

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ludwig Matyas

in re Account of Salomon Matyas

Claim Number: 202520/SJ¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Ludwig Matyas (the “Claimant”) to the published account of Salomon Matyas (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal great-uncle, Salomon Matyas, who was born in approximately 1870 and lived in Hungary. In a telephone conversation with the CRT on 10 January 2003, the Claimant stated that his great-uncle, who was Jewish, resided primarily in Debrecen, Hungary, where he was a grain trader. The Claimant stated that his great-uncle was married and had children, but that he does not know the names of his great-uncle’s wife or children, or their fate during the Second World War. The Claimant indicated that his great-uncle traveled to further his business and therefore probably owned a Swiss bank account. The Claimant also indicated that his great-uncle died in the 1940s and was most likely killed in the Holocaust.

The Claimant stated that he was born on 15 August 1921 in Vienna, Austria. The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Izso Matyas.² In his IQ, the Claimant

¹ The Claimant submitted an additional claim to the account of Paul Buxbaum, which is registered under the Claim Number 202520. The CRT will treat the claim to this account in a separate decision.

² The CRT did not locate any accounts belonging to Izso Matyas 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 should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

stated that his father fled from Vienna to Prague in 1938 in order to escape Nazi persecution, and was thereafter deported to the Dachau concentration camp in May 1939.

Information Available in the Bank's Record

The Bank's record consists of an account statement. According to this record, the Account Owner was Salomon Matyas, who resided in Hungary. The Bank's record indicates that the Account Owner held one demand deposit 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" or the "ICEP Investigation") determined that the account was transferred on or before 18 December 1948 to a suspense account for dormant assets. The amount in the account on the date of its transfer was 97.00 Swiss Francs (SF).

The Bank's record does not show when the account at issue was closed, or to whom it was paid, nor does it indicate the value of this account at the time of its closure. The auditors who carried out the ICEP Investigation 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 activity on this account after 1945. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name and country of residence match the published name and country of residence of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name and country of residence. The CRT further notes that the name Salomon Matyas appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution.

The CRT also notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Iszo Matyas, 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 had reason to believe that members of his family owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. 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, that he lived in Hungary at the time of the Nazi invasion, and that he was likely killed in the Holocaust. Furthermore, the Account Owner's nephew (the Claimant's father) fled from Vienna to Prague in 1938 in order to escape Nazi persecution and was thereafter deported to the Dachau concentration camp in May 1939.

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 demonstrating that the Account Owner was his great-uncle. The CRT notes that the Claimant filed an IQ with the Court in 1999, which provides independent verification that the Claimant's relative had the same family name as the Account Owner, prior to the publication in February 2001 of the ICEP List, and this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. Finally, 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 likely died in the Holocaust prior to the date in 1948 when the account was transferred to a suspense account; that there is no record of the payment of the Account Owner's account to him or his heirs, nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his accounts 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 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 his great-uncle, 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 demand deposit account. The Bank's record indicates that the value of the account as of 18 December 1948 was SF 97.00. In accordance with Article

31(1) of the Rules, this amount is increased by an adjustment of SF 260.00, which reflects standardized bank fees charged to the account between 1 January 1945 and 18 December 1948. Consequently, the adjusted balance of the account at issue is SF 357.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs 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 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
18 August 2004