

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Ambroise Porosz

Claim Number: 210442/CC/IS¹

Award Amount: 76,125.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished accounts of Ambroise Porosz (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 a Claim Form identifying the Account Owner as her maternal uncle, Dr. Ambros (Ambrus) Porosz, who was born in Budapest, Hungary in 1896, and was married to [REDACTED], née [REDACTED], in Budapest in 1936. According to the Claimant, her uncle was the son of Dr. [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that her uncle, who was Jewish, resided at Vilmos Csaszar ut. 31 (Ulrich Palais) in Budapest. The Claimant indicated that her uncle was an oral surgeon and worked at his residential address. According to the Claimant, in 1942, her uncle was sent with a forced labor battalion of the Hungarian army to the Russian Front, where he died in approximately 1944. The Claimant further stated that both her uncle’s wife and only child, [REDACTED], perished in Auschwitz in 1944. In support of her claim, the Claimant submitted a copy of her birth certificate showing that she was born on 7 June 1922 in Budapest, Hungary, that her mother’s maiden name was Poroszova and that her place of birth was Budapest.

The Claimant previously submitted two Initial Questionnaires (“IQs”) to the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by her maternal uncle, Dr. Ambros Porosz.

¹ The Claimant submitted two Claims Forms, which were registered under the Claim Numbers 210442 and 203322. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 210442.

Information Available in the Bank's Records

The Bank's records consist of a customer card, signed on 22 February 1939 in Zurich, Switzerland; a memorandum, dated 7 September 1959, prepared in connection with an internal Bank survey of dormant accounts conducted in 1959; a list of accounts whose owners requested that the Bank hold correspondence and whom the Bank had not heard from for an appreciable period of time or who perhaps had disappeared ("*Kunden mit zurückbehaltener Korrespondenz die seit längeren Zeit nichts von sich hören liessen eventuell verschollen sind*"); and a list of account owners with whom the Bank last had contact in the period from 1 January 1930 to 31 August 1939 and who presumably resided behind the Iron Curtain ("*Konti und Depots von Inhabern, mit denen die Bank letztmals in der Zeit vom 1. Januar 1930 bis 31. August 1939 in Verbindung stand und die vermutlich hinter dem eisernen Vorhang domiziliert sind.*")². According to these records, the Account Owner was Dr. Ambroise Porosz, who held an account of unknown type denominated in Swiss Francs ("SF") and a demand deposit account. The records indicate that the Account Owner's wife, *Frau* (Mrs.) Dr. [REDACTED], held power of attorney over the account of unknown type.

According to the customer card, the Account Owner provided his address as care of Hanhart at Dufourstrasse 79, Zurich, and requested, on an unspecified date, that the Bank to hold all correspondence. The customer card contains a notation of SF 150.00, but there is no explanation to what this amount refers.

According to the lists of accounts, the Account Owner's last contact with the Bank was in 1939. Though the ICEP auditors included two lists of accounts, these are identical and show the Account Owner's name, that he held a demand deposit account in Swiss Francs and that the balance of the demand deposit account at the time of its inclusion on the lists was SF 69.50. The Bank's records do not indicate the value of the account of unknown type, or dates of closure for either 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 "ICEP Investigation") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's maternal uncle's

² According to the memorandum, the Zurich office reported 398 demand deposit accounts with assets totaling SF 1,288,290.91; 148 passbook savings accounts with assets totaling SF 91,476.93; and 81 custody accounts, with assets totaling SF 1,207,379.00. Of these, the Zurich branch indicated that 155 demand deposit accounts with assets totaling SF 880,817.07 and 36 custody accounts with assets totaling SF 886,207.00 were owned by persons who were presumably domiciled behind the Iron Curtain.

name matches the unpublished name of the Account Owner.³ The Claimant identified the Account Owner's professional title and his marital status, which match unpublished information about the Account Owner contained in the Bank's records.⁴

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Ambrus Porosz, and indicates that he was born in 1896 in Budapest and resided at Vilmos Csaszar ut. 31 (Ulrich Palota) in Budapest, 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 further notes that there are no other claims to this account.

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 lived in Nazi-allied Hungary. The Claimant indicated that in 1942, the Account Owner was sent with a forced labor battalion of the Hungarian army to the Russian Front, where he died in approximately 1944. The Claimant further stated that both the Account Owner's wife and only child perished in Auschwitz in 1944. As noted above, a person named Ambrus Porosz was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, showing that the Account Owner was the Claimant's maternal uncle. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimant filed IQs with the Court in 1999 identifying the relationship between the Account Owner and the Claimant; and that the Claimant also identified information which matches information contained in the Yad Vashem records.

The CRT further notes the Claimant submitted her birth certificate indicating that the Claimant's mother's maiden name was Poroszova, providing independent verification that the Claimant's relatives bore the same family name as the Account Owner.⁵ Finally, the CRT notes that the foregoing information is the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving

³ The CRT notes that Claimant identified the Account Owner's first name as Ambros or Ambrus, whereas the Account Owner's first name was spelled Ambroise. The CRT notes that according to the Bank's records, the Account Owner's wife's name was *Frau* Dr. [REDACTED], which is the Hungarian equivalent of Mrs. Dr. [REDACTED]. Therefore, the CRT concludes that the names Ambrus Porosz and [REDACTED] refer to the same person.

⁴ As noted above, the Bank's records indicate the Account Owner's wife's name as *Frau* Dr. [REDACTED]. The CRT notes that the suffix "né" indicates that this person is the wife of Dr. Ambrus Porosz.

⁵ As indicated in the birth certificate, the Claimant's mother's maiden name was Poroszová. The CRT notes that the family name Poroszová is the female variation of the name Porosz.

heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in 1944; that the demand deposit account was included by the Bank on two identical lists of dormant accounts in 1959; that there is no record of the payment of the Account Owner's accounts to him nor any record of a date of closure of the accounts; that the Account Owner and his heirs would not have been able to obtain information about his 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 accounts' proceeds were not paid to the Account Owner, 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 Owner was her maternal uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one account of unknown type. The Bank's records indicate that the value of the demand deposit account as of 1959 was SF 69.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 an award amount of SF 26,750.00 for this account.

With regard to the 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 a account of unknown type was SF 3,950.00. 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 an award amount of SF 49,375.00 for this account.

Accordingly, the total award amount is SF 76,125.00.

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).

Certification of the Award

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

Claims Resolution Tribunal
10 December 2004