

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]

to Claimant [REDACTED 3]

and to Claimant [REDACTED 4]

in re Accounts of Zoltan Czitter

Claim Numbers: 221179/RS; 300451/RS; 223378/RS; 216602/RS¹

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”), and [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the unpublished accounts of Zoltan Czitter (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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

Claimant [REDACTED 1] submitted two Claim Forms and an Initial Questionnaire identifying the Account Owner as his paternal grandfather, Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her maternal grandmother’s cousin, and Claimant [REDACTED 4] submitted a Claim Form identifying the Account Owner as his maternal uncle. The Claimants identified the Account Owner as Zoltan Czitter, who was born on 25 August 1893

¹ In a separate decision, the CRT awarded one account belonging to Zoltan Czitter to Claimant [REDACTED 1] and represented party [REDACTED 2]. See *In re Account of Zoltan Czitter* (approved on 14 May 2002).

² The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Zoltan Czitter is indicated as holding one account. Upon careful review, the CRT has determined that Zoltan Czitter held three demand deposit accounts at the Bank. The first demand deposit account, which was closed on 30 November 1947, was the subject of a previous award to Claimant [REDACTED 1] and represented party [REDACTED 2] (see note 1). This award addresses the second two demand deposit accounts held by the Account Owner, both of which were closed on 20 December 1938.

in Hegyes, Hungary, and was married to [REDACTED], née [REDACTED], on 7 September 1920 in Vienna, Austria. Claimant [REDACTED 1] indicated that Zoltan Czitter and his wife had one child, [REDACTED], who was born on 16 June 1921 in Vienna. Claimant [REDACTED 4] indicated that Zoltan Czitter, who was Jewish, owned and operated a company that exported coffee from Vienna to Romania. Claimant [REDACTED 1] stated that his father [REDACTED] often spoke of the Swiss bank account held by [REDACTED]'s father, Zoltan Czitter.

Claimant [REDACTED 4] further stated that in 1937, Zoltan Czitter and his wife divorced, and Zoltan Czitter moved to Oradea, Romania. Claimant [REDACTED 1] indicated that Zoltan Czitter's son [REDACTED] was a student who matriculated at the University of London, England, in the summer of 1939; on 25 August 1939, [REDACTED] returned to Oradea for a holiday and to visit his father, Zoltan Czitter, prior to commencing his studies that fall. Claimant [REDACTED 1] stated that the outbreak of the war in September 1939 nonetheless prevented Zoltan Czitter's son from returning to England to pursue his studies.

Claimant [REDACTED 1] further indicated that in 1942, Zoltan Czitter and his son were both conscripted into separate "Jewish Forced Labor Battalions" in Romania. Claimant [REDACTED 1] submitted a statutory declaration written by his father [REDACTED]. In that declaration, [REDACTED] indicated that he and his father Zoltan Czitter were reunited by chance in March 1944, when they discovered that they had been living in adjoining work camps. Claimant [REDACTED 1] also submitted a power of attorney form that Zoltan Czitter had signed on 2 March 1944 in Carei, a town near his work camp. In his statutory declaration, [REDACTED] indicated that he and his father managed to visit a Carei notary on that day; the notary drafted a power of attorney in which Zoltan Czitter authorized his son to pursue any debts owing to Zoltan Czitter, and to dispose of his father's property as he saw fit "in the event when I [Zoltan] shall in the future be compelled to leave my house and home."³ [REDACTED] stated in his declaration that after that day, he never saw his father again, as his father was shortly thereafter deported to Auschwitz. According to [REDACTED], his father was subsequently transported to Ebensee concentration camp, where he died of starvation in March 1945. Claimant [REDACTED 1] also submitted Zoltan Czitter's death certificate, indicating that he had been interned in Mauthausen concentration camp, where he bore prisoner number 120 651. Claimant [REDACTED 1] indicated that his father [REDACTED] was, for his part, deported to Bergen Belsen and Theresienstadt concentration camps, and was liberated from Theresienstadt in May 1945.

In support of his claim, Claimant [REDACTED 1] submitted:

- (1) a notarized copy of a power of attorney form signed on 2 March 1944 by Zoltan Czitter in Carei, Romania;
- (2) Zoltan Czitter's birth certificate, indicating that he was born on 25 August 1893 in Hidis;
- (3) Zoltan Czitter's marriage certificate, indicating that he was born on 25 August 1893 in Hegyes, that he resided in Vienna III, and that he married [REDACTED] on 7 September 1920;

³ This power of attorney form was translated from the original Romanian language.

- (4) Zoltan Czitter's death certificate, indicating that he was Jewish, that he was a Romanian citizen who had lived in Vienna, that he died on 15 March 1945 in Ebensee, and that he had been interned in Mauthausen concentration camp, where he bore prisoner number 120 651;
- (5) letters of administration regarding the estate of Zoltan Czitter, indicating that [REDACTED] was the only person entitled to Zoltan Czitter's estate;
- (6) a 1937 Vienna Police Certificate indicating the various addresses in Vienna at which Zoltan Czitter resided from 1920 to 1928;
- (7) [REDACTED]'s birth certificate, indicating that he was Jewish, that he was born in Vienna on 16 June 1921, and that his father was Zoltan Czitter;
- (8) a statutory declaration written by [REDACTED] concerning the fate of Zoltan Czitter and [REDACTED] during the Second World War;
- (9) [REDACTED]'s death certificate, indicating that he died on 30 August 1996, that he was born in Vienna, and that his father was Zoltan Czitter;
- (10) a 1948 official Australian document indicating that [REDACTED] and [REDACTED] are the same person;
- (11) [REDACTED]'s Last Will and Testament, indicating that his two children, [REDACTED 1] and [REDACTED 2], were the sole heirs of the entirety of his estate, in equal shares; and
- (12) Claimant [REDACTED 1]'s birth certificate, indicating that he was born on 17 June 1946 in Prague, Czechoslovakia, and that his father was [REDACTED], who was born in Vienna.

In support of his claim, Claimant [REDACTED 4] submitted a copy of his birth certificate, indicating that he was born on 8 April 1925 in Oradea, Romania, and that his mother was [REDACTED], who was Jewish.

Claimant [REDACTED 1] indicated that he was born on 17 June 1946 in Prague, Czechoslovakia. Claimant [REDACTED 1] is representing his sister, who was born on 5 January 1955 in Paddington, Australia. Claimant [REDACTED 4] indicated that he was born on 8 April 1925 in Oradea, Romania. Claimant [REDACTED 3] indicated that she was born on 11 August 1956 in Montreal, Canada.

Information Available in the Bank's Record

The Bank's record consists of a client card. According to this record, the Account Owner was Zoltan Czitter, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held one demand deposit account that was closed on 30 November 1947. That account was the subject of a previous CRT decision.⁴ The client card also indicates that the Account Owner held two Pound Sterling demand deposit accounts, both of which were closed on 20 December 1938.⁵ The amount in the two Pound Sterling accounts on the date of their closure is unknown.

⁴ See footnotes 1 and 2.

⁵ The CRT notes that in its previous decision referenced in footnote 1, the CRT indicated that it had identified one additional demand deposit account belonging to the Account Owner, and that it would address that additional

There is no evidence in the Bank's record that the Account Owner or his heirs closed the two Pound Sterling accounts and received the proceeds themselves.

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 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]'s paternal grandfather's name, Claimant [REDACTED 3]'s maternal grandmother's cousin's name, and Claimant [REDACTED 4]'s maternal uncle's name matches the published name of the Account Owner, and the Claimants' relation's city and country of residence match the published city and country of residence of the Account Owner.

In support of his claim, Claimant [REDACTED 1] submitted documents, including Zoltan Czitter's death certificate, Zoltan Czitter's marriage certificate, and a Vienna Police Certificate indicating Zoltan Czitter's places of residence in Vienna, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Zoltan Czitter, and indicates that his date of birth was 25 August 1893 and place of birth was Hegyes, which matches the information about the Account Owner provided by the Claimants. The database indicates that Zoltan Czitter resided in Vienna, Austria, and that he perished in Ebensee concentration camp in Austria on 15 March 1945. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Zoltan Czitter appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that Claimant [REDACTED 1] filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Zoltan Czitter, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 1] has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] had reason to believe that his 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 1].

account in a future decision. Upon careful review, the CRT has determined that the Bank's record indicates that the Account Owner held two additional demand deposit accounts, which are the subject of the current decision.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. 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, and that he was forcibly conscripted into a Jewish forced labor battalion from 1942 to 1944. The Claimants also indicated that the Account Owner was deported to Auschwitz, and subsequently to Ebensee concentration camp, where the Account Owner died of starvation in 1945. Claimant [REDACTED 1] also submitted Zoltan Czitter's death certificate, indicating that he died on 15 March 1945 in Ebensee, and that he had been interned in Mauthausen concentration camp, where he bore prisoner number 120 651; and letters of administration regarding the estate of Zoltan Czitter, indicating that Zoltan Czitter died on or about 31 March 1945 in Ebensee concentration camp, Upper Austria.

As noted above, a person named Zoltan Czitter 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 information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s grandfather, Claimant [REDACTED 3]'s grandmother's cousin, and Claimant [REDACTED 4]'s uncle. These documents include Claimant [REDACTED 1]'s birth certificate, Claimant [REDACTED 1]'s father's birth certificate, and Claimant [REDACTED 1]'s father's death certificate. The CRT notes that the Claimants indicated that they have other surviving relatives, but that because they are not represented in the Claimants' claims, the CRT will not treat their potential entitlement to the Account Owner's accounts in this decision.

The CRT further notes that Claimant [REDACTED] filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and Claimant Citer, prior to the publication in February 2001 of the ICEP List; and that the Claimants also identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 4] submitted a copy of his birth certificate, which provides independent verification that Claimant [REDACTED 4]'s mother bore the same family name as the Account Owner. 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 Claim Forms.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 20 December 1938, at which time, according to information provided by the Claimants, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record do not indicate to whom the account was closed, that the Bank's record indicates that the Account Owner resided in Vienna, Austria, and does not contain any updated address in Romania for the Account Owner, that the Account Owner fled Austria, his country of residence, due to Nazi persecution, that the Account Owner may have had relatives remaining in the Reich and that he therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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), (i), 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 Owner or his 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 Claimant [REDACTED 1] and represented party [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has provided [REDACTED]'s Last Will and Testament, demonstrating that Claimant [REDACTED 1] and represented party [REDACTED 2] are the sole heirs of [REDACTED], who was the Account Owner's sole heir. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts.⁶ 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). Thus, the combined 1945 average value for the two accounts at issue is SF 4,280.00. 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 53,500.00.

⁶ As indicated in footnotes 1, 2 and 5, the third demand deposit account held by the Account Owner was awarded to Claimant [REDACTED 1] and represented party [REDACTED 2] in a previous decision.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, Claimant [REDACTED 1] has submitted Letters Testamentary relating to the Account Owner's estate, indicating that [REDACTED] was the Account Owner's sole heir; and [REDACTED]'s will, indicating that Claimant [REDACTED 1] and represented party [REDACTED 2] were his sole heirs. Claimant [REDACTED 3] and Claimant [REDACTED 4] are not named as beneficiaries of the estate of the Account Owner or [REDACTED]. Accordingly, Claimant [REDACTED 3] and Claimant [REDACTED 4] are not entitled to share in the award. Claimant [REDACTED 1] is therefore entitled to one-half of the entire award amount, and represented party [REDACTED 2] is entitled to one-half of the entire award amount.⁷

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 December 2007

⁷ The CRT notes that, as the direct descendants of the Account Owner, Claimant Citer and represented party Lorna Thompson would have been more entitled to the Account Owner's accounts under Article 23 of the Rules Governing the Claims Resolution Process (the "Rules") than Claimant Diamant and Claimant Goldhammer, who are more distantly related, even absent consideration of the testamentary documents submitted by Claimant Citer.