

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of André Gluckstahl

Claim Number: 207632/WI

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Ludwig Glucksthal.¹ This Award is to the unpublished account of André Gluckstahl (the “Account Owner”), over which Alex Ronai (the “Power of Attorney Holder”) held power of attorney, at the Geneva branch of the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 Account Owner as her father, Andrew Glucksthal. In telephone conversations with the CRT on 12 and 15 June 2007, the Claimant stated that her father, who was Jewish, was born on 1 September 1895 in Budapest, Hungary, and was married to [REDACTED], née [REDACTED]. The Claimant stated that her family resided in Budapest and that, prior to the Second World War, her father was a lawyer. According to the Claimant, in 1944, after the Hungarian alliance with Nazi Germany, her father was deported to a concentration camp, where he was interned until being liberated by the Soviet troops in January 1945. The Claimant further stated that her father’s cousin, [REDACTED], owned a textile factory in Budapest, and that he was deported in the summer of 1944 to Auschwitz, where he perished. The Claimant explained that in 1950 her parents left Hungary and emigrated to Canada, where her father passed away in February 1989. The Claimant did not indicate whether her father has other surviving relatives.

¹ The CRT did not locate an account belonging to Ludwig Glucksthal in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

The Claimant previously submitted an Initial Questionnaire to the Court, asserting her entitlement to a Swiss bank account owned by Ludwig Glucksthal.²

The Claimant indicated that she was born on 16 December 1933 in Budapest.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a list of numbered accounts. According to these records, the Account Owner was *M.* (Mr.) André Gluckstahl and the Power of Attorney Holder was Dr. Alex Ronai. The Bank's records do not indicate the domicile of either the Account Owner or the Power of Attorney Holder. In addition, these records identify *M.* Nadai, who resided at Albisriedenstrasse 37 in Zurich, Switzerland as the Account Owner's contact person, and Dr. Bloch, who resided at Bahnhofstrasse 40 in Zurich, as the Power of Attorney Holder's contact person. The Bank's records indicate that the Account Owner held a numbered demand deposit account, held under the number B.C. 15.253, which was opened on 31 October 1931. According to the records, the Bank was instructed to hold correspondence as of 29 May 1933. The Bank's records indicate that the account was suspended, and that the last known balance of the account, as of 31 December 1943, was 103.93 Swiss Francs ("SF"). Finally, the Bank's records indicate that the account was closed on an unknown date prior to 16 May 1950. The records do not indicate to whom the account was closed.

There is no evidence in the Bank's records 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's father's name substantially matches the unpublished name of the Account Owner.³

The CRT notes that the Claimant did not identify the Power of Attorney Holder. However, the CRT notes that the Claimant was a child during the Second World War and that there is no indication in the Bank's records that the Account Owner and the Power of Attorney Holder were related. Therefore the CRT determines that it is plausible that the Claimant would not know the names of all of her father's acquaintances and business associates, and that the Claimant's failure to identify the Power of Attorney Holder does not adversely affect the plausibility of her identification of the Account Owner.

² As noted above, the CRT did not locate an account belonging to Ludwig Glucksthal in the Account History Database.

³ The CRT notes that André and Andrew are variations of the same name, and that the Claimant indicated that her father's surname was spelled Glucksthal, not Gluckstahl as indicated in the database containing the names of victims of Nazi persecution. The CRT determines, however, that these minor discrepancies do not materially affect the plausibility of the Claimant's identification of the Account Owner.

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, that he lived in Nazi-allied Hungary, that he was deported by Nazis to a concentration camp, where he remained until he was liberated by Soviet troops, and that his cousin perished in Auschwitz.

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 further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant 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

Given that the Account Owner lived in Nazi-allied Hungary; that he was deported to a concentration camp in 1944; that there is no record of the payment of the Account Owner's account to him or to the Power of Attorney Holder, nor any record of an exact date of closure of the account; that the Account Owner resided in Communist Hungary until an unspecified date in 1950, that the Account Owner, the Power of Attorney Holder and their 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, 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 Owner, the Power of Attorney Holder 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 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 demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 31 December 1943 was SF 103.95. According to Article 29 of the Rules, if the amount in a demand deposit 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.

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
31 August 2007