

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Suzanne Kohl

in re Account of Salamon Fuchs

Claim Number: 600018/PI¹

Award Amount: 206,521.14 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Salamon Fuchs (the “Account Owner”) at the London 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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her father, Salamon Fuchs, who was born on 15 January 1894 in Bustyahaza, presently in the Ukraine, and was married to [REDACTED], née [REDACTED], on 23 May 1923 in Senta, Yugoslavia. According to the Claimant, her father, who was Jewish, owned a thriving feather export business in Senta before the Second World War. The Claimant explained that in 1939, because of growing concerns about the coming war, her father instructed his representative in the United Kingdom to deposit the proceeds from the most recent shipment of feathers into the London branch of the Bank, instead of remitting the funds to Yugoslavia. The Claimant further explained that since holding assets outside of Yugoslavia was considered a criminal act punishable by death, her father instructed his representative to use a false address, thus preventing the assets from being traced to him. The Claimant indicated that in her last conversation with

¹ The Claimant submitted a claim, numbered B-02248, on 8 August 2000, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600018.

her father, he assured her that he had put aside numerous assets for her, and that whatever would happen to him, she would be financially secure. The Claimant stated that her father was deported to Auschwitz in 1944, where he perished.

In support of her claim, the Claimant submitted numerous documents, including a copy of her marriage license indicating that her father was Salamon Fuks (Fuchs); a copy of her birth certificate; a copy of Salamon Fuchs' identity card, indicating that he was a feather exporter, and; a copy of a legal document issued by the Senta District Court, dated 7 April 1947, declaring that Salamon Fuchs, whose last known address was in Senta, was deported to Auschwitz and killed.

The Claimant also submitted a letter from the London branch of the Bank, dated 1 March 1939, confirming the opening of a numbered account for Salamon Fuchs of Oradea-Mare, Romania, and given the number 4381 V.R. This letter does not, however, indicate the type of account Salamon Fuchs held.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Salamon Fuchs.

The Claimant indicated that she was born on 19 September 1926 in Senta, and that she was her parents' only child.

Information Provided by the HCPO

The HCPO provided the CRT with additional documents, including copies from the Bank's statement submitted to the Office of Enemy Property under the Trading With The Enemy Act of 1939, dated 29 May 1941. According to this document, Salamon Fuchs of Oradea-Mare owned an account, numbered 4381 V.R. The document further indicates that the balance of the account as of 29 May 1941 was 1,298.45 Pounds Sterling. The HCPO also submitted a letter from the British Enemy Property Claims Assessment Panel (the "EPCAP"), dated 18 March 2002, indicating that an award of 30,227.92 Pounds Sterling (the 1941 amount multiplied by a factor of 23.28) was paid to the Claimant as an adjusted compensation amount for her father's account at the Bank. Furthermore, the CRT received from the HCPO a second letter from the EPCAP, dated 29 August 2003, indicating an adjustment whereby the Claimant received additional compensation for the same account in the amount of 1,633.97 Pounds Sterling.

Information Available in the Bank's Record

The account of Salamon Fuchs was not reported by the auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation").

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as her father. As explained above, no bank files for the account of Salamon Fuchs were found during the ICEP Investigation. Relying upon the documents submitted by the Claimant and the documents provided by the HCPO, however, the CRT has determined that the Claimant's father held a Swiss bank account. In support of her claim, the Claimant submitted numerous documents, including a copy of her marriage license showing that her father was Salamon Fuks (Fuchs), a copy of her birth certificate, and a copy of Salamon Fuchs' identity card.

The CRT notes that the account was opened in the name of Salamon Fuchs from Oradea-Mare, although according to the Claimant and according to the documents she submitted, her father resided in Senta, Yugoslavia and owned a business there. The Claimant explained that her father knew that his assets would be seized, and that in order to assure his only daughter's future, he asked his representative in London to deposit the proceeds in the Bank. The Claimant further explained that since holding assets outside of Yugoslavia was considered a criminal act punishable by death, the Claimant's father used a false address to prevent the assets from being traced to him.

The CRT further notes that a database containing the names of victims of Nazi persecution includes a person named Salamon Fuchs, and indicates that his date of birth was 1 January 1894 and that his place of birth was Bustina (Bustyahaza). The database further indicates that Salamon Fuchs' last known address was Senta, and that he was murdered in Auschwitz. The information contained in the database substantially 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. Although the database contains a slight discrepancy in the listed date of birth, the CRT notes that, given the unpublished information the Claimant provided about the Account Owner, such difference is insignificant.

Finally, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 1944 he was deported to Auschwitz where he was murdered. As noted above, a person named Salamon Fuchs 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 and documents demonstrating that the Account Owner was the Claimant's father. These documents include a copy of the Claimant's marriage license listing her father's name, as well as a copy of the Claimant's birth certificate. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner was deported to Auschwitz where he perished; given that there is no record of the payment of the Account Owner's accounts to him or his heirs; given that the account was registered by the Bank with the Office of Enemy Property; given that the British authorities paid compensation to the Claimant for her father's account; given that the Account Owner's heirs 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 (e), (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 account of unknown type. According to the documents provided by the HCPO, the balance in the account as of 29 May 1941 was 1,298.45 Pounds Sterling, which was the equivalent of 22,151.56 Swiss Francs.² The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of 276,894.50 Swiss Francs.

The CRT notes that the Claimant received a settlement from the EPCAP for her father's

² In converting the amounts into Swiss Francs, the CRT uses official exchange rates.

account in the London branch of the Bank, and that the settlement was composed of two payments, a first payment of 30,227.92 Pounds Sterling which was made in April 2002, and a second adjustment payment of 1,633.97 Pounds Sterling which was made in August 2003. Therefore, the total settlement amount received by the Claimant was 31,861.89 Pounds Sterling, equivalent to 70,373.36 Swiss Francs. The Claimant is entitled, however, to the difference between the current value of the account and the total settlement amount she received. As the CRT has determined that the current value of this account is 276,894.50 Swiss Francs, the Claimant will be awarded herein a total amount of 206,521.14 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 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
28 May 2004