

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]

in re Account of Bankhaus Julius & Hugo Stux

Claim Number: 600250/TW²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of *Bankhaus Julius & Hugo Stux* (the “Account Owner”) at the Zurich branch of the [REDACTED] the “Bank”).³

On 9 August 2002, a separate award was issued to the Claimant for a demand deposit account held by the Account Owner, and in which the CRT reserved decision with respect to an account of unknown type held by the Account Owner.⁴ This Award addresses the account of unknown type.

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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as a bank in Budapest by the name of *Gyula & Hugo Stux*. The Claimant indicated that the bank was co-owned and directed by her father, [REDACTED], who was born in approximately 1884 in Galanta, Hungary and was married to [REDACTED], née [REDACTED], in 1911. According to the Claimant, her parents had two children: the Claimant, who was born on 6 December 1918 in Budapest, Hungary, and [REDACTED], who was born in 1912 in Budapest and died in 1995 in Argentina. The Claimant explained that her parents traveled often to Switzerland for business and banking transactions.

The Claimant stated that her father died in Budapest in 1935 and that her mother was forced to live in the Budapest ghetto during the Second World War. According to the Claimant, her mother told her that her family had money deposited in banks in Switzerland and that she wanted to disclose the account numbers to the Claimant, but the Claimant told her mother she did not want to know the account numbers because she feared the Nazis would harm her and her children in order to get the account information. The Claimant indicated that her mother died

from starvation in the Budapest ghetto in January 1945, having never disclosed the account numbers.

The Claimant indicated that she was born on 6 December 1918.

The Claimant previously submitted Initial Questionnaires (“IQs”) with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by [REDACTED], [REDACTED], *Gyula & Hugo Stux*, and [REDACTED].⁵

Information Available in the Bank’s Records

The Bank’s records consist of a customer card, a list of account owners, a list of foreign banks, and printouts from the Bank’s database. According to these records, the Account Owner was *Bankhaus Julius & Hugo Stux*, which was located in Budapest, Hungary. The Bank’s records indicate that the Account Owner held an account, the type of which is not indicated.

The Bank’s records indicate that the account was transferred to a suspense account in December 1957, and that the account was subsequently closed to the Bank’s profit and loss account on 23 October 1962, on which date the amount in the account was 41.00 Swiss Francs (“SF”).

⁵ The CRT did not locate an account belonging to the Claimant’s relatives, [REDACTED] and [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or the “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”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made upon the information provided by the Claimant or upon information from other sources. As indicated above, the Claimant was previously awarded an account belonging to *Bankhaus Julius & Hugo Stux*, which [REDACTED] was indicated as having the authority to dispose of.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The name of the company co-owned and directed by the Claimant's father, and the country in which it was located, match the published names and location of the Account Owner.⁶ The Claimant identified the specific city in which the Account Owner was located, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimant also identified the fact that the Account Owner was a business entity, despite the fact that it was incorrectly published as being two individuals.

The CRT notes that the Claimant filed an HCPO claim form and IQs with the Court in 1999, asserting her entitlement to a Swiss bank account owned by *Gyula & Hugo Stux*, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that individuals identified on the ICEP List as owning a Swiss bank account bear the same name as her relative's business, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative or the business owned by her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claim to this account was disconfirmed because that claimant's relative had a profession which is inconsistent with the business of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that while Herman Molnar, the co-owner of the Account Owner, was not a Victim of Nazi Persecution, his wife, [REDACTED], was a Victim of Nazi Persecution. The Claimant stated that [REDACTED], the wife of the Account Owner's owner, was Jewish, and that she was forced to live in the Budapest ghetto, where she died of starvation in January 1945.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to one of the Account Owner's owners, [REDACTED], by submitting specific information demonstrating that Herman Molnar was her father. The CRT notes that the Claimant filed IQs with the Court in 1999, identifying the relationship between the Account Owner's co-owner and the Claimant, prior to the publication in February 2001 of the ICEP List, which supports the plausibility that the owner of the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the co-owner of the Account

⁶ The CRT notes that the Claimant identified the business owned by her father as *Gyula & Hugo Stux*, while the Bank's records indicate that the Account Owner was *Bankhaus Julius & Hugo Stux*. The CRT further notes that the name Gyula is the Hungarian equivalent of the name Julius.

Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner's owners have other surviving beneficiaries.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to the Bank's profit and loss account on 23 October 1962.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was a bank co-owned by her father, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner, its beneficiaries, its owners nor its owners' 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 records indicate that the value of the account as of 23 October 1962 was SF 41.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 270.00 which reflects standardized bank fees charged to the account between 1945 and 1962. Consequently, the adjusted balance of the account at issue is SF 311.00. 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.

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
30 December 2004