

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of J.-J. Reich

Claim Number: 731806/GO^{1,2}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the joint claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the unpublished account of J.-J. Reich (the “Account Owner”) at the Montreux branch of the [REDACTED] (the “Bank”).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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants jointly submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as their father, J. Jenő Reich, who was born on 4 October 1893 in Hajdúhadház, Hungary. The Claimants indicated that their father, who was Jewish, was arrested on 29 June 1944 by the Gestapo and subsequently deported on 19 July 1944 to Auschwitz and in October 1944 to Dachau. The Claimants further indicated that their father perished on 8 March 1945 in Dachau. Finally, the Claimants indicated that their father’s name can be found in the files of the trial against Adolf Eichman in Jerusalem, Israel.

¹ Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) submitted one additional claim, which is registered under the Claim Number 731633. In a determination dated 4 December 2007, the CRT treated the claim to this account.

² Claimant [REDACTED 1] and Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) did not submit a Claim Form to the CRT. However, in 1999 they jointly submitted an Initial Questionnaire (“IQ”), numbered HUN-0109-049, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 731806.

The Claimants submitted a copy of a certificate issued by the Hungarian Resistance and Antifascist Association on 7 July 1997, indicating that J. Jenő Reich was born on 4 October 1893 in Hajdúhadház, that Zali Schwartz was his mother, that he was arrested on 29 June 1944 by the Gestapo and subsequently deported on 19 July 1944 to Auschwitz, and in October 1944 to Dachau, where he perished on 8 March 1945, and that J. Jenő Reich's name can be found in the files of the trial against Adolf Eichman in Jerusalem.

Claimant [REDACTED 1] indicated that she was born on 8 September 1923, and Claimant [REDACTED 2] indicated that she was born in 1926.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was J.-J. Reich. The record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated.

The Bank's record indicates that the account was transferred to the Bank's suspense account on 22 May 1987, when the account had a balance of 1,959.00 Swiss Francs ("SF"). The account remains suspended today.

The CRT's Analysis

Identification of the Account Owner

The Claimants' father's name matches the unpublished first initials and surname 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 or her first initials and surname.

In support of their claim, the Claimants submitted a certificate issued by the Hungarian Resistance and Antifascist Association, providing independent verification that the person who is claimed to be the Account Owner had the same first initials and surname recorded in the Bank's record as the first initials and surname of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes two pages of testimony submitted by the Claimants' brother in 1956 and 1999, which indicate that J. Jenő Reich was born on 4 October 1893 in Hajdúhadház, that [REDACTED] was his mother, and that he perished on 8 March 1945, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other equally plausible claims to this account.³ Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, that he was arrested on 29 June 1944 by the Gestapo, that he was deported on 19 July 1944 to Auschwitz and in October 1944 to Dachau, where he perished on 8 March 1945. The Claimants also submitted a certificate issued by the Hungarian Resistance and Antifascist Association, indicating that J. Jenő Reich was arrested on 29 June 1944 by the Gestapo, that he was deported to Auschwitz on 19 July 1944 and in October 1944 to Dachau, where he perished on 8 March 1945, and that J. Jenő Reich's name can be found in the files of the trial against Adolf Eichman in Jerusalem.

As noted above, a person named J. Jenő Reich was included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimants' father.

The CRT further notes that the Claimants also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimants submitted a copy of a certificate issued by the Hungarian Resistance and Antifascist Association, indicating that J. Jenő Reich resided in Hungary, which provides independent verification that the Claimants' relative bore the same family name as the Account Owner and that he resided in Hungary. 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their IQ.

The CRT notes that the Yad Vashem records indicate that the Claimants had a brother who was alive in 1999, but because he is not represented in the Claimants' claim, the CRT will not treat his potential entitlement to the Account Owner's account in this decision.

³ As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended on 22 May 1987, and that it remains suspended today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. 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 Claimants have plausibly demonstrated that the Account Owner was their father, and that relationship justifies an Award. Third, the CRT has determined 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 account of unknown type. The Bank's record indicates that the value of the account as of 22 May 1987 was SF 1,959.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 2,644.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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 Claimants are siblings. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is entitled to one-half of the Award amount.

Certification of the Award

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

Claims Resolution Tribunal
12 May 2009