

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], [REDACTED 3], [REDACTED 4], and
[REDACTED 5]
all represented by Erez Bernstein

in re Accounts of Hans Perutz and Annie Perutz

Claim Number: 501777/RS

Award Amount: 325,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published accounts of Hans Perutz (“Account Owner Hans Perutz”) and Annie Perutz (“Account Owner Annie Perutz”) (together the “Account Owners”) at the Zurich 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 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 Hans Perutz as her father, Hans Siegmund Perutz, who was born on 23 February 1891 in Prague, Czechoslovakia (today the Czech Republic), and Account Owner Annie Perutz as her mother, Annie Perutz, née Serabski, who was born on 1 April 1889 in England, and who was married to the Claimant’s father. The Claimant indicated that her parents resided in Vienna, Austria, that her father was a textile merchant, and that they had three daughters together: [REDACTED 1] (the Claimant); [REDACTED 2]; and [REDACTED]. The Claimant further indicated that her parents, who were Jewish, fled from Austria to Palestine to escape Nazi persecution.

The Claimant stated that her parents passed away in Israel following the Second World War.

The Claimant submitted copies of: (1) her own birth certificate, issued by the Jewish community of Vienna on 14 July 1925, indicating that [REDACTED 1] was born on 4 June 1925, and that she is the daughter of Hans Siegmund Perutz and Annie, née Serabski; and (2) her own Israeli identification card, indicating that [REDACTED 1] is Jewish, that she was born on 4 June 1925 in Austria, and that her parents were Hans and Annie.

The Claimant indicated that she was born on 4 June 1925 in Vienna. The Claimant is representing her sister [REDACTED 2], who was born on 19 March 1921 in Vienna, and her late sister [REDACTED]'s children: [REDACTED 3], who was born on 23 February 1948 in Tel Aviv, Israel; [REDACTED 4], who was born on 26 September 1954 in Tel Aviv; and [REDACTED 5], who was born on 7 October 1957 in Tel Aviv.

Information Available in the Bank's Records

The Bank's records consist of two agreements for the opening of two joint accounts (*Vertrag betreffend eine gemeinschaftliche Rechnung*), both of which were signed on 14 January 1929 in Zurich, Switzerland. According to these records, the Account Owners of both accounts were *Herr* (Mr.) Hans Perutz and *Frau* (Mrs.) Annie Perutz. The records indicate that Hans Perutz resided at 66 Peter Jordanstrasse, in Vienna XIX, Austria. The Bank's records indicate that the Account Owners held two joint custody accounts. The records further indicate that the accounts were both opened on 14 January 1929.

The Bank's records do not show when the accounts at issue were closed, nor do these records indicate the value of these accounts.

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") did not find these accounts in the Bank's system of open 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 has plausibly identified the Account Owners. The Claimant's parents' names, city, and country of residence match the published names, city, and country of residence of the Account Owners. The Claimant identified a familial relationship between Account Owner Hans Perutz and Account Owner Annie Perutz, which matches unpublished information about the Account Owners contained in the Bank's records.¹

¹ The CRT notes that the names Hans Perutz and *Frau* Annie Perutz appear separately on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List"), and are each indicated as holding two accounts. Upon careful review, the CRT has determined that in fact Hans Perutz and *Frau* Annie Perutz jointly held two accounts.

In support of her claim, the Claimant submitted documents, including her own birth certificate, indicating that [REDACTED 1] is the daughter of Hans Siegmund Perutz and Annie Serabski; and her own Israeli identification card, indicating that [REDACTED 1]'s parents were Hans and Annie, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owners.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hans Perutz, and indicates that he was from Vienna, which matches the information about Account Owner Hans Perutz provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the names Hans Perutz and Annie Perutz each appear only once on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different country of residence than the country of residence of Account Owner Annie Perutz.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that they fled Austria to escape Nazi persecution.

As noted above, a person named Hans Perutz was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's parents. These documents include: (1) her own birth certificate, indicating that [REDACTED 1] was the daughter of Hans Siegmund Perutz and Annie Serabski; and (2) her own Israeli identification card, indicating that [REDACTED 1]'s parents were Hans and Annie. There is no information to indicate that the Account Owners have other surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owners fled Austria to escape Nazi persecution; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their 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 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 and the parties she represents. 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 Owners were her parents, and that relationship justifies an Award. Third, 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 joint custody accounts. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”). Thus, the combined 1945 average value for the two accounts at issue is SF 26,000.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 325,000.00.

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 the claim, in equal shares by representation. In this case, the Claimant is representing her sister [REDACTED 2], and her late sister [REDACTED]’s children: her nephews, [REDACTED 3] and [REDACTED 4], and her niece, [REDACTED 5]. Accordingly, the Claimant and represented party [REDACTED 2] are each entitled to one-third of the total award amount, and represented parties [REDACTED 3], [REDACTED 4], and [REDACTED 5] are each entitled to one-ninth 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 her claim to determine whether there are additional Swiss bank accounts to which she 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
26 November 2008