

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Laszlo Forgacs

Claim Number: 202548/AX

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Laszlo Forgacs (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 father, Menyhart Laszlo Forgacs, who was born on 11 October 1894 in Alsozsolca, Hungary, and was married to [REDACTED], née [REDACTED], in August 1919 in Miskolc, Hungary. The Claimant stated that her father, who was Jewish, was a director of a company named *Hertz Gepgyar* in Miskolc, which manufactured agricultural machines. In a telephone conversation with the CRT on 27 October 2004, the Claimant indicated that her father often traveled to Budapest, Hungary for business and may have maintained an apartment there. The Claimant further stated that her father resided at Szeghenyi U. 88 in Miskolc, from 1920 to 1944.

The Claimant stated that in April 1944, the Nazis took her father and brother to a slave labor camp and that at the end of March 1945 they were both shot to death in Mosonszentmiklos, Hungary, which is not far from the Austrian border. The Claimant further stated that she and her mother were interned at Auschwitz, and then in the Bergen-Belsen concentration camp, where the Claimant’s mother was killed on 4 March 1945. The Claimant managed to survive the Holocaust, and after the Second World War she moved to Budapest. The Claimant stated that when she was a young girl she heard her parents talk about a bank account in Switzerland, but as she was very young at the time she does not have any more details about this account. In support of her claim, the Claimant submitted her birth certificate indicating that her father was Menyhart Forgacs, and that he was from Hungary. In a telephone conversation with the CRT on 11 April 2005, the Claimant indicated that she did not have any documents indicating her father’s middle

name, and that most of the family documents were destroyed or lost during the Second World War. The Claimant indicated that she was born on 26 October 1930 in Miskolc.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her brother [REDACTED], which was opened by her parents. During a telephone conversation with the CRT on 9 January 2003, the Claimant explained that she thought that her father opened the account in the name of her brother, [REDACTED], and therefore she filed the IQ asserting an account belonging to her brother.

Information Available in the Bank’s Record

The Bank’s record consists of a customer card. According to this record, the Account Owner was Laszlo Forgacs. The Bank’s record indicates that the Account Owner’s city of residence was Budapest, Hungary. The Bank’s record further indicates that the Account Owner held a custody account numbered 4437 and a demand deposit account, both opened on 21 February 1937. According to this record, the custody account was closed on 28 April 1939, and the demand deposit account was closed on 20 December 1947. The Bank’s record does not show to whom these accounts were paid, nor does this record indicate the value of these accounts. There is no evidence in the Bank’s record 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’s father’s middle and last names match the Account Owner’s name.¹ The Claimant stated that her father resided in Hungary, which matches published information about the Account Owner contained in the Bank’s record. The CRT notes that the Claimant indicated that her father often traveled to Budapest for business and may have kept a residence there, which is consistent with the unpublished city of residence of the Account Owner. In support of her claim, the Claimant submitted her birth certificate indicating that her father was Menyhert Forgacs, and that he was from Hungary, providing independent verification that the person who is claimed to be the Account Owner had the same last name and resided in the same country of residence recorded in the Bank’s records as the last name and country of residence of the Account Owner.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account opened by her parents, 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

¹ The CRT notes that the documents submitted by the Claimant did not indicate her father’s middle name. The CRT further notes that in a telephone conversation with the CRT on 11 April 2005, the Claimant indicated that she did not have any documents indicating her father’s middle name, and that most of the family documents were destroyed or lost during the Second World War.

(the “ICEP List”). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Menyhert Forgacs, and indicates that his date of birth was 11 October 1894 and place of birth was Alsozsolca, 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 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 he was shot to death by the Nazis in March 1945.

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, demonstrating that the Account Owner was the Claimant’s father. These documents include the Claimant’s birth certificate indicating that her father was Menyhert Forgacs. 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 Account Owner’s demand deposit account, the Bank’s record indicates that the account was closed on 20 December 1947. Given that the Account Owner died in the Holocaust; that there is no record of the payment of the Account Owner’s demand deposit account to him; that the Account Owner’s heirs resided in a Communist country in Eastern Europe after the War; that the Account Owner and his heirs would not have been able to obtain information about his demand deposit 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 (a), (h), (i) 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 demand deposit account proceeds were not paid to the Account Owner or his 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.

With regard to the Account Owner's custody account, the Bank's records indicate that the custody account was closed on 28 April 1939, prior to the Hungarian alliance with Germany on 20 November 1940. Therefore, the CRT concludes that the Account Owner was able to access the custody account and receive the proceeds of that account.

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 father, and that relationship justifies an Award. Finally, 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. 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 demand deposit account was 2,140.00 Swiss Francs ("SF"). The current value of these amounts is calculated by multiplying each amount 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.

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
13 May 2005