

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Peter Luchsinger

Claim Number: 209940/MBC¹

Award Amount: 12,127.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of Erich Becker.² This Award is to the unpublished account of Peter Luchsinger (the “Account Owner”) at the [REDACTED] (the “Bank”).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 the Account Owner as his father, [REDACTED 2], who was born on 3 February 1927, and was married to [REDACTED]. In a telephone conversation with the CRT, the Claimant stated that his father’s family, which was Jewish, traveled frequently between Italy and Brazil, and that his father was born in Rio de Janeiro, Brazil, where he lived briefly before his family returned to Italy, where they resided in Bergamo, Italy. According to the Claimant, in 1938, his father and his father’s family fled Italy and returned to Brazil. The Claimant stated that his father currently resides in Rio de Janeiro.

In support of his claim, the Claimant submitted copies of documents, including: (1) his father’s birth certificate, indicating that [REDACTED 2] was born on 3 February 1927 in the capital of Brazil (Rio de Janeiro); and (2) his own identification card, issued by the Republican Federation of Brazil, indicating that [REDACTED 1] was born on 17 September 1954, and that his parents

¹ Claimant [REDACTED 1] (the “Claimant”) submitted one additional claim, which is registered under the Claim Number 209753. The CRT will treat this claim in a separate determination.

² The CRT did not locate an account belonging to Erich Becker 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”).

are [REDACTED 2] and [REDACTED]. The Claimant indicated that he was born on 17 September 1954 in Rio de Janeiro. The Claimant is representing his father, [REDACTED 2], who was born on 3 February 1927 in Rio de Janeiro. The Claimant previously submitted two Initial Questionnaires to the Court in 1999 and two ATAG Ernst & Young claim forms in 1998, asserting his entitlement to Swiss bank accounts owned by Enrico Luchsinger and Erich Becker.³

Information Available in the Bank's Record

The Bank's record consists of a list of suspended accounts. According to this record, the Account Owner was Peter Luchsinger, who was born in 1927. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held a savings/passbook account, numbered 25615. The Bank's record indicates that the account was transferred on 31 December 1971 to a collective suspense account for dormant assets, where it remains today. The amount in the account on the date of its transfer was 565.20 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the unpublished name of the Account Owner.⁴ The Claimant identified the Account Owner's year of birth, which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that the Claimant's father would have been a child at the time that the account was opened, but finds it plausible that his parents or other adult family member opened the account on his behalf, particularly as the account was a passbook/savings account, which was the type of account frequently opened for children.

In support of his claim, the Claimant submitted copies of documents, including his father's birth certificate, indicating that [REDACTED 2] was born on 3 February 1927, providing independent verification that the person who is claimed to be the Account Owner had the same name and year of birth recorded in the Bank's record as the name and year of birth 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.

³ The CRT did not locate an account belonging to Enrico Luchsinger in the Account History Database.

⁴ The CRT notes that Peter is the German equivalent of the name Pedro.

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 he fled from Italy to Brazil in 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he 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 his own identification card, indicating that [REDACTED 1] was born on 17 September 1954, and that his father is [REDACTED 2]. There is no information to indicate that the Account Owner has other surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred on 31 December 1971 to a collective suspense account for dormant assets, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of represented party [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that represented party [REDACTED 2] is the Account Owner, and that relationship justifies an Award. Third, the CRT has determined that the Account Owner did not receive the proceeds of the claimed account. The CRT notes that, as the Account Owner, [REDACTED 2], has a better entitlement to the account than the Claimant, the Account Owner's son.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's record indicates that the value of the savings/passbook account as of 31 December 1971 was SF 565.20. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 405.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1971. Consequently, the adjusted balance of the account at issue is SF 970.20. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 12,127.50.

Division of the Award

In this case, the Claimant is representing his father, [REDACTED 2], who is also the account owner. Accordingly, [REDACTED 2] is entitled to the total award amount, and the Claimant is

not entitled to share in the award. As noted above, the Claimant is not entitled to share in this award.

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

Claims Resolution Tribunal
23 June 2008