

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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ASSOCIATION OF HOLOCAUST VICTIMS :  
FOR RESTITUTION OF ARTWORK :  
and MASTERPIECES, a/k/a "AHVRAM", et al : 04 - CIV - 8457 (LTS)  
Plaintiffs, :  
vs. :  
:  
REPUBLIC OF HUNGARY, et al :  
AFFIDAVIT of Plaintiff : DR. JORAM DEUTSCH  
----- X

Dr. Joram Deutsch, hereby affirms and says:

**INTRODUCTORY STATEMENT**

1. I am one of the plaintiffs in this matter and I make this application in support of plaintiffs' request that the Court permit the case to continue.
2. I am one of the founders of AHVRAM and I have an individual claim in this action.
3. I shall focus in this Affidavit upon the things I have done – often at great difficulty and expense – to discover evidence necessary to advance my claims.
4. For purposes of this application, I shall leave it to Mr. Fagan to explain in his Affidavit what he has done to advance the prosecution of the AHVRAM cases.

**DIFFICULTIES THIS PAST YEAR**

5. During the past year, there have been considerable stresses on me and my family.
6. Money has been tight and often times I have not had the necessary resources to do all the things I need to do for my aged mother, my business and to investigate the claims into what happened to my father and our fortune as a direct result of the conspiracy which is at the heart of this case.
7. My mother is over 94 years old and she has physical problems which at times have made it necessary for the other persons with whom I have worked carry on without me.
8. I have also had financial difficulties which had limited my ability to contribute to the prosecution and the investigations as much as I would have like

**REMEDIAL ACTIONS TAKEN**

9. Mr. Fagan and the other members of the team who are involved with the AHVRAM claims and have helped me with my family's individual claims have assumed the burden of future prosecution.
10. These persons include Investigative Journalist and Documentary Film Director - Mike Juncker, Investigative Journalist - Burkhardt List, Austrian Researcher and Investigative Journalist - Margarete Endl, Austrian lawyers - Dr. Gerhard Podovsovnik and Dr. Herwig Hasslacher, International Art Expert and Arthistorian - Dr. Konstantin Akinsha and others.

**PAST DIFFICULTIES WILL NOT AFFECT FUTURE PROSECUTION**

11. While there were problems in the past, those problems have been remedied and I promise the Court, that they will not affect the future prosecution.
12. I understand that there can also be prosecutions of the AHVRAM global claims, as well as the individual claims by persons such as me and my family whose claims are for distinct paintings and/or collections.

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Association of Holocaust Victims for Restitution of Artwork and Masterpi... Republic of Hungary et al

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**DISCOVERIES TO AID IN FUTURE PROSECUTION**

13. We continue to discover new evidence and new information to support the claims.
14. One of the most significant events is and was the release a few months ago of a documentary film which was shown in Berlin and which shows the entire conspiracy against Holocaust Art restitution and my family in particular. Title of the film : Deutschland vs. Deutch. (87 min)
15. The film was directed by Mike Juncker and Kick Films of Munich Germany produced it and I understand that Mr. Fagan is submitting the film with his Affidavit.
16. I beg the Court -- before the Court would consider dismissing for lack of prosecution to please view the film which shows that we have been very busy and that there is credible evidence to support the group and individual claims.
17. Aside from the film, I can report to the Court that my own independent researchers have discovered evidence to support the conspiracy against my father and restitution.
18. As explained below, many of the documents have been intentionally concealed and/or withheld from my family, other Holocaust victim claimant families and indeed from anyone who sought to find out what happened to the thousands of masterpieces and/or pieces from collections which have never been restituted to the rightful owners and many of which are the subject of this action and which have been "nationalized" as a result of the underlying conspiracy and are being held in Austria, Hungary, Russia and Germany.

**RELATIONSHIP WITH AHVRAM**

19. Mr. Fagan and I are working for AHVRAM on a *pro bono* basis.
20. Mr. Fagan and I provide our professional assistance and services to AHVRAM members because of our commitment to what my father sought to achieve -- to wit: the increased restitution-budget, which was never achieved.
21. Mr. Fagan and I have no individual or other claim for a percentage of whatever it is that the individual AHVRAM members may recover.
22. The only claim Mr. Fagan and I have or may ever have is for reimbursement of verifiable and reasonable expenses directly related to the individual AHVRAM members' claims and recovery.

**AHVRAM vs Other Organizations Trying to Recover Artwork**

23. AHVRAM is the only organization that serves its members this way.
24. The only other similar organization which deals with restitution and/or makes claims for artwork is the Commission for Art Recovery ("CAR"), which is an affiliate of the World Jewish Congress ("WJC").
25. Because CAR first refused to take any action related to the *El Greco (Mt. Sinai)*, Mr. Fagan and I felt it important to form AHVRAM to take care of these matters.

**WITHHELD DOCUMENTS RELEVANT TO THESE CLAIMS**

26. Little did we know, as we would later discover that CAR and/or the WJC had documents which it/they refused to provide copies to me, which documents showed proof of the conspiracy against my father and restitution.
27. These documents were an important piece in the puzzle through which we could trace the *El Greco (Mt. Sinai)* into and out of Bank Austria and its predecessor Länderbank which documents would also show the wrongful acts which were taken during the 1960s & 1970s, against my father, restitution and Holocaust victims claims.

28. The documents which CAR has will be the subject of a separate action and application.
29. However, when the documents that are relevant to this action have been secured, I will present them to the Court for its consideration in future proceedings.

**EVIDENCE WE DISCOVERED/CONTINUE TO DISCOVER**

30. The evidence which we have discovered and which led to the filing of this, and other claims, came as a direct result of our following the trail of the *El Greco (Mt. Sinai)*
31. It was only since late 2003/2004 that we discovered and continue to discover the evidence which formed the basis for this complaint.
32. Much of the evidence we have discovered is evidence which was only discovered as a result of an independent documentary film entitled "*Germany vs. Deutsch*" produced by Kick Films in Munich Germany.
33. This film was the result of investigations by film director Mike Juncker, Burkhard List (Austrian Journalist), Konstantin Akinsha (Presidential Appointee to Holocaust Art Commission & Restitution Issues) and others.
34. As a part of the Kick film, we were able to get access to certain documents that were never before available to me, or to anyone else for that matter.
35. A copy of The Kick Film in a DVD format is being submitted separately – with a copy to defendant Banks counsel.
36. The film itself sets forth much of the evidence which we have amassed and there is additional evidence by way of out takes from the film which we are securing and will present to Court once they are in hand.

**OUR RESEARCH / INVESTIGATION DISCOVERIES & PROBLEMS**

37. The investigations to date included extensive trips and research into NY, Moscow, Budapest, Vienna, Switzerland, Washington, London, Paris and Germany.
38. For most of the period, we were given unrestricted access to records and we were even given assistance by certain government authorities and agencies.
39. However, all of that stopped when we started to discover the documents that identified various entities which were part of a conspiracy and/or which profited from the conspiracy against restitution.
40. This was a conspiracy at the highest levels of government. It was a conspiracy which used some of the robbers – who were actually NAZIS during World War II – and who in the 1960's, 1970s included such notable figures of the Nazi-past, or Nazi ideologists as Féaux de la Croix, Erich Führer, Wilhelm Höttl and others.
41. The acts about which I speak and about which the complaint is/was based did NOT occur during World War II.
42. These acts took place in the 1960s, 1970s and 1980s.
43. All of this was discovered as a result of the investigation made possible by the Kick Film.
44. Neither I nor Mr. Fagan, nor anyone else, was able to refer to the film or use any of its evidence until the film was publicly broadcast earlier this year.
45. Once that occurred, we were able to use and follow up on the information contained in the film which led to even further discoveries.

**DEFENDANT GOV'T ENTITIES & OTHERS INVOLVED IN CONSPIRACY**

46. We have discovered evidence to show that from the 1960's, 1970s & 1980s,

- certain governmental and private entities, including banks, were part of and benefited from the conspiracy against my father and restitution.
47. None of this evidence could have been discovered without the *El Greco* discovery, the Kick Film or the investigations we/they were able to conduct. And, all of it leads back to the *El Greco* which is featured in the Kick Film.
  48. Institutions and governments and/or governmental entities involved in the conspiracy against my father were paid, and/or received something of benefit or value.
  49. The Hungarians and Austrians received or kept important paintings and collections and/or received monies.
  50. The Germans saved billions and kept important paintings and collections. Jewish organizations received additional allocations.
  51. My father, the NR 1 lawyer worldwide in restitution matters was victim of this conspiracy
  52. Holocaust victims were given a pittance of what would have been their due.
  53. All of this was only discovered through the film and the ongoing and following investigations.
  54. None of this information was known or available to me, us or victims:
    - a. In 1996 when the lawsuits were filed against the Swiss banks; or
    - b. In 1998 when the lawsuits were filed against the German banks; or
    - c. In 1998 when the lawsuit were filed against Austrian banks; or
    - d. In 1999 when the lawsuits were filed against the Republic of Austria; or
    - e. In 1999 when any of the settlements were entered into; or
    - f. In late 2003 when I DISCOVERED the *El Greco* (Mt. Sinai) at the Metropolitan Museum of Art in NY.

**PROBLEMS ENCOUNTERED IN SECURING DOCUMENTS**

55. The problems we have encountered related to securing documents relevant to these claims is that when it became known that we were actually finding relevant documents in certain archives in the US, Russia or Europe, archives or files or witnesses with which/whom we were dealing were suddenly no longer available to us, or were closed, or the cooperation terminated, or the files were moved to restricted locations and or witnesses disappeared and/or became "unavailable or uncooperative".
56. This happened repeatedly in Germany, Hungary, Austria and Russia.
57. In short whenever the defendant conspirators learn that our investigators are locating or hunting for records that will expose their wrongful acts and result in their being held liable for their acts, doors are slammed in our faces.
58. In addition to doors being slammed in our faces, we have been informed that
  - a. some of our conversations are being listened to by unintended and unauthorized persons;
  - b. our phones are tapped; and
  - c. we are followed and our actions observed.
59. In some instances we have received credible information to suggest that there are serious safety concerns or issues relating to persons within our group, including myself, Mr. Fagan and some of our researchers and witnesses.

**SECRECY NEEDED TO PROTECT ABILITY TO ACCESS NEW EVIDENCE**

60. Our researchers have informed us that they believe they are close to securing the documents which will expose the conspiracy and identify with specificity the conspirators (individuals, institutions and government entities) in Austria,

Germany, Hungary, Switzerland, the US and other countries.

61. I can state unequivocally that the evidence we are uncovering shows a conspiracy at the highest levels of government and government owned institutions (such as banks and museums) which is precisely what is claimed in this action.

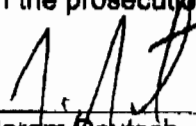
65. I can also state that this evidence will relate to the actions and causes of action which were filed against these defendants and which will show how by tracing the *El Greco (Mt. Sinai)* and other paintings, we can show and demonstrate the conspiracy against my father and my family in particular and against Holocaust Victim and Art Restitution and Restitution in general.

**CONCLUSION**

66. I apologize to the Court for any of the problems that may have occurred in the past and I promise that - to the extent they are within my control - they will not happen again.

67. I pray that the Court review the DVD which Mr. Fagan is submitting as well as his and my Affidavits to understand how difficult things have been but that we have achieved much and are ready to continue the prosecution of the AHVRAM global claims, as well as the individual Deutsch family claims.

68. Finally, I pray that the Court allow us to continue with the prosecution of this case.

/s/   
Dr. Joram Deutsch

Dated: December 27th, 2005  
Lausanne, Switzerland

HARD COPY SENT SEPARATELY  
I AFFIRM, THAT WHAT  
I SAY IS TRUE.

