

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED], [REDACTED], and [REDACTED]

in re Accounts of Ludwig Pollak and Julia Pollak

Claim Number: 223316/IG¹

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Ludwig Pollak. This Award is to the accounts of Ludwig Pollak (“Account Owner Ludwig Pollak”) and Julia Pollak (“Account Owner Julia Pollak”) 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 Account Owner Ludwig Pollak as his maternal great-uncle, who was born on 2 September 1885 in Jihlava, Czechoslovakia. The Claimant explained that his great-uncle was the brother of his maternal grandfather, [REDACTED], who was born in 1880 in Jihlava and died in 1932 in Podersam, Czechoslovakia. The Claimant stated that his great-uncle, who was Jewish, resided in Vienna, Austria, before moving to Rome, Italy. The Claimant further stated that his great-uncle also held Czechoslovakian citizenship. The Claimant indicated that he is unable to provide more detailed information about his great-uncle due to his disappearance sometime in the 1940s. In support of his claim, the Claimant submitted his great-uncle's birth certificate, identifying Ludwig Pollak's

¹ The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 223312, 223313, 223314, 223315, 223317, 223318, and 223319. The CRT will treat the claims to these accounts in separate decisions.

parents as [REDACTED] and [REDACTED], née [REDACTED]; his grandfather's birth certificate, identifying [REDACTED]'s parents as [REDACTED] and [REDACTED], née [REDACTED]; his mother's birth certificate, identifying [REDACTED]'s father as [REDACTED]; a family book pertaining to his parents, showing that the Claimant is the son of [REDACTED], née [REDACTED], and [REDACTED]; and a detailed family tree. In a telephone conversation with the CRT, the Claimant was unable to identify Account Owner Julia Pollak, and indicated that perhaps she was his great-uncle's wife, but that the Claimant did not know for sure.

The Claimant indicated that he was born on 25 May 1943 in Antibes, France. The Claimant is representing [REDACTED], his brother, who was born on 17 July 1946 in Boulogne Billancourt, France; [REDACTED], his brother, who was born on 8 September 1944 in Carmaux, France; and [REDACTED], née [REDACTED], his sister, who was born on 21 October 1948 in Boulogne Billancourt.

Information Available in the Bank's Records

The Bank's records consist of reports prepared by 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"). According to these records, the Account Owners were Ludwig Pollak and Julia Pollak who resided in Rome, Italy. The Bank's records indicate that the Account Owners held two demand deposit accounts, numbered 3586 and 2459, and one custody account, numbered 2106. The Bank's records indicate that the demand deposit accounts numbered 3586 and 2459 were transferred to a suspense account for dormant assets on 13 August 1945. The amounts in these accounts on the date of their transfer were 814.00 Swiss Francs and 666.00 Swiss Francs, respectively. The Bank's records indicate that the value of the custody account was 10,000.00 Swiss Francs, as of an unknown date.

The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. The auditors who carried out the ICEP Investigation did not find these accounts in the Bank's system of accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant's great-uncle's name matches the published name of Account Owner Ludwig Pollak. The Claimant stated that his uncle resided in Rome, Italy, which matches published information about Account Owner Ludwig Pollak contained in the Bank's records. In support of his claim, the Claimant submitted documents, including his great-uncle's birth certificate, showing that Ludwig Pollak's parents were [REDACTED] and [REDACTED], née [REDACTED]; the birth certificate of his grandfather, [REDACTED], showing that his parents were [REDACTED] and [REDACTED], née [REDACTED]; the birth certificate of his mother, [REDACTED], showing that her father was [REDACTED]; and a family book pertaining to his parents, showing that the Claimant is the son of [REDACTED], née [REDACTED], and [REDACTED]. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Dr. Ludwig Pollak, who resided in Rome, which matches the information about Account Owner Ludwig Pollak contained in the Bank's records. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that while the Claimant did not identify Account Owner Julia Pollack or his great-uncle's professional title, given that the Claimant's great-uncle disappeared in the 1940s before the Claimant was born or shortly thereafter, and that the Claimant's grandfather, Ludwig Pollak's brother, died before the Claimant was born, the CRT finds it plausible that the Claimant would not possess more specific information about his relative's professional or personal life. The CRT further notes that according to Article 25(2) of the Rules in cases where the Joint Account is claimed by relatives of only one or some of the Joint Account Owners, it shall be presumed that the Account was owned as a whole in equal shares by the Account Owners whose shares of the Account have been claimed. The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Ludwig Pollak was a Victim of Nazi Persecution. The Claimant stated that Account Owner Ludwig Pollak was Jewish, and that he resided in an Axis controlled country. As noted above, a person named Ludwig Pollak was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to Account Owner Ludwig Pollak by submitting specific biographical information and documents, including the birth certificates of

Ludwig Pollak; [REDACTED], the Claimant's grandfather; [REDACTED], the Claimant's mother; and the family book of the Claimant's parents; demonstrating that Account Owner Ludwig Pollak was the Claimant's maternal great-uncle.

The Issue of Who Received the Proceeds

Given that Account Owner Ludwig Pollak was Jewish and lived in Italy before his disappearance sometime in the 1940s; that the demand deposit accounts were transferred to suspense accounts in 1945 and later presumed closed; that the date of closure of the custody account is unknown; that there is no record of the payment of Account Owner Ludwig Pollak's accounts to him, to Account Owner Julia Pollak, or to their heirs; that the Account Owners and their heirs would not have been able obtain information about their accounts after the Second World War from the Banks 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"), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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 Account Owner Ludwig Pollak was his great-uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held two demand deposit accounts and one custody account. The Bank's records indicate that the values of the demand deposit accounts as of 13 August 1945 were 814.00 Swiss Francs and 666.00 Swiss Francs, and that the value of the custody account was 10,000.00 Swiss Francs on an unknown date. According to Article 29 of the Rules, if the amount in an account was less than 2,140.00 Swiss Francs for a demand deposit account and less than 13,000.00 Swiss Francs for a custody account, and in the absence of plausible evidence to the contrary, the amount in the demand deposit account shall be determined to be 2,140.00 Swiss Francs, and the amount in the custody account shall be determined to be 13,000.00 Swiss Francs. Thus, the total average 1945 value for the accounts at issue is 17,280.00. The current value of the amount of the award is calculated by multiplying the balances 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 216,000.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his three siblings. Accordingly, the Claimant and his three siblings are each entitled to one-quarter of the total award amount.

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
6 February 2004