

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Tibor Farkas

in re Account of the Estate of Julius Farkas

Claim Number: 223025/AX¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Tibor Farkas (the “Claimant”) to the published account of the Estate of Julius Farkas (the “Account Owner”) at the [REDACTED] (the “Bank”).²

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as the Estate belonging to his great uncle, Julius Farkas, who was the brother of his grandfather, Mihaly Farkas. The Claimant indicated that Julius Farkas, who was Jewish, lived in Budapest, Hungary, and died in the early 1940s of natural causes. According to the Claimant, his entire family, other than his mother and himself, perished in the Holocaust. In a telephone conversation with the CRT on 22 November 2004, the Claimant indicated that Julius Farkas was married, but he could not provide the name of his spouse, nor could he provide the names of many of his relatives due to the fact that he was very young before the Second World War, and that most of his relatives perished in the Holocaust. The Claimant indicated that he lived with his grandparents in Baja, Hungary, but

¹ Claimant Tibor Farkas submitted an additional claim to the account of Terez and/or Dezsö Farkas, which is registered under the Claim Number 223027. The CRT did not locate an account belonging to the Claimant’s relatives, Terez and/or Dezsö Farkas, in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “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 his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

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”), Julius Farkas is indicated as having one account. Upon careful review, the CRT has concluded that the Account Owner was the Estate of Julius Farkas, and not Julius Farkas.

visited his great-uncle in Budapest on numerous occasions with his grandfather. In support of his claim, the Claimant submitted his own birth certificate, indicating that his father was Andor Farkas, and that he was from Hungary and his father's marriage certificate, indicating that Mihaly Farkas was the father of Andor Farkas. The Claimant indicated that he was born on 14 January 1930 in Baja.

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting his entitlement to an account owned by Andor Farkas,³ and an IQ and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Terez Farkas.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a printout from the Bank's database. According to these records, the Account Owner was the Estate of Dr. Julius Farkas. The Bank's records show that Julius Farkas resided in Budapest, Hungary. The Bank's records further indicate that correspondence was to be sent to Dr. Paul Farkas, an attorney who resided at Phönix ucca 4, in Budapest. The Bank's records indicate that the Account Owner held a custody account, initially numbered 50149, and subsequently renumbered 151. The Bank's records do not indicate when the account was opened, but indicate that the account was closed on 22 November 1950. The value of the account on the date of its closure is not known. There is no evidence in the Bank's records that the Account Owner's beneficiaries or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner. The CRT notes that unpublished information in the Bank's records shows that the account belonged to the estate of a deceased individual, which is consistent with the Claimant's statement that his great-uncle died in the early 1940s.

In support of his claim, the Claimant submitted documents, including his father's marriage certificate, indicating that his grandfather was Mihaly Farkas, and that he was from Hungary, and his own birth certificate, indicating that his father was Andor Farkas, and that he was from Hungary, providing independent verification that the person who is claimed to be the Account

³ The CRT did not locate an account belonging to the Claimant's relative, Andor Farkas, in the Account History Database prepared pursuant to the investigation of ICEP, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Owner had the same surname recorded in the Bank's records as the surname of the Account Owner.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than that of the Account Owner.

The CRT notes that the Claimant was unable to identify the contact person, who appears to be related to the Account Owner. However, given that the Claimant was very young during the Second World War, and is unable to recall the names of all his family members, the CRT finds that this does not materially affect the Claimant's identification of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that while Julius Farkas, who was Jewish, was not a Victim of Nazi Persecution, Julius Farkas' family members were victims of Nazi persecution. The Claimant stated that the majority of his family, other than his mother and himself, was killed in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly identified Julius Farkas as his relative by submitting specific information, demonstrating that Julius Farkas was the Claimant's great-uncle. The CRT notes that the Claimant submitted a copy of his father's marriage certificate, showing that his grandfather was Mihaly Farkas, and that he was from Hungary, and his own birth certificate, establishing that his father was Andor Farkas, and that he was from Hungary, which provides independent verification that the Claimant's relatives bore the same family name as Julius Farkas and that they resided in Hungary, which supports the plausibility that the Claimant is related to Julius Farkas, as he has asserted in his Claim Form. There is no information to indicate that the Estate of Julius Farkas has other surviving heirs.

The Issue of Who Received the Proceeds

Given that Julius Farkas died in the early 1940s and that his relatives, other than the Claimant and his mother, perished in the Holocaust, that there is no record of the payment of the Account Owner's account to its beneficiaries; that the Account Owner's beneficiaries or their heirs would not have been able to obtain information about the 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) 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's beneficiaries 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. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Julius Farkas was his great-uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner's beneficiaries nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody account. 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 custody account was 13,000.00 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 162,500.00.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
24 December 2004