

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Shmuel (Sandor) Vas,<sup>1</sup>  
represented by Shmuel Dana

**in re Account of Ludwig Vas**

Claim Number: 003850/UM

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of Shmuel (Sandor) Vas (the “Claimant”) to the published account of Ludwig Vas (the “Account Owner”) at the Berne branch of the [REDACTED] (the “Bank”).

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 father, Ludwig (Lajos) Vas, who was born in 1899 in Törökszentmiklós, Hungary, and was married to Izabella Vas, née Leichter, on 3 December 1925 in Törökszentmiklós. The Claimant stated that his father, who was Jewish, studied trade in Budapest, Hungary, for three years, starting at age eighteen. The Claimant further stated that his father later became a grain dealer in Törökszentmiklós, and that he frequently travelled to Budapest in order to purchase grain. The Claimant indicated that his father was the sole representative of the *Gwsheind* factory, a grain processing factory located in Budapest, and that this position also required frequent trips to Budapest. Moreover, the Claimant stated that his father stayed with his two sisters, who both lived in Budapest, during these trips. The Claimant was able to provide specific addresses for the two sisters for the 1930s and 1940s. Furthermore, the Claimant stated that his father attempted to flee Hungary in 1938, and that at that time, he began transferring money to Swiss bank accounts through Ferenc Leichter, who was the Claimant’s mother’s cousin and was

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<sup>1</sup> The Claimant provided his name and some of his relatives’ names only in Hebrew characters in the Claim Form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the Claim Form with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

married to a Swiss national. The Claimant does not know whether his father also attempted to move money to Switzerland before 1938. The Claimant additionally stated that his father was subsequently deported to Auschwitz, together with his wife and daughter, and that they perished there. The Claimant submitted his father's birth certificate, identifying him as Lajos Vas, who was born on 18 June 1899 in Törökszentmiklós; and his own birth certificate, identifying his father as Lajos Vas. The Claimant indicated that he was born on 8 November 1927 in Törökszentmiklós.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Lajos Vas.

### **Information Available in the Bank's Records**

The Bank's records consist of a safe deposit box registry card, a fragment of a safe deposit box rental contract, a notarized transcription of a protocol of the forced opening of a safe deposit box, printouts from the Bank's database, and internal bank correspondence relating to publication of dormant assets on the 1997 published list of Dormant Assets of Swiss Bank Clients published by the Swiss Bankers Association (the "1997 List").<sup>2</sup>

According to these records, the Account Owner was Ludwig Vas, who resided at Borárostér 2 in Budapest, Hungary. The Bank's records indicate that the Account Owner held a safe deposit box, numbered 655. The safe deposit box rental agreement was signed by the Account Owner on 20 April 1918 in Berne, Switzerland. According to the Bank's records, the rental fees for the safe deposit box were paid until 20 April 1935. These records further indicate that this safe deposit box was forcefully opened on 2 October 1939, and that, at that time, it contained two notebooks and various letters. The items discovered in the safe deposit box were placed in a sealed envelope. This envelope was opened in 1997, and a Bank's representative noted that the value of its contents could not be evaluated. The contents of the safe deposit box remains with the Bank.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner. Moreover, the Claimant stated that his father studied in Budapest, that he was the sole representative of a factory there, and that he frequently travelled from Törökszentmiklós, his hometown, to Budapest, which is located approximately 100 kilometers away, on business. In addition, the Claimant indicated that his father's sisters lived in Budapest. Therefore, the Claimant has established a strong connection with the Account Owner's published city of

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<sup>2</sup> The CRT notes that the Account Owner was published as a Swiss citizen on the 1997 List. The Bank's records indicate, however, that the Account Owner resided in Budapest, Hungary, and there is no indication in the Bank's records that the Account Owner was indeed a Swiss citizen.

residence. In support of his claim, the Claimant submitted documents, including his father's birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided approximately 100 kilometers away from the city recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that although the father's birth certificate identifies him as Lajos Vas, the Claimant stated that his father's alternative, German language name was Ludwig. The CRT has confirmed that Ludwig is a common German equivalent of Lajos in Hungarian. The CRT further notes that the name Ludwig Vas appears only once 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").

Furthermore, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Lajos Vas, prior to the publication of the ICEP List. This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears a similar name as his relative, 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. The CRT additionally notes that the other claim to this account was disconfirmed because that claimant provided a date of birth that was not reconcilable with the Bank's records. Taking all of 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 perished in Auschwitz.

#### 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 father. These documents include the Claimant's own birth certificate and his father's birth certificate. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was forcibly opened on October 2, 1939, that its contents were transferred to an envelope stored at the Bank, and that this envelope remains at the Bank.

#### 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 Governing the

Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Third, the CRT has determined 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 safe deposit box, the contents of which could not be evaluated. 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 investigation carried out pursuant to the instructions of the ICEP (the "ICEP Investigation"), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs (SF). 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 15,500.00.

The CRT notes that it is undertaking efforts to retrieve the actual contents of the safe from the Bank to deliver to the Claimant.

#### **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  
10 September 2004