

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Coloman Molnar

Claim Numbers: 209423/SJ, 600540/SJ¹

Award Amount: 276,750.00 Swiss Francs

This Certified Award is based on the claims of [REDACTED] (the “Claimant”) to the unpublished accounts of Kalman Molnar² at the Geneva branch of the [REDACTED] (“Bank I”) and the Zurich branch of the [REDACTED] (“Bank II”). These banks merged in 1998 to become [REDACTED] (the “Bank”).

All decisions 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 and a claim to the Holocaust Claims Processing Office (the “HCPO”), identifying the Account Owner as his father, Kalman Molnar, who was born on 5 August 1893 in Cakovec, Croatia, and was married to [REDACTED] in 1928 in Budapest, Hungary. The Claimant indicated that Kalman Molnar and his family lived at Irányi útca 21 in Budapest until 1941, and that his father was a businessman. The Claimant stated that his father, who was Jewish, was a wholesale stamp dealer; the sole Hungarian representative of *Francotyp Gmbh*, a German postage meter company; the owner of *Futestechikai KFT*, a heating and sewage construction company, where he also worked as an engineer; and a one-third owner of *Flubuis Hazepito Szovetkezet*, a real estate venture located at Márko útca 1/A. Furthermore, the Claimant indicated that his father traveled to Zurich, Switzerland several times during the 1930s.

¹ The Claimant submitted a claim, numbered B-02123, on 8 December 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600540.

² The CRT did not locate an account belonging to Kalman Molnar in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

The Claimant also indicated that his father, on an unknown date, entrusted his friend and lawyer, [REDACTED], to take his assets to Switzerland and to open a numbered account on his behalf.

The Claimant stated that the Hungarian Army took his father into a forced labor brigade in 1941, but added that his father eventually escaped and returned to Budapest. The Claimant further stated that from the summer of 1944 until the end of the Second World War, in order to avoid deportation, his father and his family hid at a Wallenberg protected house³ located at Andrásy útca 87 in Budapest. Finally, the Claimant indicated that his parents returned to Irányi útca 21 until 1957, at which time they immigrated to London, England, where his mother obtained British citizenship in 1963. The Claimant submitted documents indicating that his father died in 1983 and that his mother died in 1997.

In support of his claim, the Claimant submitted his own birth certificate, indicating he was the son of Kalman Molnar and [REDACTED]; the birth certificate of Kalman Molnar; the marriage certificate of Kalman Molnar and [REDACTED]; the death certificates of Kalman Molnar and [REDACTED]; and a copy of the Last Will of [REDACTED], indicating that her heir is [REDACTED].

Furthermore, a letter from the HCPO to the Bank, dated 22 May 2000, and included as part of the Claimant's HCPO claim file, requested that the Bank search for accounts belonging to Kalman Molnar in the Bank's records. In that letter, the HCPO conveyed to the Bank that the Claimant stated that his father had more than one account in Swiss banks, and that after the War he was able to dispose of the money from only one account. The Claimant's HCPO claim file also included a response from the Bank to the HCPO, dated 2 August 2000, indicating that the Bank found two records regarding Coloman Molnar and indicating that the Bank determined that these records described accounts that belonged to the Claimant's father, Kalman Molnar. The Claimant's HCPO claim file further contains copies of these relevant records from Bank I and Bank II. Finally, the Claimant indicated that he was born on 12 July 1934 in Budapest, Hungary.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Kalman Molnar.

Information Available in the Bank's Records

Bank I

Bank I's record consists of an account card. According to this record, the Account Owner was Coloman Molnar of Hungary, and the Power of Attorney Holder was [REDACTED], the Account Owner's wife. Bank I's record indicates that the Account Owner held two numbered demand deposit accounts, one held in U.S. Dollars and a second held in Swiss Francs, which were both registered under the number 22090. Bank I's record indicates that the account was

³ Raoul Wallenberg arranged safe houses for thousands of Hungarian Jews. With the sponsorship of Allied governments, he implemented a scheme whereby he granted Jews a diplomatic paper known as a *Schutzpass*, which suggested the holder had a connection to Sweden, intended to leave Hungary for Sweden, and placed the holder under the protection of the Royal Swedish Legation until such time as he or she was able to leave.

opened on 7 December 1938 with an amount of 20,000.00 Swiss Francs that was to be converted to and then held as U.S. Dollars. There is no indication in Bank I's record of the amount in the account held in Swiss Francs. Bank I's record indicates that the Account Owner gave Bank I instructions to hold all correspondence, to accept instructions only from the Account Owner or his wife, to accept instructions only when accompanied by either of their signatures, and specifically instructed Bank I not to accept any instructions via telephone or telegraph.

A hand written notation in Bank I's record indicates that the accounts were closed and that the Account Owner's relationship with Bank I terminated in the month of November at some time during the 1940s.⁴ The amounts in the accounts on the date of their closure are unknown.

There is no evidence in Bank I's record that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

Bank II

Bank II's record consists of an account registry card dated 28 July 1948. According to this record, the Account Owner was Coloman Molnar, who had a domicile in Zurich, and who granted Powers of Attorney to three individuals: [REDACTED]; n e [REDACTED], who resided at 2, Middle Temple Lane in London; and Dr. [REDACTED], who worked at Bank II ("*i. Hause*" "in house"). Bank II's record indicates that the account was opened on 28 July 1948 through Dr. [REDACTED] ("*erstellt 28.7.1948 dch Dr. [REDACTED]* ") and was registered under the number 2585. Bank II's record further indicates that the Account Owner contacted Bank II in April of 1957 to withdraw Power of Attorney from [REDACTED] and [REDACTED], leaving [REDACTED] as the sole Power of Attorney Holder.

Finally, Bank II's record indicates that the account was closed on 6 January 1986. The amount in the account on the date of its closure is unknown. There is no evidence in Bank II's record that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

The CRT notes that none of the accounts at Bank I or at Bank II were included in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the "Rules"). These accounts belonging to Kalman Molnar were identified after a search request was made of the Bank by the HCPO in May 2000.

The CRT's Analysis

Identification of the Account Owner

⁴ The CRT notes that the date of closure indicated in Bank I's record is partially illegible.

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner. Furthermore, the Claimant's mother's name matches the unpublished name of the Power of Attorney Holder at Bank I and that of one of the Power of Attorney Holders at Bank II. The Claimant also identified the unpublished name of a second Power of Attorney Holder at Bank II as the intermediary who acted on behalf of his father to open the account. Furthermore, in a letter from the Bank to the HCPO, dated 2 August 2000, the Bank determined that Coloman Molnar was the Claimant's father, Kalman Molnar.

In support of his claim, the Claimant submitted documents, including Kalman Molnar's birth certificate and the marriage certificate of Kalman and [REDACTED]. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and was married to a woman with the same name as the names that appear in the records of Bank I and Bank II as those of the Account Owner and the Power of Attorney Holder. The CRT notes that there are no other claims to these accounts.

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 taken into a labor brigade and that upon escaping he went into hiding in 1944. Furthermore, research by the HCPO in Hungarian archives established that Kalman Molnar's Hungarian accounts appear on the 1946 summaries of accounts seized/blocked in 1944 under Hungarian anti-Jewish laws.

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 father. These documents include the Claimant's birth certificate, indicating he was the son of Kalman and [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With respect to the accounts at Bank I that were closed in November during the 1940s (as described above), given that the Account Owner had specifically instructed Bank I in 1938 to only accept instructions from the Account Owner or Power of Attorney Holder when accompanied by their signature; that Hungary became allied with Germany in 1940; that the Account Owner was taken by the Hungarian Army into a forced labor brigade in 1941 from which he eventually escaped; that in summer of 1944 the Account Owner and his family hid in a safe house in Hungary until the end of the war; that the Account Owner thereafter resided in communist Hungary until 1957; that the Account Owner had to use an intermediary to open an account at another Swiss bank in July 1948; that there is no record of the payment of the accounts to the Account Owner or the Power of Attorney holder; that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank due to the Swiss bank's practice of withholding or misstating account

information in their response 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 Holder, or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not the Account Owners or their heirs received the proceeds of their accounts

With regard to the account at Bank II, the CRT notes that the account was opened on 28 July 1948, after the end of the Second World War. According to Article 14 of the Rules, the CRT has jurisdiction to resolve claims to Accounts of Victims open or opened in Swiss banks during the Relevant Period (1933 to 1945). Because this account was not open or opened during the Relevant Period, it could not be awarded by the CRT.

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 his father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder or their heirs received the proceeds of the claimed accounts at Bank I.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts. Bank I's record indicates that the value of the demand deposit account held in U.S. Dollars, as of 7 December 1938, was 20,000.00 Swiss Francs. Additionally, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case for the demand deposit account held in Swiss Francs, 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. As a result, the total historic value of the Account Owners accounts is 22,140.00 Swiss Francs. 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 276,750.00 Swiss Francs.

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 claim 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
8 June 2004