

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Eva Szegoe

### **in re Account of Eugen Forgacs**

Claim Numbers: 202997/AC; 216098/AC

Award Amount: 1,260,000.00 Swiss Francs

This Certified Award is based upon the claims of Eva Szegoe, née Forgacs (the “Claimant”) to the unpublished account of Eugen Forgacs (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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 two Claim Forms identifying the Account Owner as her father, Eugen (Jenö) Forgacs, who was born on 16 November 1895 in Banksa Bystrica, Czechoslovakia (now Slovakia), and was married to Sophie (Zsofia) Forgacs, née Grünfeld, on 6 June 1920 in Nagykanizsa, Hungary. According to information provided by the Claimant, her father, who was Jewish, was a representative of a company called *Josef Schuler AG* in Romania and Western Europe, prior to which he had been a bank manager in Timisoara, Romania, and, in the 1920’s, had also owned a private bank in Budapest, Hungary. The Claimant indicated that her father resided at Calea Victoriei in Bucharest, Romania between 1931 and 1937, after which he resided at Csarnok Ter 3-4 in Budapest until 1944. The Claimant explained that her father traveled extensively for business, and that he spent time in Switzerland, where he held bank accounts. According to the Claimant, her father was deported to Auschwitz by the Nazis, and he was later transferred to the Buchenwald camp, where he perished. The Claimant explained that after the Second World War, she remained in Hungary, where she had been unable to maintain contact with her father’s business contacts, and that she emigrated to New Zealand in 1956. The Claimant stated that her mother, Sophie Forgacs, died on 13 May 1981 in Wellington, New Zealand. The Claimant stated that she was her parents’ only child, and her father’s only surviving heir.

In support of her claim, the Claimant submitted: 1) a copy of a certificate issued by the National Office for the Representation of Hungarian Jewry, dated 21 May 1957, indicating that Jenö Forgacs was born on 16 November 1895, that he was deported to Auschwitz on 2 July 1944, and

that he died in Buchenwald on 24 August 1944; 2) a copy of her parents' marriage certificate, indicating that Jenő Forgacs and Zsafia Grünfeld were married on 6 June 1920 in Nagykanizsa, that Jenő Forgacs was born on 16 November 1895 in Budapest, and that Zsafia Grünfeld was born on 23 December 1895 in Nagykanizsa; 3) a copy of her father's business card, indicating that Eugen Forgacs was the Romanian representative for the Budapest-based firm of *Iosef Schuler A.G.*; 4) copies of postcards from her father, dated between June 1937 and August 1939 and sent from Bern, Basel and Zurich, Switzerland, indicating that he was known as Eugen or Jenő Forgacs, and that his family lived in Budapest; 5) a copy of her Hungarian identity card, indicating that she was born on 22 August 1922 in Budapest, that her parents were Jenő Forgacs and Zsafia Grünfeld; and 6) a copy of a name change certificate, dated 27 May 1998, indicating that she was born Eva Forgacs on 22 August 1922, that her married name was Gyulane Szegő, and that her name was changed to Eva Szegoe, and that her mother was Zsafia Grünfeld.

The Claimant indicated that she was born on 22 August 1922 in Budapest.

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

### **Information Available in the Bank's Record**

The CRT notes that 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 report an account belonging to Eugen Forgacs during their investigation of the Bank. The Bank's documents were obtained by the Claimant and forwarded to the CRT.

The Bank's record consists of a letter from the Bank to the Account Owner, dated 29 December 1938. According to this record, the Account Owner was *Herr* (Mr.) Eugen Forgacs, who resided in Budapest, Hungary. The Bank's record indicates that the Account Owner held one custody account, numbered 61784. According to this record, between 24 July 1937 and 31 January 1938, the Account Owner deposited or held *4½% Obl. der Stadt Budapest 1914* securities in his account, and the nominal value of these securities was 100,800.00 Swiss Francs ("SF").

The Bank's record does not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. There is no information provided regarding the disposition of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account 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 two claims of the Claimant in one proceeding.

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s father’s name, city and country of residence match the name, city and country of residence of the Account Owner.

In support of her claims, the Claimant submitted documents, including: 1) a copy of a certificate issued by the National Office for the Representation of Hungarian Jewry, dated 21 May 1957; 2) a copy of her parents’ marriage certificate; 3) a copy of her father’s business card; 4) copies of postcards from her father; and 5) a copy of her Hungarian identity card, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city as the name and city of residence of the Account Owner. Moreover, the Claimant submitted a copy of the Bank’s record upon which this award is based.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Eugen or Jenö Forgacs, and indicates that his date of birth was 16 November 1895 and place of birth was Banska Bystrica, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he was deported to Auschwitz and later to Buchenwald, where he perished. The Claimant also submitted a copy of a certificate issued by the National Office for the Representation of Hungarian Jewry, dated 21 May 1957, indicating that Jenö Forgacs was deported by the Nazis to Auschwitz and Buchenwald, and that he perished in Buchenwald on 24 August 1944. As noted above, a person named Eugen or Jenö Forgacs was included in the CRT’s database of victims.

#### The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant’s father. These documents include a copy of her Hungarian identity card. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

Given that the Account Owner resided in Hungary and was deported to Auschwitz and Buchenwald, where he eventually perished; 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's heirs resided in a Communist country in Eastern Europe after the Second World War; 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 (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 the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one custody account, which on 29 December 1938 held *4½% Obl. der Stadt Budapest 1914* bond with a nominal value of SF 100,800.00. According to the Guidelines for the Valuation of Securities, circulated to the CRT by Special Master Helen B. Junz, as a general rule, the nominal value of bonds not in default shall be awarded if the market value was below the nominal value on the date the account owner is deemed to have lost control over the account. It is presumed that the account owner, if able to decide freely, could have opted to hold the bond to maturity to avoid a capital loss. The historic value of the account is therefore determined to be SF 100,800.00.<sup>1</sup> The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 1,260,000.00.

### **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 claims 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).

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<sup>1</sup> According to the *Compass Finanzielles Jahrbuch*, the market value of the bond was 19 percent, but the bond, though in litigation, was not in default. *Compass Finanzielles Jahrbuch 1940 Ungarn* Budapest – Wien: Compassverlag, 1940, pp. 109 – 110.

**Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
31 December 2005