

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], née [REDACTED],

and Claimant [REDACTED 2]

in re Account of Ferenc Csángó

Claim Number: 601684/MBC¹; 215437/ZP²;

Award Amount: 105,450.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Ferenc Csángó (the “Account Owner”) at the London 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his father, Ferenc Csángó, who was born on 3 August 1909 in Budapest, Hungary and was married to [REDACTED], née [REDACTED], on 18 June 1939 in Budapest. Claimant [REDACTED 1] stated that his father owned a fancy leatherware business at Szervita-tér 4 in Budapest before the Second World War. Claimant [REDACTED 1] also stated that his father lived briefly in Paris, France in the late 1930s while arranging for his family to immigrate to South America. According to the information provided by Claimant [REDACTED 1], his parents were Jewish and, at some point, converted to Roman

¹ Claimant [REDACTED 1] submitted a claim, numbered B-00503, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department on 22 December 1997. The claim was referred by the HCPO to the CRT and has been assigned claim number 601684/MBC.

² Claimant [REDACTED 2] submitted a claim to the account of [REDACTED], which is registered under the Claim Number 215436. The CRT will treat the claim to this account in a separate decision.

Catholicism. Claimant [REDACTED 1] indicated that his parents baptized him as Roman Catholic to hide the fact that he was Jewish. According to Claimant [REDACTED 1], in 1942, the Hungarian Fascists sent his father to a forced labor battalion in Gorky, Russia, where he disappeared on 14 January 1943. In November 1944, Claimant [REDACTED 1]'s mother was sent on a death march from Hungary to the West. Claimant [REDACTED 1] stated that his mother managed to escape with Claimant [REDACTED 1]'s aunt and another prisoner, and to date she is still living in Hungary.

In support of his claim, Claimant [REDACTED 1] submitted correspondence between the Bank and his father, correspondence between Claimant [REDACTED 1] and the Bank, and correspondence between Claimant [REDACTED 1] and the Finance Branch of the Board of Trade in London (the "Board of Trade").

According to this correspondence, the Account Owner was Ferenc Csángó who used a care of address at *Studio Cosmos*, 104 Avenue du Général Michel-Bizot in Paris, France. In a letter from the London branch of the Bank, dated 24 January 1939, the Bank informed the Account Owner that an amount of 1,900.00 United States Dollars was transferred to the London branch from the Zurich branch of the Bank to the Account Owner's disposal. In that letter, the Bank stated that it was informed that the Account Owner would be coming to London and further informed the Account Owner that he would have to identify himself with his passport to dispose of those assets. In a subsequent letter, dated 14 February 1939, the Bank listed the serial numbers and denominations of the money received. In another letter, dated 7 March 1939, the Bank addressed the Account Owner's order to transfer an amount of 500.00 United States Dollars to the account of [REDACTED] in Montevideo, Uruguay. In that letter, the Bank informed the Account Owner that no account in the name of [REDACTED] existed at the Bank, and that he should instruct the Bank whether the amount of 500.00 United States Dollars should be deducted from the 1,900.00 United States Dollars deposited with the Bank at the Account Owner's disposal, or whether the Account Owner wished to address a check to [REDACTED].

In a letter from the London branch of the Bank to Claimant [REDACTED 1], dated 17 September 1969, regarding the Estate of the Account Owner, the Bank informed Claimant [REDACTED 1] that he should contact the Board of Trade. In a letter dated 1 October 1969, the Board of Trade informed Claimant [REDACTED 1] that because Claimant [REDACTED 1] and his mother were Hungarian nationals residing in Hungary, their rights and interests in the estate of the Account Owner were subject to the "Charge imposed by the Treaty of Peace (Hungary) Order, 1948, and were vested in the Administrator of Hungarian Property." The Board of Trade further stated that the assets of the estate of the Account Owner were dealt with in accordance with the Treaty of Peace and were no longer available for release. In a subsequent letter dated 17 October 1969, the Board of Trade informed Claimant [REDACTED 1] that he could apply for an *ex gratia* payment, for those depositors whose assets were dealt with in accordance with the Treaty of Peace and who died as the result of a deprivation of liberty (with a reservation that forced labor was not regarded as a deprivation of liberty).

In a letter to Claimant [REDACTED 1] dated 13 August 1996, the Bank informed Claimant [REDACTED 1] that the Account Owner held an account with the Bank, numbered 15244, before the beginning of the Second World War. The Bank did not indicate the type of the

account or its value. The Bank stated that the account was subject to British legislation regarding assets held in British bank accounts by "enemies" and that the ownership of the account was transferred into the name of the British Government. According to the Bank, the British Government entered into an agreement with Hungary in 1963, according to which British citizens whose assets were confiscated by Hungarian authorities during the Second World War could reclaim those assets from the British Government, and Hungarian citizens whose assets were confiscated by British authorities prior to the Second World War would be reimbursed by the Hungarian government. The Bank indicated that in the execution of this agreement, the British government transferred all assets held in its name in British bank accounts to the Bank of England. The Bank also explained that in cases of extreme hardship, the British government reimbursed Hungarian citizens directly. In the conclusion of the letter, the Bank stated that the assets deposited with the Bank by the Account Owner could not be returned to his heirs, because they were transferred to the Bank of England.

In support of his claim, Claimant [REDACTED 1] also submitted his birth certificate, his father's certificate of citizenship, his parents' marriage certificate, and his father's death certificate. Claimant [REDACTED 1] also submitted the introduction to a book entitled "Names of Jewish Victims of Hungarian Labour Battalions."

Claimant [REDACTED 1] indicated that he is the only child of Ferenc and [REDACTED], and that he was born on 14 May 1942 in Budapest. Claimant [REDACTED 1] is representing his mother, [REDACTED], who was born on 3 February 1916.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his paternal uncle, Ferenc Csángó, who was born in 1909 in Budapest and who died in 1942. In support of his claim, Claimant [REDACTED 2] submitted a family tree; his own birth certificate; and his father's birth certificate.

Claimant [REDACTED 2] previously submitted an Initial Questionnaire with the court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED].

Claimant [REDACTED 2] indicated that he was born on 29 July 1972 in Budapest, where he currently resides.

Information Available in the Bank's Records

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 to the CRT an account held by Ferenc Csángó.

The CRT's Analysis

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant [REDACTED 1] submitted correspondence between the Bank and his father, correspondence between himself and the Bank, and correspondence between himself and the Board of Trade, dating from 1939 to 1996, that demonstrate that his father held an account at the Bank. Claimant [REDACTED 2]'s uncle's name matches information in the correspondence submitted by Claimant [REDACTED 1]. The information provided by Claimant [REDACTED 1] and Claimant [REDACTED 2] clearly indicates that the Claimants are cousins. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was considered to be Jewish, was arrested by the Hungarian Fascists in 1942, and was sent to a forced labor battalion in Russia and never returned.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Ferenc Csángó and indicates that his date of birth was 3 August 1909 and place of birth was Budapest, Hungary, 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 Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he and his mother, whom he is representing in these proceedings, are related to the Account Owner by submitting documents demonstrating that they are the son and widow, respectively, of the Account Owner. Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that he is the nephew of the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In this case it is plausible that the Account Owner did not receive the proceeds of his account from either the Bank or the British government. On 13 August 1996, the Bank informed Claimant [REDACTED 1] that the Account Owner's account had been frozen by the British government pursuant to wartime legislation, which authorized the seizure of assets held by account owners deemed to be citizens of countries controlled by enemies of Britain.³ Given the

³ According to the findings of the Holocaust Educational Trust Report "Ex-Enemy Jews - the Fate of the Assets in Britain of Holocaust Victims and Survivors" (September 1997) ("HET Report"), Britain "undoubtedly retained

seizure of the Account Owner's account by the British government, the absence of evidence in the Bank's records that the Account Owner's transfer request of 500.00 United States Dollars was completed, that the Account Owner performed slave labor in 1942 and disappeared in 1943, and given the application of Presumptions (e), (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the 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.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his father, 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. Finally, it was because the Account Owner was a victim of Nazi persecution that he was placed in a situation in which his account was not paid to him or his heirs regardless of whether it was an action taken by the Bank or the British government that led to this state of affairs.

Amount of the Award

The bank records indicate that the value of the account as of 14 February 1939 was 1,900.00 United States Dollars, which was equal to 8,436.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 105,450.00 Swiss Francs.

Division of the Award

According to Article 23(1)(b) of the Rules, if the account owner's spouse and descendants have submitted a claim, the spouse shall receive one-half of the account and any descendants who have submitted a claim shall receive the other half in equal shares by representation. Accordingly, [REDACTED], the widow of the Account Owner, is entitled to one-half of the total award amount, or 52,725.00 Swiss Francs, and the Claimant, the son of the Account Owner, is entitled to the other half of the total award amount, or 52,725.00 Swiss Francs. Because Claimant [REDACTED 2] is the nephew of the Account Owner, he is not entitled to the proceeds of this account.

money of Holocaust victims in Germany, Hungary and Romania." HET Report at 30. Although a claims process was established after the war, the burden of proof on "victims" was heavy and officials were under pressure to minimize claims. The HET Report can be found at <http://www.het.org.uk/research.html>. For additional information regarding Britain's prewar and postwar economic policies see "History Notes: British Policy Towards Enemy Property During and After the Second World War," which can be found at <http://www.enemyproperty.gov.uk>. History Notes are produced by the Historians in Library and Records Department of the Foreign and Commonwealth Office. For information contact FCO Historians, Library and Records Department, Old Admiralty Building, London, SW1A 2AF, Tel. 0171-210 3862, email: historians.lrd.fco@gtmet.gov.uk.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
19 November 2003