

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Andras Hatar

in re Account of Andre Haas

Claim Number: 732115/MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Andras Hatar, formerly Haas (the “Claimant”) to the account of Sandor Schwarcz.² This Award is to the published account of Andre Haas (the “Account Owner”) at 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 Claimant

The Claimant submitted an Initial Questionnaire (“IQ”) identifying himself as the Account Owner. In a telephone conversation with the CRT on 17 July 2007, the Claimant’s wife, [REDACTED], indicated that the Claimant was born on 1 September 1942 in Budapest, Hungary to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant’s wife further indicated that her husband’s family, which was Jewish, resided in Budapest. According to [REDACTED], during the Nazi occupation of Hungary, the Claimant was placed in hiding with a Christian woman; his mother also remained in hiding and his father was forced to perform slave labor. In his IQ, the Claimant indicated that, as his father, [REDACTED], was unable to deposit money with a Swiss bank, other persons did so on his behalf between 1942 and 1944. The Claimant also indicated that his maternal grandfather, [REDACTED], perished in Auschwitz in 1944. The Claimant’s wife stated that the Claimant changed his surname to Hatar during the 1960s. In support of his claim, the Claimant submitted a copy of a certificate of presumptive death issued

¹ Claimant Andras Hatar (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HUN-0116124, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires 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 IQ was forwarded to the CRT and has been assigned claim number 732115.

² The CRT will treat the claim to this account in a separate determination.

by a Tribunal in Miskolc, Hungary on 14 September 1948 on the petition of [REDACTED] in relation to [REDACTED], who perished in 1944 in Auschwitz.

Information Available in the Bank's Records

The Bank's records consist of a list of account holders and printouts from the Bank's database. According to these records, the Account Owner was Andre Haas. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, numbered 23920, the type of which is not indicated, which was suspended by the Bank on 5 July 1958, when it contained a balance of 1,957.00 Swiss Francs ("SF"). The Bank's records indicate that the account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's name substantially matches the published name of the Account Owner.³ The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

The CRT notes that the name Andre Haas appears only once 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").

The CRT notes that the Claimant filed his IQ with the Court in 1999, asserting his entitlement to one or more Swiss bank accounts owned by his family members, including his father, Karoly Haas, prior to the publication of the ICEP List. This indicates that the Claimant did not base his claim simply on the fact that an individual identified on the ICEP list as owning a Swiss bank account bears his relatives' names or his own name. It also indicates that the Claimant had reason to believe that his relatives owned one or more Swiss bank accounts, prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT further notes that the Claimant would have been an infant or young child at the time that the account was opened. However, the CRT finds it plausible that the Claimant's parents, other relatives or their representatives may have opened an account in the Claimant's name. The CRT also notes that the Claimant himself stated that other persons opened accounts on behalf of his family during the time in which the account at issue was actually opened.

³ The CRT notes that Andras and Andre are Hungarian and French variations, respectively, of the name Andrew. The CRT further notes that the account was held in the French-speaking region of Switzerland and that it is plausible that the Claimant's relatives, when opening the account for him, would have used the French version of his first name.

The CRT notes that there are no other claims to this account. 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 Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that he is Jewish, that he resided in Nazi-allied Hungary, and that he was placed in hiding with a Christian woman until the end of the Second World War. The Claimant further stated that his father was forced to perform slave labor by the Nazis and that his maternal grandfather perished in Auschwitz. The Claimant submitted a certificate of presumptive death, indicating that his grandfather, [REDACTED], perished in Auschwitz in 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific biographical information. The CRT notes that the Claimant filed an IQ with the CRT in 1999, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy of a certificate of presumptive death indicating that his mother's married name was [REDACTED], which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner. Finally, the CRT notes that all of this information supports the plausibility that the Claimant is the Account Owner, as he has asserted in his IQ.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains suspended.

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 he is the Account Owner and that justifies an Award. Third, the CRT has determined 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 account of unknown type. The Bank's records indicate that the value of the account as of 5 July 1958 was SF 1,957.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 210.00, which reflects standardized bank fees charged to the account between 1945 and 1958. Consequently, the adjusted balance of the account at issue is SF 2,167.00. 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 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
15 November 2007