

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Alexander Szana,
represented by Paul Kertesz

in re Accounts of Andreas Szana

Claim Number: 217700/SJ

Award Amount: 325,000.00 Swiss Francs

This Certified Award is based upon the claim of Alexander (Sandor) Szana (the "Claimant") to the published accounts of Andreas Szana (the "Account Owner") at the [REDACTED] (the "Bank").¹

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 paternal uncle, Dr. Andreas Szana, who was born in 1895 in Timisoara, Romania, to Dr. Med. Sandor Szana and Etel Szana, née Basch, and who resided in Timisoara at 3 Gheorghe Street. The Claimant stated that his uncle, who was Jewish, was a medical doctor and ran his medical practice from his home address. The Claimant indicated that Andreas Szana was the brother of his father, Sigismund (Sigmund) Szana. The Claimant further indicated that in 1940, his uncle was forced to contribute funds for the support of the Romanian and German armies, to have a sign on his practice reading "Jewish Doctor", and to perform forced labor cleaning streets. Furthermore, the Claimant stated that his uncle was denied all civil rights by the Romanian authorities, including the right to travel. The Claimant stated that his uncle was able to flee to Buenos Aires, Argentina, in 1941 and died there in 1958. In support of his claim, the Claimant submitted his own birth certificate showing that he was born in Timisoara and is the son of Sigismund Szana, as well as his father's death certificate, indicating that his father was a bank director and the son of Dr. Sandor Szana. On 18 September 2002, the Claimant's representative submitted an extract

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), Andreas Szana is indicated as having one account. Upon careful review, the CRT has concluded that the Bank's records evidence the existence of four accounts.

from a 1930 book entitled *Ki Kicsoda?* (“Who’s Who?”), listing public figures in the Banat region in Romania, which indicates that Dr. Andreas Szana was born in 1895 in Timisoara, that he was a gynecologist and radiologist, and identifies Dr. Andreas Szana as the son of the Chief Doctor of Medicine in Budapest. This extract also identifies the Claimant’s father, Zsigmond Szana, and indicates that he was the son of a doctor in Budapest and that he was a bank director in Budapest. The Claimant indicated that he was born on 23 February 1932 in Timisoara.

Information Available in the Bank’s Records

The Bank’s records consist of customer cards, a list of dormant accounts owned by people believed to live behind the Iron Curtain, and printouts from the Bank’s database. According to these records, the Account Owner was Dr. Andreas Szana, a deputy head of a medical facility (*Oberarzt*), who resided in Banater Haus, Timisoara, Romania. The Bank’s records indicate that the Account Owner held three custody accounts, numbered 6794, 61061, and 39911, and one demand deposit account, also registered under the number 6794. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts (“Voluntary Assistance”). On 7 September 2004, the Bank provided the CRT with additional documents. These documents consist of copies of customer cards, a contract for a lien (*Pfand-Bestellung*) completed by the Account Owner on 15 April 1931, ledger sheets, and printouts from the Bank’s database. These records indicate the closure dates of two of the custody accounts and the demand deposit account and the existence of a fourth custody account, numbered 22160.

The Bank’s records indicate that the custody account numbered 6794 contained bonds issued by the City of Budapest in 1914 (*4.5% Obl. der Stadt Budapest V. 1914*) and that on 30 May 1932 the face value of these bonds was 100,800.00, but the currency in which the bonds were denominated is not legible. The Bank’s records further indicate that in 1932, these bonds were pledged in favor of the life insurance company *Phoenix*, located in Amsterdam, the Netherlands, and that the Account Owner could not access the bonds without the consent of the *Phoenix* insurance company. The Bank’s records indicate that the Account Owner also held a demand deposit account, numbered 6794, but do not indicate its balance. According to the Bank’s records, custody account 6794 was closed on 29 June 1934 and demand deposit account 6794 was closed on 26 June 1934.

According to the Bank’s records, the Account Owner also held a custody account, numbered 39911, which was closed on 20 July 1936.

The Bank’s records further indicate that the Account Owner held a custody account, numbered 61061, which was included in a 1959 internal bank survey of dormant accounts owned by people believed to live behind the Iron Curtain. The Bank’s records indicate that there had been no contact with the Account Owner since 1939 and that, as of 1959, it was not possible to estimate the value of this account. The Bank’s records do not show when this account was closed or to whom it was paid. 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.

According to the ledger sheets, the Account Owner owned a custody account, numbered 22160, that was opened on 21 April 1939 and closed on 11 October 1940. The records do not indicate the value of the account on the date of its closure.

With regard to the custody accounts 61061 and 22160, there is no evidence in the Bank's records that the Account Owner or his 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 paternal uncle's name and city of residence match the published name and city of residence of the Account Owner. The Claimant indicated that his uncle was a doctor, which matches unpublished information about the Account Owner's profession contained in the Bank's records. In support of his claim, the Claimant submitted his own birth certificate, showing that he was born in Timisoara and is the son of Sigismund Szana, as well as his father's death certificate, showing that Sigismund Szana was the son of Dr. Sandor Szana. The Claimant's representative also submitted an extract from a book published in 1930, indicating that Dr. Andreas Szana was a gynecologist and radiologist born in Timisoara and that he was the son of the Chief Doctor of Medicine in Budapest. The CRT notes that there are no other claims to these accounts.

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, that he was forced to make monetary payments to Romanian and German authorities, forced to post signs on his business identifying himself as Jewish, forced to perform street cleaning labor by the Romanian regime that was supported by the Nazi regime, and that he fled to Buenos Aires in 1941.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's paternal uncle. These documents include the Claimant's own birth certificate, indicating that he was born in Timisoara and is the son of Sigismund Szana; Sigismund Szana's death certificate, indicating that he was a bank director and was the son of Dr. Sandor Szana; and an extract from a book, published in 1930, listing public figures in the Banat region in Romania, which identifies Dr. Andreas Szana as a gynecologist and radiologist born in Timisoara in 1895, and as the son of the Chief Doctor of Medicine in Budapest and that identifies Zsigmond Szana as a bank director and the son of a doctor in Budapest. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With regard to the custody accounts numbered 6794 and 39911 and the demand deposit account numbered 6794, the Bank's records indicate that they were closed on 29 June 1934, 20 July 1936, and 26 June 1934, respectively. The CRT notes that these accounts were closed prior to Romania allying itself to the Axis on November 10, 1940. Accordingly, the CRT concludes that the Account Owner closed the accounts and received the proceeds.

With respect to the custody accounts numbered 22160 and 61061, given that Romania allied itself to the Axis on November 10, 1940; that the Account Owner fled to Buenos Aires in 1941; that there was a Communist dictatorial regime in Romania after the Second World War; that Switzerland froze Romanian accounts on 20 August 1948 and released the accounts in October 1951²; that there is no record of the payment of the Account Owner's accounts to him or his heirs, nor any record of date of closure for account numbered 61061; that the Account Owner or his heirs would not have been able to obtain information about the 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 (b), (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 proceeds of these accounts were not paid to the Account Owner or his heirs.

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 paternal uncle, and that relationship justifies 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 accounts.

Amount of the Award

In this case, the Award is for two custody accounts of unknown value. 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 custody account was 13,000.00 Swiss Francs ("SF"). Thus, the total 1945 average value for two custody accounts is SF 26,000.00. 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 325,000.00.

² Though a protocol attached to the Trade and Payments Agreement concluded between Switzerland and Romania on 3 August 1951, Switzerland agreed to cede to Romanian authorities heirless assets held in Switzerland by Romanian nationals, whose final residence had been in Romania. Ultimately, no transfers were ever made pursuant to this agreement.

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
18 November 2004