

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of László Biró

Claim Number: 219312/TW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of László Biró (the “Account Owner”), over which [REDACTED] held power of attorney (the “Power of Attorney Holder”), 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 paternal uncle, László Biró, who was born in approximately 1886 in Balmhuzjváros, Hungary, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that her uncle was married to [REDACTED]. The Claimant further indicated that her uncle, who was Jewish, resided at 64 Dobos utca, in Budapest, Hungary. The Claimant stated that her uncle owned a textile factory and that he had spoken of opening a Swiss bank account in the past. The Claimant further indicated that her uncle was deported to a forced labor camp in Hungary, where he perished in 1944, and that his wife, who was also Jewish, disappeared during the War. The Claimant stated that her uncle and aunt had no children.

The Claimant submitted her birth certificate indicating that her parents were [REDACTED] and [REDACTED], née [REDACTED]; as well as her parents’ marriage certificate indicating that her parents were married in Debrecen, Hungary on 9 October 1934, and that [REDACTED] and [REDACTED], née [REDACTED], were her father’s parents.

The Claimant indicated that she was born on 18 August 1935 in Debrecen, Hungary.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form signed on 29 November 1930 and printouts from the Bank's database. According to these records, the Account Owner was László Biró, who resided in Vac, near Budapest, Hungary and the Power of Attorney Holder was Dr. [REDACTED], who also resided in Vac. The Bank's records include the Power of Attorney Holder's street address, but it is not legible. The Bank's records indicate the Account Owner held an account of unknown type.

The Bank's records indicate that the account was opened by 29 November 1930, but they do not show when the account at issue was closed, nor do they indicate the value of this account.

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.

There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the account 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 uncle's name, city and country of residence match the published name, city and country of residence of the Account Owner. The CRT notes that the Claimant indicated that her uncle resided in Budapest, while the Bank's records indicate that the Account Owner resided in Vac. However, the CRT further notes that Vac is located approximately only 40 kilometers from Budapest, and finds it plausible that the Claimant's uncle may have maintained a residence or business address there, or that the Claimant, who was a child during the War, may have only known of her uncle's connection to Budapest, rather than to the smaller city of Vac.

The CRT notes that the name László Biró appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that the other claim to this account was disconfirmed because that claimant's relative was born on a date which indicates that he would have been too young to sign a power of attorney form in 1930. 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 a forced labor camp in Hungary.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner. The CRT notes that the Claimant submitted a copy of her parents' marriage certificate, which provides independent verification that the Claimant's relatives bore the same family name and resided in the same country as the Account Owner, which supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner was deported to a forced labor camp in Hungary, where he perished; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his 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 (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 account proceeds were not paid to the Account Owner, the Power of Attorney Holders, or their 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. 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 uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 an account of unknown type was 3,950.00 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 49,375.00

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
10 December 2004