

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Adalbert Margittai

Claim Number: 211809/MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Adalbert Margittai (the “Account Owner”) at the Zurich branch of [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 a Claim Form identifying the Account Owner as his father, Adalbert (Albert or Bela) Margittai, who was born on 1 June 1895 in Margita (Szilagyper), Austro-Hungary, and was married to [REDACTED], née [REDACTED], in Baile Buzias, Romania. The Claimant indicated that he is an only child. The Claimant stated that his father was an industrialist who owned sawmills, and that he resided in Gheorgheni, Romania, prior to 1939. The Claimant further stated that from 1939 to 1940, his father resided in Bucharest, Romania, and that from 1940 to 1944 he resided in Budapest, Hungary. The Claimant indicated that on 30 May 1944, he and his family, who were Jewish, were deported to the Bergen-Belsen concentration camp, where they were imprisoned until December 1944. The Claimant further indicated that after they were released from Bergen-Belsen, the Claimant and his parents stayed for two months in the Esplanade refugee camp near Montreux, Switzerland, and thereafter went to Geneva, Switzerland, where they stayed until they were “deported to Italy” in August 1945. According to the Claimant, the family emigrated to Palestine in August 1945. The Claimant stated that his parents lived in Israel until 1952, after which they emigrated to Toronto, Canada, where his father died on 20 December 1990. The Claimant further stated that his father held a numbered account in Switzerland at the [REDACTED] or at the [REDACTED], to which he

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 211809 and 203098. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 211809.

transferred, in 1937, 1938 or 1939, an amount worth over 50,000.00 United States Dollars, in addition to a similar amount in gold bullion. The Claimant indicated that his father never told him that he had closed the account. The Claimant explained that after his father's confinement in Bergen-Belsen, his memory was impaired and he refused to discuss anything concerning the Holocaust until his death. The Claimant submitted a signed narrative from his mother, [REDACTED], dated 10 August 1999, in which she stated that she was aware that her husband, Adalbert Margittai, transferred funds to a Swiss bank account; that he was traumatized after being in Bergen-Belsen; that his memory was impaired; and that he refused to talk about events relating to the Second World War. In support of his claim, the Claimant submitted his birth certificate, identifying his father as Bela Margittai of Gheorgheni; his parents' marriage certificate; a copy of his father's Hungarian passport, identifying him as Bela Margittai; a document certifying the Claimant's family was in the Esplanade refugee camp near Montreux, Switzerland; and his father's certificate of Canadian citizenship, identifying him as Adalbert (Albert) Bela Margittai. The Claimant indicated that he was born on 8 April 1925 in Gheorgheni. The Claimant is representing his mother, [REDACTED], who was born on 29 April 1906 in Baile Buziasi.

The Claimant and the Claimant's mother previously submitted Initial Questionnaires with the Court in 1999, asserting their entitlement to a numbered Swiss bank account owned by Adalbert Margittai at the Zurich branch of either [REDACTED] or the [REDACTED], containing well over 50,000.00 United States dollars and gold bullion.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a printout from the Bank's database of numbered accounts. According to these records, the Account Owner was *Herr* (Mr.) Adalbert Margittai from Gheorgheni, Romania. The Bank's records indicate that the Account Owner held a numbered account of unknown type, number 7196.

The Bank's records show that the account at issue was closed sometime after November 1949, but do not indicate to whom it was paid, nor do these records indicate the value of this account. 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 this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The Claimant stated that his father resided in Gheorgheni, Romania, which matches published information about the Account Owner

contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and place of residence. In support of his claim, the Claimant submitted documents, including his own birth certificate, which indicates that the Claimant was born in Gheorgheni, Romania, and that his father's name was Adalbert Margittai, providing independent verification that his father had the same name and resided in the same city as the Account Owner. Further, the Claimant stated that his father owned a numbered account in Zurich, which matches unpublished information about the account at issue.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Adalbert Margittai, and indicates that his date of birth was 1 June 1895 and place of birth was Szilagyper, 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.

Moreover, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a numbered Swiss bank account owned by Adalbert Margittai of Hungary at the Zurich branch of the Bank, prior to the publication in February 2001 of the list of accounts determined by the ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears the same name as his relative's, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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 and the validity of his claim. Further, the CRT notes that there are no other claims to this account. Taking all 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 deported to the Bergen-Belsen concentration camp in 1944. As noted above, a person named Adalbert Margittai 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 submitting documents, including the Claimant's birth certificate, demonstrating that he is the Account Owner's son. The Claimant is representing his mother, [REDACTED], the Account Owner's wife.

The Issue of Who Received the Proceeds

Given that the Account Owner's account was closed in 1949; that the Account Owner left Switzerland after a short stay in 1945; that the Account Owner or 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 inquires by account owners because of the banks' concern regarding double liability; that there is no record of the payment of the account to the Account Owner after the War; that the Claimant's father's memory was impaired after his traumatic experience in the Bergen-Belsen concentration camp; 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 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 claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Finally, 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 account of unknown type. 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 an account of an unknown type was 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

Division of the Award

According to Article 23(1)(b) of the Rules, if the Account Owner's spouse and descendants have submitted a claim, the spouse shall receive one-half of the account, and any descendants who have submitted a claim shall receive the other half in equal shares by representation. In this case, the Claimant, who is the Account Owner's son, represents his mother, the Account Owner's widow. Consequently, the Claimant is entitled to one-half of the award amount, and his mother, [REDACTED], the Account Owner's widow, is entitled to one-half of the award amount.

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
September 15, 2003