

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Géza Kövesi and Paula Kövesi

Claim Number: 730805/AX¹

Award Amount: 351,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Géza Kövesi.² This Award is to the unpublished accounts of Géza Kövesi (“Account Owner Géza Kövesi”) and Paula Kövesi (“Account Owner Paula Kövesi”) (together the “Account Owners”), over which [REDACTED] (the “Power of Attorney Holder”) held Power of Attorney, at the [REDACTED] (the “Bank”). The accounts awarded are from the Total Accounts Database (“TAD”) at 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 identifying Account Owner Géza Kövesi as her paternal uncle, Géza Kövesi, who was born in Budapest, Hungary, sometime between 1870 and 1875. The Claimant indicated that her uncle held a doctor title and that he resided at Arany Janos utca 16 in the 5th District of Budapest, Hungary. The Claimant explained that her uncle and his family, who were Jewish, fled to Washington, the United States, because of Nazi persecution. According to the Claimant, her uncle’s apartment was confiscated. In telephone conversations with the CRT on 24 and 25 March 2004, the Claimant indicated that her uncle was married but could not recall the name of her uncle’s wife. The Claimant further explained that her father changed his last name from [REDACTED] to [REDACTED] and that her uncle

¹ [REDACTED] did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HUN-0076-131, 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 730805.

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

changed his last name from [REDACTED] to Kövesi. The Claimant indicated that she could not remember when her father and uncle changed their last names. The Claimant explained that she could not provide any information about her uncle's fate after he fled to the United States. The Claimant indicated that in 1998 she received a compensation payment of 1,200,000.00 Hungarian Forints from the Hungarian government.

In support of her claim, the Claimant submitted a document issued for compensation purposes by the City Operation Company of Budapest on 27 September 1994, indicating that the real estate located at Arany Janos utca 16 in Budapest consisted of a four-floor building totalling 2,404.00 square meters.

The Claimant indicated that she was born in Budapest on 13 June 1906.

Information Available in the Bank's Records

The Bank's records consist of a customer card, an account-opening contract, a power of attorney form, and a printout from the Bank's database. According to these records Account Owner Géza Kövesi was Dr. Géza Kövesi and Account Owner Paula Kövesi was Paula Kövesi, née Klein, Account Owner Géza Kövesi's wife, both of whom resided at Arany Janos utca 16 in Budapest. The Bank's records indicate that the Account Owners jointly held one numbered demand deposit account, with a designation B.G. 14947, and one custody account, numbered 1789. These records also indicate that Account Owner Géza Kövesi held one custody account at the Zurich branch of the Bank.³

As for the demand deposit account, numbered B.G. 14947, which was jointly held by the Account Owners, the Bank's records indicate that it was opened no later than 3 August 1931. According to these records, the Power of Attorney Holder was Dr. [REDACTED], who resided at Arany Janos utca 29, Budapest. The Bank's records indicate that the correspondence was initially sent to the Power of Attorney Holder, and that the Bank was subsequently instructed to hold all mail.

As for the custody account, numbered 1789, which was jointly held by the Account Owners, the Bank's records indicate that it was opened on 18 May 1933 at the Bank's branch in London, the United Kingdom.

As for the custody account held at the Zurich branch of the Bank, the Bank's records indicate that Account Owner Géza Kövesi was the sole account owner and that he granted power of attorney over it to his wife, Paula Kövesi, née Klein, on 3 September 1929.

³ The Bank's records contain a power of attorney form that references a "*Titeldepot*," which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that Account Owner Géza Kövesi held a custody account, in the absence of evidence to the contrary, the CRT concludes that it is plausible that he held such an account.

With regard to the three accounts at issue, the Bank's records do not show when they were closed, nor do these records indicate the value of these accounts. 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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owners, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

These accounts were not part of the Account History Database at the CRT, but were identified as a result of matching and research carried out at the Bank and using, as noted above, the TAD at the Bank. The TAD at the Bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the ICEP auditors as open or opened in the 1933-1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks,⁴ are composed of 1.9 million savings accounts with a 1930-1940s value of 250 Swiss francs or less and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included in the Account History Database, that is in the 36,000 accounts that ICEP determined were "probably or possibly" owned by victims of Nazi persecution.

The accounts awarded are part of a group of accounts identified in the TAD.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's uncle's name, city and country of residence, match the published name, and city and country of residence of Account Owner Géza Kövesi. The Claimant identified Account Owner Géza Kövesi's title and street address, which match unpublished information about Account Owner Géza Kövesi contained in the Bank's records. While the Claimant was unable to recall the name of Account Owner Géza Kövesi's wife, the Claimant identified his marital status which matches unpublished information about the Account Owners contained in the Bank's records.

In support of her claim, the Claimant submitted a document issued for compensation purposes by the City Operation Company of Budapest indicating that the Claimant claimed compensation for a confiscated building located at Arany Janos utca 16 in Budapest, providing independent verification that the Claimant claimed for compensation of confiscated property at the same street address as the street address of the Account Owners as recorded in the Bank's records.

⁴ These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Géza Kövesi, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different street address and biographical information than the street address in the Bank’s records and the biographical information provided by the Claimant.

Status of the Account Owners Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that Account Owner Géza Kövesi was Jewish, that he resided in Budapest, and that he and his family fled to the United States because of Nazi persecution. The Claimant further stated that the property of Account Owner Géza Kövesi at Arany Janos utca 16 in Budapest was confiscated by the Nazis.

The Claimant’s Relationships to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific biographical information, demonstrating that the Account Owners were the Claimant’s aunt and uncle. The CRT notes that the Claimant identified unpublished information about Account Owner Géza Kövesi as contained in the Bank’s records; that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between Account Owner Géza Kövesi and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy a document issued by the City Operation Company of Budapest on 27 September 1994 indicating that the Claimant claimed compensation for the confiscation of a building located at Arany Janos utca 16 in Budapest, the same address as that of the Account Owners indicated in the Bank’s records. The CRT notes that it is plausible that this document is of a type which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of a type that family members would possess and indicates that Account Owner Géza Kövesi was well known to the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to Account Owner Géza Kövesi, as she claimed in her Initial Questionnaire. The CRT notes that the Bank’s records indicate that Account Owner Paula Kövesi was the spouse of Account Owner Géza Kövesi. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

Given that Account Owner Géza Kövesi and his family fled to the United States because of Nazi

persecution in Budapest; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their accounts 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 Owners, 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 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 the Account Owners were her uncle and aunt, and that those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, the Power of Attorney Holder nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners jointly held one demand deposit account and one custody account, and Account Owner Géza Kövesi 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"), and the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value of the accounts at issue is SF 28,140.00. 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 351,750.00.

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 claim 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) at banks other than the Bank.

Certification of the Award

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

Claims Resolution Tribunal
31 August 2005