

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],

[REDACTED 2],

and [REDACTED 3]

in re Account of Josef Deutsch

Claim Numbers: 000155/UM, 001645/UM, 601554/UM¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) to the published account of Joseph Deutsch, and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the accounts of [REDACTED] and [REDACTED], née [REDACTED].² This Award is to the published account of Josef Deutsch (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).³

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.

¹ Claimant [REDACTED 3] submitted a claim, numbered B-00392, on 3 December 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601554.

² The CRT did not locate an account belonging to Claimant [REDACTED 3]’s relatives, [REDACTED] and [REDACTED], 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”). Claimant [REDACTED 3] should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by Claimant Singer or upon information from other sources.

³ The CRT notes that, on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the Account Owner is identified as Joseph Deutsch. However, the Bank’s record identifies the Account Owner as Josef Deutsch.

Information Provided by the Claimants

Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1] and Claimant [REDACTED 2], who are brothers, submitted substantially similar Claim Forms identifying the Account Owner as their maternal uncle, Joseph Deutsch, who was born in either Pancevo or Sremska Mitrovica, Yugoslavia, the son of [REDACTED] and [REDACTED]. Claimant [REDACTED 1] and Claimant [REDACTED 2] identified their mother, [REDACTED], née [REDACTED], as one of their uncle's siblings. Claimant [REDACTED 1] and Claimant [REDACTED 2] indicated that their uncle, who was Jewish, was married to [REDACTED], with whom he had one child. Claimant [REDACTED 1] and Claimant [REDACTED 2] further stated that their uncle owned a marble processing factory, which was located at 7 Vivoda Uca in Belgrade, Yugoslavia, and that the factory's products were sold at a store located at 45 Groblinska Ulica, also in Belgrade. In addition, Claimant [REDACTED 1] and Claimant [REDACTED 2] stated that their uncle and his family fled from Yugoslavia to Hungary after Yugoslavia was invaded by Nazi Germany in 1941. Finally, Claimant [REDACTED 1] and Claimant [REDACTED 2] stated that their uncle was murdered by the Nazis in Hungary in 1944.

Claimant [REDACTED 1] and Claimant [REDACTED 2] submitted a copy of a court decision identifying their mother as an heir to the estate of Joseph Deutsch. In addition, Claimant [REDACTED 2] submitted a copy of a restitution request, filed by his mother with the government of Yugoslavia, in which she identified her parents as [REDACTED] and [REDACTED], and stated that she was born in Sremska Mitrovica, Yugoslavia. Claimant [REDACTED 1] indicated that he was born on 5 January 1938 in Belgrade, and Claimant [REDACTED 2] indicated that he was born on 8 May 1935, also in Belgrade.

Claimant [REDACTED 2] previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Joseph Deutsch. Similarly, Claimant [REDACTED 1] previously submitted an Initial Questionnaire, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED], in which he also noted that it was likely that either his father or his uncle deposited the funds.⁴

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a claim to the Holocaust Claims Processing Office ("HCPO") identifying the Account Owner as her sister-in-law's husband, Joseph Deutsch, who was married to [REDACTED], née [REDACTED], Claimant [REDACTED 3]'s first husband's sister. Claimant [REDACTED 3] indicated that Joseph Deutsch and his wife had one daughter. Claimant [REDACTED 3] further indicated that Joseph Deutsch, who was Jewish, resided in Pancevo, Yugoslavia, where he and his wife managed a family-owned shipping company until 1937 or 1938. In addition, Claimant [REDACTED 3] indicated that her first husband,

⁴ The CRT did not locate an account belonging to Claimant [REDACTED 1]'s relative, [REDACTED], in the Account History Database prepared pursuant to the ICEP Investigation. Claimant [REDACTED 1] 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 Claimant [REDACTED 1] or upon information from other sources.

[REDACTED], subsequently replaced them, and that the company was sold to the British government in 1940. Moreover, Claimant [REDACTED 3] indicated that the proceeds from that sale were deposited into Swiss bank accounts. Claimant [REDACTED 3] further indicated that Josef Deutsch's family fled to Hungary during the early 1940s, but that he remained in Pancevo in order to complete business transactions relating to the shipping company. Finally, Claimant [REDACTED 3] indicated that Josef Deutsch was shot by Nazi soldiers in approximately 1943.

Claimant [REDACTED 3] submitted correspondence between the HCPO and the Bank, as well as bank documents provided by the Bank to the HCPO. These include several documents relating to past account ownership at the Bank by [REDACTED] and [REDACTED] of Pancevo, two of which contain notations stating that the two were siblings. In addition, the documents include a copy of an account card indicating that [REDACTED] and Joseph Deutsch jointly owned an account at the Bank. Claimant [REDACTED 3] indicated that she was born on 23 October 1922 in Vienna, Austria.

Claimant [REDACTED 3] previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her first husband, [REDACTED], of Pancevo.⁵

Information Available in the Bank's Record

The Bank's record consists of a list of account owners with unknown addresses. According to this record, the Account Owner was Josef Deutsch, who resided in Pancevo, Yugoslavia. The Bank's record indicates that on 11 December 1940, 40.00 Egyptian Pounds were transferred to the Bank via the *Jugosl. Unionbank A.G.* in Belgrade, Yugoslavia. The Bank's record also indicates that the assets were put in an interim account (*compte d'ordre*), as the Account Owner was not known to the Bank. The Bank's record further indicates that the assets were transferred to a suspense account for dormant assets on 30 November 1951. The value of the assets on the date of the transfer was 350.00 Swiss Francs ("SF").

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 "ICEP Investigation") determined that the account remains in the Bank's suspense account.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the

⁵ As noted above, the CRT did not locate an account belonging to [REDACTED] in the Account History Database prepared pursuant to the ICEP investigation.

CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2]'s maternal uncle's name and country of residence match the published name and country of residence of the Account Owner. In addition, Claimant [REDACTED 1] and Claimant [REDACTED 2] indicated that their uncle was born either in Pancevo or in Sremska Mitrovica, a town approximately 100 kilometers from Pancevo, establishing a strong connection to the published city of residence of the Account Owner. In addition, Claimant [REDACTED 1] and Claimant [REDACTED 2] stated that their uncle owned a factory in Belgrade. This information provides a strong connection to unpublished information regarding the city from which at least part of the funds in the account were transferred. In support of their claim, Claimant [REDACTED 1] and Claimant [REDACTED 2] submitted documents, including a court decision identifying their mother as an heir to the estate of Joseph Deutsch, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.⁶ In addition, Claimant [REDACTED 2] submitted a copy of a restitution request, filed by his mother with the government of Yugoslavia, in which she stated that she was born in Sremska Mitrovica, providing independent verification that the relatives of the person who is claimed to be the Account Owner resided in the same country recorded in the Bank's record as the country of residence of the Account Owner.

The CRT notes that Claimant [REDACTED 2] filed an Initial Questionnaire with the Court in 1999, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or probably those of Victims of Nazi Persecution (the "ICEP List"), asserting his entitlement to a Swiss bank account owned by Joseph Deutsch, and that Claimant [REDACTED 1] filed an Initial Questionnaire, in which he asserted his entitlement to a Swiss bank account owned by his father, but also noted that his uncle was a likely depositor. This indicates that Claimant [REDACTED 2] and Claimant [REDACTED 1] have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that Claimant [REDACTED 2] and Claimant [REDACTED 1] had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2] and Claimant [REDACTED 1].

Similarly, Claimant's [REDACTED 3]'s sister-in-law's husband's name and city and country of residence match the published name and city and country of residence of the Account Owner. The CRT notes that Claimant [REDACTED 3] filed an Initial Questionnaire with the Court in 1999, prior to the publication of the ICEP List, asserting her entitlement to a Swiss bank account owned by her husband, from Pancevo, Yugoslavia, indicating Claimant [REDACTED 3]'s connection to Pancevo, the Account Owner's city of residence. This supports the credibility of the information provided by Claimant [REDACTED 3].

⁶ The CRT notes that the names "Joseph" and "Josef" are sufficiently similar to render it plausible that they refer to the same person.

The CRT further notes that the name Josef Deutsch appears only once on the ICEP List. The CRT notes that Claimant [REDACTED 1]'s and Claimant [REDACTED 2]'s relative and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all published and unpublished information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account was disconfirmed because those claimants provided a different city or country of residence than the city and country of residence of the Account Owner, or because they failed to provide sufficient information to plausibly establish that they were a relative of the Account Owner, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1] and Claimant [REDACTED 2] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] and Claimant [REDACTED 2] stated that the Account Owner was Jewish, that he fled from Yugoslavia to Hungary after Yugoslavia was invaded by Nazi Germany in 1941, and that he was subsequently murdered by the Nazis in Hungary in 1944.

Claimant [REDACTED 3]

Claimant [REDACTED 3] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, and that he was shot by Nazi soldiers in Yugoslavia in approximately 1943.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was their maternal uncle. These documents include a court decision identifying their mother, [REDACTED], as an heir to the estate of Joseph Deutsch; and a copy of a restitution request, in which their mother identified her parents as [REDACTED] and [REDACTED], and stated that she was born in Sremska Mitrovica, which provides independent verification that Claimant [REDACTED 1]'s and Claimant 's relatives bore the family name Deutsch, and that they resided in Yugoslavia. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 3]

Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her sister-in-law's husband. These documents include bank documents indicating that [REDACTED] and [REDACTED] were siblings, and a copy of an account card from the Bank, indicating that [REDACTED] and Joseph Deutsch jointly owned an account at the Bank.⁷ The CRT notes that Claimant [REDACTED 3] filed an Initial Questionnaire with the Court in 1999, identifying [REDACTED] as her husband. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation indicated that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that the Account Owner was their maternal uncle, and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her sister-in-law's husband, and those relationships justify 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 assets held by the Account Owner were valued at SF 350.00 as of 30 November 1951. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 105.00, which reflects standardized bank fees charged to the account between January 1945 and November 1951. Consequently, the adjusted balance of the account at issue is SF 455.00. 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 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same

⁷ The CRT notes that the names "[REDACTED]" and "[REDACTED]" are sufficiently similar to render it plausible that these documents refer to the same person.

name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, all of the Claimants have established a plausible relationship to a person with the same name as the Account Owner. Claimant [REDACTED 1] and Claimant [REDACTED 2], who are brothers, have each plausibly established that they are the Account Owner's nephews. Claimant [REDACTED 3] has plausibly established that she is related to the Account Owner by marriage to his wife's brother. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-quarter of the Award and Claimant [REDACTED 3] is entitled to one-half of the award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 November 2004