

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Paula Farago

Claim Numbers: 732415/HB; 205428/HB; 224408/HB

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Paula Farago (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).¹

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 Claim Forms and an Initial Questionnaire (“IQ”) identifying the Account Owner his paternal uncle’s wife, Ferencné Farago, née Paula Haas, who was born in 1890 in Budapest, Hungary. The Claimant indicated that his aunt, who was Jewish, was married twice: first to [REDACTED], with whom she had one son, also named [REDACTED], and later to the Claimant’s paternal uncle, [REDACTED], whom she married in 1920 in Budapest. The Claimant stated that, from 1930, his aunt and uncle resided at Bulyovskzy 23 in the sixth district of Budapest and that his uncle was an insurance company manager. According to information provided by the Claimant, his uncle died on 20 May 1939 and, following his death, his aunt reverted to her given name Paula, but continued to use her second husband’s surname, Farago, particularly outside of Hungary. The Claimant further stated that his aunt and her son perished in the Budapest Ghetto in December 1944.

In support of his claim, the Claimant submitted copies of: (1) his parents’ marriage certificate, issued on 12 January 1949 in Budapest, indicating that [REDACTED] and [REDACTED] married in 1921 in Budapest, and that [REDACTED] was a witness to the ceremony; (2) his

¹ The CRT notes that no information but the Account Owner’s name was published in the List of Account Owners Published in 2005 (the “2005 List”). However, the name and city of residence of the Account Owner was published in a list circulated in Hungarian newspapers in November 1997.

father's death certificate, issued on 1 August 1977 in Budapest, indicating that [REDACTED] died on 27 July 1977 in Budapest, where he had resided, and; (3) two letters issued by the Jewish Community in Budapest to the Claimant on 9 December 1997, indicating that Paula Ferencné Farago and her son, [REDACTED], were buried in a mass grave in Budapest and that [REDACTED] died on 20 May 1939 in Budapest.

The Claimant indicated that he was born on 19 March 1931 in Székesfehérvár, Hungary. The Claimant is representing his sister, [REDACTED 2], who was born on 20 October 1926 in Budapest.

Information Available in the Bank's records

The CRT notes that the auditors who carried out the investigation of the 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 Paula Farago during their investigation of the Bank. The documents evidencing the account belonging to Paula Farago were obtained from archival sources in Switzerland and are further described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the "1962 Survey").

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of *Frau* (Mrs.) Paula Farago, numbered 424. According to these records, as of the time of her last known contact with the Bank in 1939, Paula Farago resided at Dessewffygasse Nr. 21 in the 6th District of Budapest, Hungary. The records also list an earlier contact address of the Account Owner as care of a Josef Pabisch in Czechoslovakia. In addition, there is a note that, from 1939, correspondence was to be sent to a Charles Auer, care of Mrs. M. Lester at 285 High Road, Chadwell Heath, Essex, England.

These records indicate that the Bank applied to the relevant guardianship authority (*Vormundschaftsbehörde*) to appoint a custodian for the account, and that such custodian was appointed in 1966.

These records further indicate that the Account Owner held a demand deposit account at the Bank and that, as of 1 September 1963, the amount in the account was 1,602.00 Swiss Francs ("SF"). The records do not contain information about the ultimate disposition of this account. There is no evidence in these records that Paula Farago or her heirs closed the account and received the proceeds themselves.

Finally, the records further indicate that the assets were reported by the Bank as a doubtful case (*Zweifelsfall*) in the course of 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.

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 three claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant's aunt's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city and country of residence, which matches information about the Account Owner contained in the records from the Swiss Federal Archive.

The CRT notes that the Claimant indicated that his aunt resided at Bulyovszky 23 in Budapest whereas the records from the Swiss Federal Archive indicate that the Account Owner lived at Dessewffygasse 21 in Budapest. The CRT further notes that these streets are in the same district of Budapest and that it is plausible that the Account Owner changed her address. Given that the Claimant was a young child during the time of the Second World War, and that no original Bank records survive to confirm the address, as well as for the reasons specified below, the CRT concludes that this minor discrepancy does not adversely affect the Claimant's identification of the Account Owner.

In support of his claim, the Claimant submitted documents, including two letters issued by the Jewish community in Budapest, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the records from the Swiss Federal Archive as the name and city of residence of the Account Owner. The CRT notes that the name Paula Farago appears only once on the List of Account Owners Published in 2005 (the "2005 List"). The CRT further notes that there are no other claims to this account. 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 she perished in the Budapest Ghetto in 1944. The Claimant also submitted letters from the Jewish community in Budapest, indicating that Ferencné Farago, née Paula Haasz, was buried in a mass grave in Budapest. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Paula Farago, and indicates that she resided at

Dessewffygasse Nr. 21 in Budapest, which matches the information about the Account Owner contained in the records from the Swiss Federal Archive. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's paternal aunt by marriage.

The CRT notes that the Claimant submitted copies of letters from the Jewish community in Budapest regarding the fate of Ferencné Farago, née Paula Haasz, during the Holocaust. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted copies of his parents' marriage certificate and his father's death certificate which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Budapest. Finally, the CRT notes that the foregoing information is of 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 he has asserted in his Claim Forms.

There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in the Budapest Ghetto in 1944; that the account was reported in the 1962 Survey, years after the Account Owner's death; that there is no record of the payment of the Account Owner's account to her heirs, nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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 Presumption (a), (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 her 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 and the represented party. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner's husband was his and his sister's paternal aunt by marriage, and that relationship

justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a demand deposit account. The records from the Swiss Federal Archive indicate that the value of the demand deposit account as of 28 February 1964 was SF 1,602.00. 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 1,902.00. 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 a total award amount of SF 26,750.00.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award pursuant to Article 23(1)(a-f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether or blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. In this case, the Claimant is representing his sister, [REDACTED 2]. The CRT notes that the Claimant and his sister are the nephew and niece of the Account Owner's second husband. Accordingly, the Claimant and his sister are each entitled to one-half of the total 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 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
15 November 2007