

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Jozsef Kutasi
represented by Karoly Herold

in re Account of Eduard Holczer

Claim Number: 223867/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Jozsef Kutasi (the “Claimant”) to the published account of Eduard Holczer (the “Account Owner”) at 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 a Claim Form identifying the Account Owner as his maternal great-uncle, Eduard Holczer, who was born in approximately 1890 in Hungary to Adolf and Cecilia Holczer. The Claimant explained that he is the grandson of Eduard Holczer’s brother, Béla Holczer. The Claimant indicated that his great-uncle, who was a Hungarian national, resided with his family in the region of Bacska, Yugoslavia, in the towns of Bacska Topolya, Zenta and Novi Sad. The Claimant stated that his great-uncle was Jewish and that he was shot dead in the Danube in Novi Sad, along with his brothers, Herman Holczer and Otto Holczer, and their families, by members of the pro-Nazi regime in Yugoslavia in January or February 1945. The Claimant indicated that Béla Holczer lived in Veresegyhaz, Hungary, and that he committed suicide during the time of the persecution of the Jewish people. In support of his claim, the Claimant submitted the death certificates of his mother and maternal grandparents, which indicate that his relatives’ family name was Holczer. The Claimant stated that he was born on 8 May 1952 in Budapest, Hungary.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to an account owned by Eduard Holczer. In the Initial Questionnaire, the Claimant indicated that his great-uncle probably owned an account in a bank in Zurich, Switzerland.

The Claimant also previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Account Owner Eduard Holczer, whose name was included in a the list of dormant accounts published by the Swiss Bankers Association in

July 1997. A Final Decision was rendered by the Sole Arbitrator at the Claims Resolution Tribunal for Dormant Accounts in Switzerland (the “Sole Arbitrator”) in an arbitration concluded on 30 April 1999 (the “Arbitration”).¹ In the Arbitration, the information before the CRT indicated that Account Owner Eduard Holczer of Timisoara, Romania, and the Claimant’s relative were not the same person, and that the Claimant was therefore not entitled to the proceeds of that account. A different account held by a person named Eduard Holczer was subsequently published on the February 2001 List of Swiss Bank Accounts from the Independent Committee of Eminent Persons Investigation (“ICEP” or the “ICEP Investigation”), and the Claimant submitted a Claim Form to the CRT asserting his entitlement to that published account.

Information Available in the Bank’s Records

The Bank’s records consist of a list of accounts that were closed to the Bank’s profit and loss account and a printout from the Bank’s database. According to these records, the Account Owner was Eduard Holczer, whose residence is unknown. The Bank’s records indicate that the Account Owner held an account of unknown type that was closed to the Bank’s profits on an unknown date. The Bank’s records further indicate that the value of the account at issue was 100.00 Swiss Francs as of 30 June 1937.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s great-uncle’s name matches the published name of the Account Owner. The CRT notes that the Bank’s records do not contain any specific information about the Account Owner other than his name. In support of his claim, the Claimant submitted documents, including the death certificates of his mother and maternal grandparents, indicating that his relatives’ family name was Holczer, providing independent verification that the Account Owner and the Claimant’s grandparents had the same family name as the Account Owner. The CRT further notes that the name Holczer appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the “ICEP List”). Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Eduard Holczer, and indicates that his date of birth was 1 January 1878 and place of birth was Csicsó, Hungary, which substantially matches the information about the Account Owner provided by the Claimant with respect to the Account Owner’s birth in 1890 in Hungary. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Account Owner Eduard Holczer, whose name was included in the list of dormant accounts published by the Swiss Bankers Association in July 1997. As noted above, the 30 April

¹ Claims Resolution Tribunal for Dormant Accounts in Switzerland, Docket No. 6527/0898/WS

1999 Final Decision by the Sole Arbitrator indicated that the Account Owner in that case, Eduard Holczer of Timisoara, and the Claimant's relative were not the same person. A different account held by a person named Eduard Holczer was subsequently published on the ICEP List, and the Claimant submitted a Claim Form to the CRT asserting his entitlement to that published account. 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 the Account Owner was Jewish, and that he was shot to death by adherents of the pro-Nazi regime in January or February 1945. As noted above, a person named Eduard Holczer was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by providing specific family information, indicating that the Account Owner was his great-uncle.

The Issue of Who Received the Proceeds

The Bank's records indicate the account was taken into bank profits on an unknown date.

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, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his great-uncle, and that relationship justifies an Award. Finally, 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 an account of unknown type. The Bank's records indicate that the value of the account as of 30 June 1937 was 100.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the value as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 49,375.00 Swiss Francs.

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
19 November 2003