

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2] and [REDACTED 3]  
represented by [REDACTED]

## **in re Account of Emil Adorjan**

Claim Numbers: 771536/HB; 781217/HB<sup>1</sup>

Award Amount: 26,850.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], formerly [REDACTED] (the “Claimant”) to the published account of Emil Adorjan (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>2</sup>

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 two Initial Questionnaires (“IQs”), identifying the Account Owner as his paternal grandfather, Dr. Emil Adorjan, who was born on 17 February 1871 in Oradea, Romania, and was married to [REDACTED], née [REDACTED]. According to the Claimant, his grandparents had five children: [REDACTED] (or [REDACTED], the Claimant’s father),

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<sup>1</sup> Claimant [REDACTED 1] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted two Initial Questionnaires (“IQs”), numbered ENG-0436123 and ENG-0057140, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 771536 and 781217, respectively.

<sup>2</sup> The CRT notes that the name Emil Adorjan was not published 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”). However, the CRT notes that the name Emil Adorjan was published on a February 1997 list of 53 Polish account owners whose accounts were transferred from the Swiss Unclaimed Assets Fund and were paid to the Polish National Bank. The Unclaimed Assets Fund was established by the Swiss Government to identify dormant assets belonging to heirless non-Swiss citizens who were the victims of racial, religious, or political persecution. Finally, the name Emil Adorjan was published on the 2005 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “2005 List”).

[REDACTED], [REDACTED], [REDACTED], and [REDACTED]. The Claimant indicated that his grandfather, who was Jewish and had Romanian and possibly Hungarian citizenship, resided on Strad Kazincy in Oradea between 1910 and 1944. The Claimant further indicated that his grandfather was a lawyer, stenographer and entrepreneur, as well as a successful businessman who studied and traveled throughout Europe, spending time in Budapest, Hungary, where he had family, as well as in Romania, France, and Germany. The Claimant indicated that his grandfather owned a company called *Fekete Sas Es Zoldfa es Vigado*, which financed the *Vulturul Negru* (Black Eagle Palace) and other famous buildings around Oradea. The Claimant further indicated that his grandfather owned the *Star* brick factory (also called *Vulkan* or *Sztaric*), *Banca Magyar* (formerly *Banca Industrialia*), and a film distribution company called *Dorian Films*, which owned many cinemas in Romania. According to the Claimant, his grandfather owned property in Zurich, Switzerland, and held at least one Swiss bank account. The Claimant indicated that his grandfather was captured and tortured by Nazi soldiers in Oradea, and that he was forced to live in the Oradea ghetto and then deported to Auschwitz, where he perished on 4 June 1944. According to information provided by the Claimant, two of his uncles ([REDACTED] and [REDACTED]) died during the Holocaust, and his father, his aunt, and another uncle ([REDACTED], [REDACTED], and [REDACTED]), who had reached safety in England, later died there. The Claimant indicated that his father and his uncle [REDACTED] were the only children of his grandparents who had children, and that the Claimant and his siblings, and [REDACTED] (the son of his uncle [REDACTED]), who is not represented in his claims, are his grandparents' only surviving heirs.

The Claimant submitted copies of documents in support of his claims, including: (1) his grandfather's death certificate, indicating that Dr. Emil Adorjan, who was Jewish, was born on 17 February 1871 in Oradea, that he was a lawyer who resided at Kazincy no. 6 in Oradea, and was married to [REDACTED], née [REDACTED], and that they both perished in Auschwitz on 4 June 1944; (2) an extract from the birth register of Oradea regarding the Claimant's father, dated 6 November 2003, indicating that [REDACTED], who was Jewish, was born in Oradea on 29 November 1905, and was Emil Adorjan's son; (3) a certificate of nationality, indicating that Dr. Emil Adorjan, a Romanian citizen born on 17 February 1871, was a director general, and that his son, [REDACTED], was born in November 1905; (4) a certificate of deed poll regarding the Claimant's father, dated 7 August 1945, indicating that [REDACTED] s former surname was Adorjan; (5) a birth registry extract, indicating that [REDACTED] was born on 13 November 1935, and that his father was [REDACTED]; (6) a birth registry extract, indicating that [REDACTED 2] was born on 15 February 1943, and that her father was [REDACTED]; (7) a birth registry extract, indicating that [REDACTED 1] was born on 28 November 1933, and that his father was [REDACTED].

The Claimant indicated that he was born on 28 November 1933 in London. The Claimant is representing his sister [REDACTED 2], née [REDACTED], who was born on 15 February 1943, and his brother [REDACTED 3], who was born on 13 November 1935, both in England.

Finally, the Claimant submitted a copy of an application filed on 16 February 1997 with the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the "Swiss Bank Contact Office"), indicating that he requested a search for accounts held by Emil Adorjan, for which he paid a search fee of 100.00 Swiss Francs ("SF").

## **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 Emil Adorjan during their investigation of the Bank. The evidence documenting the existence of an account was published by the Press Office of the Polish Ministry of Finance and is discussed in detail below.

## **Information Published by the Press Office of the Polish Ministry of Finance**

In the publication entitled *Nasze finanse*, published by the Press Office of the Polish Ministry of Finance, number 25, dated February 1998, there is information concerning the assets of Emil Adorjan.

According to these records, the Account Owner was Dr. Emil Adorjan, a Romanian citizen who resided at 6 Szinhaz utca in Pradla,<sup>3</sup> and Dr. Pal Gulai, who resided at 2/c II/5 Györy utca in Budapest, was the contact person on his account. These records indicate that the Account Owner held a demand deposit account, with a balance of SF 376.00, as of 27 February 1964. According to these records, the last contact with the Account Owner took place in 1930. These records indicate that the Bank tried to contact the Account Owner in 1939, but all letters remained unanswered. These records further indicate that the account had a balance of SF 255.50 on 15 August 1975, when it was transferred to the Polish National Bank.

## **Information Available in the Swiss Federal Archive**

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the registration of assets belonging to Dr. Emil Adorjan, whose last known address, as of 1930, was Szinhaz utca 6, Pradla, Poland. The records indicate that Emil Adorjan was a Romanian national, and that beginning in 1939, correspondence was to be sent to Dr. Gyulai Pal Györy, ut. 2/0 II/5, Budapest 1, Hungary. These records indicate that, as of 27 February 1964, the Account Owner held a demand deposit account at the Bank with a value of SF 376.00. The records indicate that the assets were reported by the Bank as a “doubtful case” (“*Zweifelsfall*”) in the course of the 1962 survey of assets held in Switzerland by foreigners or stateless persons who were, or who were believed to have been, victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a Federal decree in 1962 (the “1962 Survey”). A stamp on the documents warns that they are to be treated with special care, because the Account Owner was domiciled behind the Iron Curtain. According to the records, the Guardianship Authorities of the city of Zurich (*Vormundschaftsbehörde der Stadt Zürich*) were requested to place these assets in trust. An internal memorandum in the file, dated 9 December 1966, indicates that these

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<sup>3</sup> The CRT notes that, while Pradla is located in Poland, the Account Owner provided a Hungarian street address. Therefore, it is likely that the Account Owner resided in a town in Hungary and that his address was misspelled and later deemed to be located in Poland.

assets were placed under the legal care of Dr. H. Häberlin of Weinfelden. The records do not refer to the ultimate disposition of the assets.

## **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 Claimant in one proceeding.

### Identification of the Account Owner

The Claimant's grandfather's name matches the published name of the Account Owner. The Claimant identified the Account Owner's nationality, his professional title, and his connection to Budapest, which further matches information about the Account Owner as contained in the records from the Press Office of the Polish Ministry of Finance and the Swiss Federal Archive.

In support of his claim, the Claimant submitted documents, including his grandfather's death certificate, an extract from the birth register of Oradea regarding the Claimant's father, and his grandfather's certificate of nationality, providing independent verification that the person who is claimed to be the Account Owner had the same name, nationality, and professional title recorded in the records from the Press Office of the Polish Ministry of Finance and Swiss Federal Archive as the name, nationality, and professional title of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Dr. Emil Adorjan, and indicates that he had Romanian nationality, resided at Strad Kazincy no. 6 in Oradea, 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 Claimant filed two IQs with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Emil Adorjan, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same 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 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, that he was tortured in Oradea by the Nazis, and then forced to live in the Oradea ghetto and then deported to Auschwitz, where he and his wife perished. Furthermore, the Claimant indicated that two of the Account Owner's children perished in the Holocaust. As noted above, a person named Emil Adorjan 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 specific information and documents, demonstrating that the Account Owner was the Claimant's paternal grandfather. These documents include an extract from the birth register of Oradea regarding the Claimant's father, indicating that [REDACTED] was Emil Adorjan's son; his grandfather's certificate of nationality, indicating that Dr. Emil Adorjan had a son named [REDACTED]; and birth registry extracts for himself and his siblings, indicating that their father was [REDACTED].

The Claimant indicated that he has a cousin who is not represented in his claim, and who has not submitted a claim to the CRT.

### The Issue of Who Received the Proceeds

The publication of the Press Office of the Polish Ministry of Finance indicate that the account was transferred on 15 August 1975 to the Polish National Bank.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and the parties he represents. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his grandfather, 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 account.

### Amount of the Award

In this case, the Account Owner held one demand deposit account. The records of the Press Office of the Polish Ministry of Finance indicate that the value of the demand deposit account, as of 27 February 1964, was SF 376.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 676.00. 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.

The CRT also notes that the Claimant paid a search fee of SF 100.00 on 16 February 1997, when he requested that the Swiss Bank Contact Office search for accounts held by Emil Adorjan. This search fee is added to the amount being awarded to the Claimant, for a total award amount of SF 26,850.00.

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sister, [REDACTED 2], and his brother, [REDACTED 3]. Accordingly, the Claimant, his sister and his brother are each entitled to one-third of the award amount of SF 26,750.00 for the account, in addition to which the Claimant is entitled to SF 100.00 for the search fee he paid in 1997.

#### **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 claims 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  
28 June 2006