

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Paul Keri

in re Account of Paul Klein

Claim Number: 214184/EZ

Award Amount: 45,425.00 Swiss Francs

This Certified Award is based upon the claim of Paul Keri (the “Claimant”) to the account of Paul Klein (the “Account Owner”) at the Zuerich branch of [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and an Initial Questionnaire identifying himself as the Account Owner. The Claimant provided a document indicating that his former name was Paul Klein and that he officially changed his name on 12 June 1947. The Claimant stated that he was born on 17 February 1913 in Hungary, and married Veronika Keri, née Solomon, in Nyiregyhaza, Hungary. The Claimant further stated that he was a restaurant owner in Nyiregyhaza, Hungary, until he was deported in 1944 to a ghetto and that he survived several concentration camps, including Auschwitz. The Claimant noted that after the Second World War he resided in Budapest, Hungary, and that in 1956 he emigrated to the United States.

The Claimant recalled that before the Second World War it was not sufficiently safe to deposit assets in Hungarian banks, and therefore he deposited money in Switzerland.

Information Available in the Bank Records

The bank records consist of a customer card and a printout from the bank database. According to these records, the sole Account Owner was Paul Klein from Hungary who held a numbered account of an unknown type. These records indicate that the Account Owner provided the Bank with Swiss contact information as to where correspondence should be sent.

The bank records do not show when the account was opened, if or when the account was closed, or to whom it was paid. Nor do these records indicate the value of this account. 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”) did not find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of customer contact with respect to this account after 1945.

The Tribunal’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified himself as the Account Owner. His former name matches the published name of the Account Owner. The Claimant stated that he resided in Hungary before the Second World War, which matches published information about the Account Owner contained in the bank documents. The Tribunal notes that the bank records do not contain specific information about the Account Owner other than his name, country of residence and Swiss contact information. Thus, the additional information provided by the Claimant, such as his street addresses and relatives’ names, cannot be compared with the bank information.

However, the Tribunal notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Paul Klein, 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 the Claimant has based his present claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account has the same name as he formerly had, but rather on the facts that were known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that he owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that he was a Victim of Nazi Persecution. The Claimant stated that he is Jewish and that he survived several concentration camps.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner. The credibility of other information provided by the Claimant gives the Tribunal no basis to question the veracity of this information concerning his name and identity.

The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the account at issue was paid to the Account Owner or his heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by ICEP during its investigation of Swiss banks (the “ICEP Investigation”) demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the

funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, since the funds in this case apparently were not paid to the Account Owner, there is a substantial likelihood that these funds went to the Nazis or to the Bank.

Although the Tribunal cannot determine with certainty who received the proceeds of the account, the Tribunal concludes that it is plausible that the Account Owner did not receive the proceeds. The Claimant has stated that he did not receive the proceeds of the account. As a target of Nazi persecution in Hungary, it is not plausible that the Account Owner received the proceeds of the account either prior to the War or during the War. This conclusion is strengthened by the Account Owner's deportation to a ghetto and several concentration camps in 1944. Moreover, after his release from Auschwitz he continued to live in what was then Communist Eastern Europe until 1956, and it would have been extremely difficult and dangerous for the Account Owner to access his account in that period. Furthermore, it is plausible that the Account Owner or his heirs did not close the account and receive the proceeds themselves after the War. Following the War, Swiss banks adopted a policy, which became official in the mid-1950s, of rejecting inquiries into accounts that were held by victims of Nazi persecution.¹ The final report of the Bergier Commission concluded: "Throughout the post-war period the banks relied on a combination of discreetly playing down the problem and erecting barriers to investigation: time and time again they would bring banking secrecy into play in order to legitimise their reluctance to provide information while at the same time charging high search fees for conducting investigations."² Thus, even if the Account Owner or his heirs had contacted the Bank in an effort to close the account and withdraw the proceeds, it is plausible that they would not have been able to do so, because the Bank would not have informed them of the existence of the account. The Tribunal's conclusion that it is plausible that the Account Owner or his heirs did not receive the proceeds of the account is also supported in this case by the fact that there is no evidence in the bank records suggesting that the Account Owner or his heirs either contacted the Bank or closed the account and received the proceeds.

Basis for the Award

The Tribunal 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that he is the Account Owner, which justifies an Award. Finally, the Tribunal has determined that it is plausible that the Account Owner did not receive the proceeds of the claimed account.

¹ See Final Report of the Independent Commission of Experts Switzerland--Second World War, at 446; *see also* Independent Committee of Eminent Persons Report on Dormant Accounts of Victims of Nazi Persecution in Swiss Banks; Annex 5: Treatment of Dormant Accounts of Victims of Nazi Persecution, paragraphs 3 and 4.

² Final Report of the Independent Commission of Experts Switzerland--Second World War, at 446.

Amount of the Award

Pursuant to Article 35 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of an unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 45,425.00 Swiss Francs.

Scope of the Award

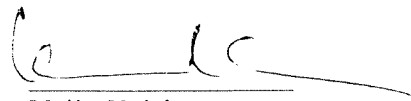
The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The Tribunal certifies this Award for approval by the Court and payment by the Special Masters.

8 May 2022

Date



Veijo Heiskanen
Senior Claims Judge