

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to the Estate of Claimant [REDACTED 2]¹
represented by Robert Preisz

to Claimant [REDACTED 3]

and to Claimant [REDACTED 4]

in re Account of Sam. Glück

Claim Numbers: 003780/WI; 201702/WI; 219793/WI; 715439/WI; 773552/WI^{2,3}

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Baruch Bernard Glück,⁴ the claims of [REDACTED 2] (formerly [REDACTED]) (“Claimant [REDACTED 2]”) to the account of Samuel Glück, the claim of [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”) to the account of Hermine Glück,⁵ and the claim of [REDACTED 4], née [REDACTED] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the account of Shmuel Glick. This Award is to the account of Sam.

¹ The CRT was informed that [REDACTED 2] (“Claimant [REDACTED 2]”) passed away on 10 March 2006. The CRT also received copies of Claimant [Redacted 2]’ death certificate and last will and testament, appointing his wife, [REDACTED], sole executor and trustee of his will.

² [Redacted 4] (“Claimant [Redacted 4]”) and Claimant [REDACTED 2]] did not submit a CRT Claim Form. However, in 1999 they submitted Initial Questionnaires (“IQs”), numbered I-Q-HEB-0121-063 and ENG-0125-173, respectively, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 715439 and 773552, respectively.

³ The CRT notes that [REDACTED 3]] (“Claimant [REDACTED 3]”), Claimant [REDACTED 2], and Claimant [REDACTED 4] previously received a decision regarding their claims to the account of Samuel Glück, Samuel Glück, and Shumel (Samuel) Glick (Gluck), respectively, in which they were informed that no accounts belonging to these persons were included in the Account History Database prepared by the ICEP auditors. That determination was based on the full name of the Claimants’ relatives. The account addressed in the current decision is identified in the Account History Database only by the Account Owner’s first name abbreviation and last name.

⁴ The CRT will treat the claim to the account of Baruch Bernard Glück in a separate determination.

⁵ The CRT did not locate an account belonging to Hermine Glück in the Account History Database prepared by the ICEP auditors.

Glück (the “Account Owner”), published in 2005 as “S. Glück,” 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his maternal grandfather, Samuel Glück, who was married to [REDACTED]. In a telephone conversation with the CRT, Claimant [REDACTED 1] stated that his grandfather was born approximately in 1860 in Hungary and that he resided in Hodasz, Hungary, prior to the Second World War. Claimant [REDACTED 1] further stated that his grandfather, who was Jewish, owned a factory located in Hodasz. According to Claimant [REDACTED 1], all three daughters of his grandfather, including Claimant [REDACTED 1]’s mother, [REDACTED], were deported and perished in Auschwitz. Finally, Claimant [REDACTED 1] stated that his grandfather was persecuted by the Nazis during the War and that he perished in 1942 in Hodasz.

Claimant [REDACTED 1] submitted copies of: (1) his mother’s marriage certificate, indicating that [REDACTED] was married to [REDACTED] on 23 March 1919 and that her parents were Samuel Glück and [REDACTED]; (2) his father’s Hungarian citizenship certificate, dated 1939, indicating that [REDACTED] was born on 12 December 1891 in Rohod, Hungary; (3) his father’s birth certificate, indicating that [REDACTED] was born on 12 December 1891 in Rohod and that his parents were [REDACTED] and [REDACTED]; and (4) his own identification card, indicating that [REDACTED 1] was born on 25 April in Hungary and that his parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 1] previously submitted an IQ to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Baruch Bernard Gluck.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form and an Initial Questionnaire (“IQ”) identifying the Account Owner as his father, Samuel Gluck, who was born in 1880 in Hungary, and was married to [REDACTED] in 1918. Claimant [REDACTED 2] indicated that his father, who was Jewish, resided in Kisvarda, Hungary, prior to the Second World War. Claimant [REDACTED 2] stated that his father, who was a successful businessman, owned a clothing factory and a retail store located at Szent Laszlo 220 Street in Kisvarda, and that he often traveled for business throughout Europe, including Switzerland. Claimant [REDACTED 2] explained that during the War his father was deported to the concentration camp Ebensee, where he perished in 1944. Finally, Claimant [REDACTED 2] indicated that he had two siblings, who are no longer alive, and that he is the only surviving heir of his father.

Claimant [REDACTED 2] indicated that he was born on 12 January 1922 in Kisvarda.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her paternal grandfather, Dr. Samuel Glück, who was born on 6 April 1888, and was married to [REDACTED] in Graz, Austria. Claimant [REDACTED 3] stated that her grandparents, who were Jewish, resided in Budapest, Hungary, and Transylvania, Romania, prior to the Second World War, and that they owned a book store. Finally, Claimant [REDACTED 3] indicated that her grandparents perished in 1942 in Transylvania.

Claimant [REDACTED 3] previously submitted an IQ to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Dr. Samuel Glück.

Claimant [REDACTED 3] indicated that she was born on 29 June 1924 in Galatz, Romania.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an IQ identifying the Account Owner as her father, Shmuel (Samuel) Glick (Gluck). Claimant [REDACTED 4] indicated that her father, who was Jewish, resided in Ermihalyfalu, Romania, prior to the Second World War. Claimant [REDACTED 4] stated that her father told her that he deposited her family's assets, including gold and diamonds, in Switzerland. Claimant [REDACTED 4] explained that her father was deported to a concentration camp in Transylvania in 1940 and subsequently to several other concentration camps, including Bergen-Belsen, Mauthausen, and Auschwitz, where he perished in 1944.

Claimant [REDACTED 4] indicated that she was born in 1926.

Information Available in the Bank's Records

The CRT notes that 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") did not report an account belonging to S. Glück during their investigation of the Bank. The documents evidencing an account belonging to S. Glück were obtained from the Swiss Federal Archive and are further described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey"). In the records of the Swiss Federal Archive in Bern,

Switzerland, there are documents concerning the registration of assets belonging to Sam. Glück, numbered 83.

These records indicate that the Account Owner was Sam. Glück. These records The Bank's records do not indicate the Account Owner's domicile. The Swiss Federal Archive's records further indicate that the last contact between the bank and the Account Owner occurred prior to 9 May 1945, that he was likely persecuted for religious or political reasons during the Second World War, and that he was probably Jewish.

According to these records, the Account Owner held a demand deposit account, which contained a balance of 1,209.00 Swiss Francs ("SF") as of 1 September 1963. According to a document, dated 1 October 1965, the Registration Office for Assets of Missing Foreigners (the "Registration Office") ("*Meldestelle für Vermögen verschwundener Ausländer*") requested that the Guardianship Authorities of the city of Zurich ("*Vormundschaftsbehörde der Stadt Zürich*") entrust the assets to a custodian, as prescribed by the 1962 Federal decree. The records indicate that such a custodian was appointed in 1966. The records from the Swiss Federal Archive do not refer to the ultimate disposition of the assets. There is no evidence in the Swiss Federal Archive records that the Account Owner or his heirs closed the account and received the proceeds themselves.

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 five claims of the Claimants in one proceeding.

Identification of the Account Owner

The surname and the first name initial of Claimant [REDACTED 1]'s grandfather, Claimant [REDACTED 2]'s father, Claimant [REDACTED 3]'s grandfather and Claimant [REDACTED 4]'s father match the published first initial and last name of the Account Owner.⁶ The Claimants identified the Account's Owner first name, which matches the unpublished abbreviation of the Account Owner's first name contained in the records of the Swiss Federal Archive. The CRT notes that the records of the Swiss Federal Archive do not contain any specific information about the Account Owner other than the abbreviated form of his first name and his last name.

⁶ The CRT notes that the Swiss Federal Archive's records indicate that the Account Owner's name was Glück, whereas Claimant [REDACTED 2] and Claimant [REDACTED 4] each indicated that their relative's name was Gluck. However, given that the umlaut is often dropped from names when they are anglicized, the CRT considers it plausible that the original spelling of these Claimants' relatives surname was "Glück" and that this discrepancy does not affect their identification of the Account Owner.

In support of his claim, Claimant [REDACTED 1] submitted documents, including his mother's marriage certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Swiss Federal Archive's records as the abbreviated first name and last name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 2] in 2005, which indicates that Samuel Gluck was born in 1890 in Vasaros Nameny, Hungary; that he was a tailor, that he resided in Kisvarda prior to the Second World War; and that he perished in Ebensee concentration camp in 1944, which match the information about the Account Owner provided by Claimant [REDACTED 2]. The CRT further notes that this database also includes a page of testimony submitted by Claimant [REDACTED 4] in 1955, which indicates that Shmuel (Samuel) Gluck was born in 1900 in Czechoslovakia; that prior to the Second World War he lived in Ermihalyfalu, Romania and that he perished in Auschwitz, which match the information about the Account Owner provided by Claimant [REDACTED 4]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Sam. Glück appears only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that the Claimants each filed IQs with the Court in 1999, asserting their entitlements to a Swiss bank account owned by Claimant [REDACTED 1]'s father, [REDACTED]; Claimant [REDACTED 2]'s father, Samuel Gluck; Claimant [REDACTED 3]'s grandfather, Dr. Samuel Gluck; and Claimant [REDACTED 4]'s father, Samuel Gluck, prior to the publication of the 2005 List. This indicates that the Claimants has based their present claims not simply on the fact that an individual identified on the 2005 List as owning a Swiss bank account bears the same name as their relatives, but rather on a direct family relationship that was known to them before the publication of the 2005 List. It also indicates that the Claimants had reason to believe that their relatives owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimants.

The CRT notes that Claimant [REDACTED 1]'s grandfather, Claimant [REDACTED 2]'s father, Claimant [REDACTED 3]'s grandfather, and Claimant [REDACTED 4]'s father are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Swiss Federal Archive's records; that there is no additional information in the Swiss Federal Archive's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claim to this account was disconfirmed because that Claimant provided inconsistent age with the title of the Account Owner, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3] and Claimant [REDACTED 4] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that he

resided in Nazi-allied Hungary, and that he was persecuted by the Nazis. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that he resided in Nazi-allied Hungary, and that he was deported to a concentration camp, where he perished in 1944. Claimant [REDACTED 3] stated that the Account Owner was Jewish, that he resided in Nazi-allied Romania, and that he perished in the Holocaust. Claimant [REDACTED 4] stated that the Account Owner was Jewish, that he resided in Nazi-allied Romania, that he was deported to several concentration camps, and that he perished in Auschwitz in 1944.

As noted above, persons named Samuel Gluck were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s maternal grandfather. These documents include copies of Claimant's [REDACTED 1]'s mother's marriage certificate, indicating that [REDACTED]'s father was Samuel Glück; and Claimant [REDACTED 1]'s own identification card, indicating that [REDACTED 1]'s mother was [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

Additionally, Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s father. The CRT further notes that Claimant [REDACTED 2] identified unpublished information about the Account Owner as contained in the Swiss Federal Archive's records; and that Claimant [REDACTED 2] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 2], prior to the publication of the 2005 List. The CRT also notes that Claimant [REDACTED 2] submitted a page of testimony about his father to the Yad Vashem Memorial in 2005. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 3] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 3]'s paternal grandfather. The CRT further notes that Claimant [REDACTED 3] identified unpublished information about the Account Owner as contained in the Swiss Federal Archive's records and that Claimant [REDACTED 3] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 3], prior to the publication of the 2005 List. Finally, 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 Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] 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.

Finally, Claimant [REDACTED 4] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 4]'s father. The CRT further notes that Claimant [REDACTED 4]

identified unpublished information about the Account Owner as contained in the Swiss Federal Archive's records; and that Claimant [REDACTED 4] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 4], prior to the publication of the 2005 List. The CRT also notes that Claimant [REDACTED 4] submitted a page of testimony about her father to the Yad Vashem Memorial in 1955. 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 was reported in the 1962 Survey, indicating that the account existed at least until that time; that the relatives of all the Claimants perished during the Holocaust; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; 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 (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 Claimants. First, the claims are 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 his maternal grandfather; Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his father; Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her paternal grandfather; and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was her father, and those relationships justify 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. The Swiss Federal Archive records indicate that the value of the account as of 1 September 1963 was SF 1,209.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 1,494.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 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.

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 will 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 Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4] are each entitled to one-fourth 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
30 May 2008