwise entitled under these Rules. In this case, each of the Claimants has established a plausible relationship to the Account Owner. Accordingly, each of the Claimants is entitled to receive one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to

which they 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
31 August 2004