

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of Armin Farago

Claim Numbers: 733242/ES;¹ 733243/ES; 786030/ES²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the unpublished account of Armin Farago, and upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the unpublished account of [REDACTED]. This Award is to the unpublished account of Armin Farago (the “Account Owner”), over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted two Initial Questionnaires (“IQs”) identifying the Account Owner as his paternal grandfather, [REDACTED 1], who was born in 1895 and was married to [REDACTED], née [REDACTED], in 1920 in Budapest, Hungary. Claimant [REDACTED 1] stated that his grandfather, who was Jewish, owned a pharmacy and resided at Kiraly u. 67 in

¹ [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 he submitted two Initial Questionnaires (“IQ”), numbered HUN 0146 043 and HUN 0146 044, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those IQs which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned Claim Numbers 733242 and 733243 accordingly.

² [REDACTED 2] did not submit a Claim Form to the CRT. However, in 1999 he submitted an IQ, numbered ENG 0624 167, to the Court in the United States. The IQ was forwarded to the CRT and has been assigned Claim Number 786030.

Budapest. Claimant [REDACTED 1] stated that his father, [REDACTED], was born in 1921. Claimant [REDACTED 1] indicated that his grandfather insured his pharmacy with the *Foncière* company and that he also mentioned a Swiss bank account on several occasions. Claimant [REDACTED 1] indicated that his grandfather had a business associate who was his representative but Claimant [REDACTED 1] did not know his name. Claimant [REDACTED 1] stated that in 1944 his grandparents were deported to the Mauthausen concentration camp, where his grandfather was forced to perform slave labor. Claimant [REDACTED 1] stated that after the liberation of the camp, his grandmother went to Palestine and his grandfather returned to Budapest, where he died in 1952. Claimant [REDACTED 1] stated that he was Armin Farago's only grandson. Claimant [REDACTED 1] submitted a document from the Jewish community in Budapest, dated 14 July 2004, indicating his father was born in Budapest to Armin and [REDACTED] Farago, née [REDACTED].

Claimant [REDACTED 1] indicated that he was born on 9 July 1946 in Budapest.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an IQ identifying the Power of Attorney Holder as his relative, [REDACTED 2], who resided in Técső, Hungary. Claimant [REDACTED 2] indicated that [REDACTED 2] deposited diamonds, gold and jewelry in a bank in Técső. Claimant [REDACTED 2] did not provide additional information about [REDACTED 2]. Claimant [REDACTED 2] indicated that his brother, [REDACTED], who was Jewish, and was born on 27 February 1934 in Técső, was killed in Auschwitz in May 1944. Claimant [REDACTED 2] stated that he himself was interned in Auschwitz in 1944 and was later deported to the Mauthausen concentration camp. Claimant [REDACTED 2] indicated that he was born on 30 August 1929 in Técső.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Armin Farago, who resided in Budapest, Hungary, and the Power of Attorney Holder was [REDACTED]. The Bank's record shows that the Account Owner held an account, the type of which is not indicated, which was opened in 1931.

The Bank's record does not show when the account at issue was closed, or to whom it was paid, nor does this record indicate the value of this account. 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 this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

Claimant [REDACTED 1] has plausibly identified the Account Owner. Claimant [REDACTED 1]'s paternal grandfather's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner. In support of his claim, Claimant [REDACTED 1] submitted a document from the Jewish community in Budapest, Hungary, dated 14 July 2004, indicating his father was born in Budapest to Armin Farago, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.³

Claimant [REDACTED 2]'s relative's name matches the unpublished name of the Power of Attorney Holder.⁴

The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and was deported to the Mauthausen concentration camp in 1944.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant Farago's grandfather. The CRT notes that Claimant [REDACTED 1] identified unpublished information about the Account Owner, as contained in the Bank's record, and that Claimant [REDACTED 1] filed IQs with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 1]. The CRT further notes that Claimant [REDACTED 1] submitted a document from the Jewish community in Budapest, Hungary dated 14 July 2004, indicating his father was born in Budapest to Armin Farago. 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 Claimant [REDACTED 1] as a family member, and all this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has not demonstrated that he is related to the Account Owner.

³ The CRT notes that Claimant [REDACTED 1] did not identify the Power of Attorney Holder. However, given that the Power of Attorney Holder does not appear to be related to the Account Owner, the CRT finds that this does not adversely affect Claimant [REDACTED 1]'s overall identification of the Account Owner.

⁴ The CRT notes that [REDACTED] is the Romanian equivalent of the Hungarian name [REDACTED].

The Issue of Who Received the Proceeds

Given that the Account Owner and his wife were deported to the Mauthausen concentration camp; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account 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), (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, the Power of Attorney Holder, 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 Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 1] is better entitled to the account than Claimant [REDACTED 2]. The CRT notes that Claimant [REDACTED 2] did not identify the Account Owner as his relative, and that under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 an account of unknown type was 3,950.00 Swiss Francs ("SF"). 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 49,375.00.

Division of the Award

As noted above, Claimant [REDACTED 2] did not identify the Account Owner as his relative. Accordingly, Claimant [REDACTED 1] is entitled to the entire award amount.

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