

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3] and [REDACTED 4]

in re Account of Julius Lakatos

Claim Numbers: 400982/TC, 400708/TC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED 1], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED 2], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Imre Lakatos.¹ This Award is to the published account of Julius Lakatos (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).²

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 Claimants

The Claimants, who are cousins, submitted substantively similar claim forms identifying the Account Owner as their aunt’s father-in-law, Julius Lakatos, who lived in Bobrov, Austria-Hungary (now Slovakia), and was married to [REDACTED], née [REDACTED]. The Claimants indicated that Julius and [REDACTED], who were Jewish, had a son, [REDACTED], who was born on 4 October 1875 in Bobrov, and who was married on 27 June 1907 in Bobrov to [REDACTED], née [REDACTED], the Claimants’ aunt. The Claimants further indicated that Julius Lakatos died in approximately 1912 in Bobrov, and [REDACTED] died in approximately 1910 in Bobrov, and that their heirs included their son, [REDACTED] and his wife (the

¹ The CRT did not locate an account belonging to Imre Lakatos 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”).

² The CRT notes that on the List of Account Owners Published in 2005 (the “2005 List”), the name J. Lakatos appears. The full name of the account owner is Julius Lakatos.

Claimant's aunt). According to the Claimants, their aunt and uncle both perished in the Holocaust in June 1944.

In support of their claims, the Claimants submitted copies of documents, including: (1) their aunt and uncle's marriage certificate, indicating that [REDACTED], who was born on 4 October 1875 to Julius and [REDACTED], was married on 27 June 1907 in Bobrov to [REDACTED], née [REDACTED], who was born on 8 June 1887 to [REDACTED] and [REDACTED] and (2) a detailed family tree, indicating that [REDACTED] and [REDACTED], née [REDACTED], had ten children: [REDACTED], née [REDACTED], who was married to [REDACTED], and both of whom perished in the Holocaust; [REDACTED], née [REDACTED], who died in 1973 and was married to [REDACTED], who perished in the Holocaust; [REDACTED], who was married to [REDACTED], both of whom perished in the Holocaust; [REDACTED], née [REDACTED], who was married to [REDACTED], both of whom perished in the Holocaust; [REDACTED], who died in 1975 and was married to [REDACTED], who perished in the Holocaust; [REDACTED], who was married to [REDACTED], both of whom perished in the Holocaust; [REDACTED], who was married to [REDACTED] and had one daughter, [REDACTED], all of whom perished in the Holocaust; [REDACTED], née [REDACTED], who was married to [REDACTED], both of whom perished in the Holocaust, and had a son, [REDACTED 4], still living, and a daughter, [REDACTED], and son-in-law, [REDACTED], both of whom perished in the Holocaust; [REDACTED], née [REDACTED], who died in 1977 and was married to [REDACTED], who died in 1975, and who had two daughters, [REDACTED], who died in 1940, and [REDACTED], still living; and [REDACTED], née [REDACTED], who died in 1990 and who was married to [REDACTED], who perished in the Holocaust, and had one son, [REDACTED 3], and one daughter, [REDACTED 2], née [REDACTED 2], both of whom are still living.

Claimant [REDACTED 1] indicated that she was born on 12 September 1922 in Piestany, Czechoslovakia (now Slovakia). Claimant [REDACTED 2] indicated that she was born on 18 January 1923 in Budapest, Hungary. Claimant [REDACTED 2] is also representing her brother, [REDACTED 3], who was born 24 December 1924 in Budapest, and her cousin, [REDACTED 4], who was born 12 November 1922 in Dobšiná, Czechoslovakia (now Slovakia).

Information Available in the Bank's Records

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 Julius Lakatos during their investigation of the Bank. The documents evidencing accounts belonging to Julius Lakatos were obtained from archival sources in Switzerland and are further described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the “1962 Survey”). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Julius Lakatos, numbered 724.

According to these records, the Account Owner was Julius Lakatos, *sel.* (deceased). The records do not indicate the Account Owner’s domicile. The records indicate that the Account Owner held an account, the type of which is not indicated, which held a balance of 430.00 Swiss Francs (“SF”) on 1 September 1963.

These records indicate that the last contact with the Account Owners was before the end of the Second World War. The records do not contain information about the ultimate disposition of this account.

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 Claimants in one proceeding.

Identification of the Account Owner

The Claimants’ aunt’s father-in-law’s name match the unpublished name of the Account Owner. The Claimants identified the fact that the Account Owner was deceased, which matches unpublished information about the Account Owner contained in the records of the Swiss National Archive.

In support of their claims, the Claimants submitted documents, including their aunt and uncle’s marriage certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Swiss archive records as the name of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 2] in 1987, which indicates that [REDACTED] was a physician, married to [REDACTED] and living in Ruthenia, Czechoslovakia, until his death in 1944, 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 the other claim to this account was disconfirmed because that claimant indicated that the Account Owner was alive at the time of the 1962 Survey. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that while the Claimants' relative was not a Victim of Nazi Persecution, his son was a Victim of Nazi Persecution. The Claimants indicated that the Account Owner's son was Jewish, and that he perished in the holocaust in June 1944. As noted above, a person named [REDACTED] was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was their aunt's father-in-law. These documents include their aunt and uncle's marriage certificate, indicating that [REDACTED], whose parents were Julius and [REDACTED], was married to [REDACTED], née [REDACTED], whose parents were [REDACTED] and [REDACTED], and a detailed family tree, indicating that [REDACTED] and [REDACTED] were the aunt and uncle by marriage, respectively, of Claimant [REDACTED 1], Claimant [REDACTED 2], represented party [REDACTED 3] and represented party [REDACTED 4]. 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 Nazi-controlled Czechoslovakia; 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 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 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 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was the Claimants' aunt's father-in-law, and those relationships justify 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 an unknown type of account. The Bank's records indicate that the value of the account as of 1 September 1963 was 430.00 Swiss Francs ("SF"). In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the account between 1945 and 1 September 1963. Consequently, the adjusted balance of the account at issue is SF 715.00. According to Article 29 of the Rules, if the amount in an unknown type of account was less than 3,950.00 SF, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 SF. 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.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the people entitled to an award pursuant to Article 23(1)(a-f) has submitted a claim, the award shall be made to any relative of the Account Owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. In this case, Claimant [REDACTED 1] is the daughter of the Account Owner's daughter-in-law's sister [REDACTED], represented party [REDACTED 4] is the son of the Account Owner's daughter-in-law's sister [REDACTED], and Claimant [REDACTED 2] and represented party [REDACTED 3] are the daughter and son of the Account Owner's daughter-in-law's sister [REDACTED]. The CRT determines that it is fair and equitable that following the general principles of distribution in Article 23(1) of the Rules, the Award be divided in equal shares by representation. Accordingly, Claimant [REDACTED 1] is entitled to one-third of the total award amount, represented party [REDACTED 4] is entitled to one-third of the total award amount, Claimant [REDACTED 2] is entitled to one-sixth of the total award amount, and represented party [REDACTED 3] is entitled to one-sixth of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
12 October 2007