

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],
to Claimant [REDACTED 2],
to Claimant [REDACTED 3],
to Claimant [REDACTED 4],
to the Estate of Claimant [REDACTED 5],¹
to Claimant [REDACTED 6],
and to Claimant [REDACTED 7]

in re Account of G. Molnar

Claim Numbers: 731802/RS;² 732872/RS;³ 741118/RS;⁴ 741180/RS;⁵ 752453/RS;⁶
752803/RS;⁷ 752866/RS⁸

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Gyorgy Molnár; the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to

¹ Claimant [REDACTED 6] (“Claimant [REDACTED 6]”) informed the CRT in correspondence dated 9 January 2006 that his mother, Claimant [REDACTED 5] (“Claimant [REDACTED 5]”) passed away on 6 June 2000.

² Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HUN-0109035, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 731802.

Claimant [REDACTED 1] submitted one additional IQ, which is registered under the claim number 731801. The CRT did not locate an account belonging to Zoltan Molnar in the Account History Database (“AHD”) 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”).

³ Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an IQ, numbered HUN-0136131, to the Court in the United States. In accordance with the procedure described in the previous footnote, the IQ has been assigned claim number 732872.

⁴ Claimant [REDACTED 3] (“Claimant [REDACTED 3]”) did not submit a Claim Form to the CRT. However, in 1999, he submitted an IQ, numbered SPA-0005051 to the Court in the United States. In accordance with the procedure described in footnote 2, the IQ has been assigned claim number 741118.

⁵ Claimant [REDACTED 4] (“Claimant [REDACTED 4]”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an IQ, numbered SPA-0006138 to the Court in the United States. In accordance with the procedure described in footnote 2, the IQ has been assigned claim number 741180.

⁶ Claimant [REDACTED 5] did not submit a CRT Claim Form. However, in 1998 she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BUD-B-80-129-095-950, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 5]’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 752453.

⁷ Claimant [REDACTED 7] (“Claimant [REDACTED 7]”) did not submit a CRT Claim Form. However, in 1998, submitted an ATAG Form, numbered C-NYC-C-71-118-024-705, to the CRT I. In accordance with the procedure described in the previous footnote, Claimant [REDACTED 7]’s ATAG Form has been assigned Claim Number 752803.

⁸ Claimant [REDACTED 6] did not submit a CRT Claim Form. However, in 1998 he submitted an ATAG Form, numbered C-NYC-C-71-118-024-705, to the CRT I. In accordance with the procedure described in footnote 6, Claimant [REDACTED 6]’s ATAG Form has been assigned Claim Number 752866.

the account of Gyorgy Molnár; the claims of [REDACTED 3] (“Claimant [REDACTED 3]”) and [REDACTED 4] (“Claimant [REDACTED 4]”) to the account of Géza Sárkány;⁹ the claims of [REDACTED 5] (formerly [REDACTED]), née [REDACTED], (“Claimant [REDACTED 5]”) and [REDACTED 6] (“Claimant [REDACTED 6]”) to the accounts of Moric Kemeny and Erzsebet Kemeny;¹⁰ and the claim of [REDACTED 7] (formerly [REDACTED]), née [REDACTED], (“Claimant [REDACTED 7]”) (together the “Claimants”) to the accounts of Stefan Molnar and Bela (Vojtech) Molnar.¹¹ This Award is to the unpublished account of G. Molnar (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).¹²

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as his brother, Gyorgy Molnár, who was born on 2 June 1921 in Budapest Hungary, or as their mother, Gabriella Molnár, née Klein, who was born in 1898 and who was married to [REDACTED]. Claimant [REDACTED 1] indicated that his family, which was Jewish, lived in Budapest, where his father owned a drugstore. Claimant [REDACTED 1] further indicated that his family’s assets were looted by German troops in 1944 or 1945. According to Claimant [REDACTED 1], his brother, who was disabled, was forced by Nazi troops to act as a slave laborer, and perished in Germany in 1945. Finally, Claimant [REDACTED 1] indicated that his mother survived the Second World War in hiding in Hungary, that she later died on an unspecified date, and that he is the only remaining member of his family.

In support of his claim, Claimant [REDACTED 1] submitted copies of documents, including his own birth certificate and his brother’s birth certificate, indicating that they were both born in Budapest, and that their parents were [REDACTED] and Gabriella Klein. A notation added to Gyorgy Molnár’s birth certificate indicates that in 1948, he was officially certified as deceased.

Claimant [REDACTED 1] indicated that he was born on 30 June 1926 in Budapest.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an IQ identifying the Account Owner as his father, Gyorgy Molnár, who was born in 1905 in Budapest. Claimant [REDACTED 2] indicated that his father, who was Jewish, was a bookkeeper in Budapest until 1940 or 1941, when he lost his position

⁹ The CRT did not locate an account belonging to Géza Sárkány in the AHD.

¹⁰ The CRT did not locate an account belonging to either Moric Kemeny or Erzsebet Kemeny in the AHD.

¹¹ The CRT did not locate an account belonging to Stefan Molnár or Bela (Vojtech) Molnár in the AHD.

¹² The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Geza Molnar appears. Upon careful review, the CRT has determined that this account owner is not the same person addressed in the current decision, and, consequently, neither Claimants [REDACTED 5] and [REDACTED 6], nor Claimant [REDACTED 7] have identified this other account owner as a relative.

because he was Jewish. According to Claimant [REDACTED 2], his father then obtained work as a taxi driver. Claimant [REDACTED 2] further indicated that his family's assets were looted in 1944, and that his father was forced to perform slave labor. Finally, Claimant [REDACTED 2] indicated that his father perished in December 1944.

Claimant [REDACTED 2] indicated that he was born on 23 February 1941.

Claimant [REDACTED 3] and Claimant [REDACTED 4]

Claimant [REDACTED 3] and Claimant [REDACTED 4], who are siblings, submitted IQs identifying the Account Owner as their maternal uncle, Gyula Molnár. These Claimants indicated that their uncle lived with them and their parents in Budapest and deposited their parents' money and jewellery in a Swiss bank. These Claimants further indicated that their family was Jewish, and that the family home and other property were looted by the Nazis. Furthermore, these Claimants indicated that their father and their uncle attempted to flee to Switzerland but were refused entry to the country. According to Claimant [REDACTED 4], he and his father, [REDACTED], were taken by the Nazis and used as slave laborers in Hungary and the Ukraine. Finally, these Claimants indicated that they are among the only remaining survivors of a large family.

Claimant [REDACTED 4] indicated that he was born on 26 February 1922 and Claimant [REDACTED 3] indicated that he was born on 23 July 1923.

Claimant [REDACTED 5] and Claimant [REDACTED 6]

Claimant [REDACTED 5] submitted an ATAG Ernst & Young claim form ("ATAG Form") identifying the Account Owner as her second husband, Geza Molnár, who was born on 16 March 1901 in Budapest and who was married to Claimant [REDACTED 5] on 23 April 1982 in Budapest. Claimant [REDACTED 5] indicated that her husband passed away in 1985.

Claimant [REDACTED 6], who is the son of Claimant [REDACTED 5] and her first husband [REDACTED], submitted an ATAG Form identifying the Account Owner as his stepfather, Geza Molnár. In a telephone conversation with the CRT, Claimant [REDACTED 6] indicated that his stepfather was Jewish, and that he lived in Budapest prior to and during the Second World War. Claimant [REDACTED 6] further indicated that his mother, Claimant [REDACTED 5], passed away in June 2000.

In support of their claims, these Claimants submitted copies of documents including: 1) the marriage certificate from Claimant [REDACTED 5]'s first marriage, indicating that she was married to [REDACTED] on 26 August 1931 in Budapest, that she and her first husband were Jewish, and that her maiden name was [REDACTED]; 2) Claimant [REDACTED 6]'s birth certificate, indicating that [REDACTED 6] was born on 8 February 1933 in Budapest and that his parents, who were Jewish, were [REDACTED] and [REDACTED]; 3) a certificate, issued in Budapest, indicating that the family converted to the Roman Catholic faith in October 1944; 4) [REDACTED]'s death certificate, indicating that he perished in a concentration camp in March 1945; 5) Claimant [REDACTED 5]'s second marriage certificate, indicating that she was married to Geza Molnár in 1982, and that he died on 29 August 1985; and 6) Claimant

[REDACTED 5]'s death certificate, indicating that she was born on 12 March 1907 in Budapest, and died in Budapest on 6 June 2000.

Claimant [REDACTED 5] indicated that she was born on 12 March 1907 in Budapest, and Claimant [REDACTED 6] indicated that he was born on 8 February 1933 in Budapest.

Claimant [REDACTED 7]

Claimant [REDACTED 7] submitted an ATAG Form identifying the Account Owner as her father, Geza (Gejza) Molnár, who was born on 19 September 1893 and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 7] indicated that her family, which was Jewish, resided in Kosice, Czechoslovakia (also known as Kassa, Hungary; now Kosice, Slovakia), where her father worked at a bank called *Slovenska Vseobecna Uverna Banka*. According to Claimant [REDACTED 7], her family's assets were looted by the Nazis in 1944 and her father was deported by train and never heard from again. Claimant [REDACTED 7] indicated that he perished in Auschwitz in 1944 or 1945, along with his brother [REDACTED].

Claimant [REDACTED 7] submitted copies of documents in support of her claim, including: 1) an inheritance certificate relating to her uncle's estate, dated 19 March 1956, indicating that she was one of the heirs [REDACTED] of Kosice, who perished in Auschwitz, as the daughter of his deceased brother Gejza Molnár; and 2) her own passport, indicating that [REDACTED 7] was born on 22 July 1927 in Kosice.

Claimant [REDACTED 7] indicated that she was born on 22 July 1927 in Kosice.

Information Available in the Bank's Record

The Bank's record consists of a list of accounts that were transferred to the Bank's suspense account. According to this record, the Account Owner was G. Molnar. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner originally held a demand deposit account which was transferred to the Bank's suspense account on 31 December 1933, when it contained a balance of 10.70 Swiss Francs ("SF"). The account remains suspended.

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 seven claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' first initials and surnames each match the unpublished first initial and surname of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his or her first initial and surname.

In support of his claim, Claimant [REDACTED 1] submitted documents, including his own birth certificate and his brother's birth certificate; Claimant [REDACTED 5] and Claimant [REDACTED 6] submitted documents, including Claimant [REDACTED 5]'s second marriage certificate; and Claimant [REDACTED 7] submitted documents, including an inheritance certificate relating to her paternal uncle's estate, each providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the Bank's record as the first initial and surname of the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, Claimant [REDACTED 3] and Claimant [REDACTED 4]'s relative, Claimant [REDACTED 5] and Claimant [REDACTED 6]'s relative, and Claimant [REDACTED 7]'s relative are not the same person. However, given that the Claimants have each identified all unpublished information about the Account Owner that is available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that his family was Jewish, and that his brother was disabled. Claimant [REDACTED 1] further stated that his mother was forced into hiding in Hungary during the Second World War, and that his brother perished while performing slave labor in Germany.

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, and that he lost his employment as a bookkeeper because he was Jewish. Claimant [REDACTED 2] further stated that the Account Owner was forced to perform slave labor, and that he perished in December 1944.

Claimant [REDACTED 3] and Claimant [REDACTED 4] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. These Claimants stated that the Account Owner was Jewish, and that he resided in Hungary during the Second World War. These Claimants further stated that the Account Owner unsuccessfully attempted to escape to Switzerland, and that several of his family members were taken by the Nazis as slave laborers. Finally, these Claimants stated that they are among the only members of their family to survive the Holocaust.

Claimant [REDACTED 5] and Claimant [REDACTED 6] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 6] stated that the Account Owner was Jewish, and that he resided in Hungary during the Second World War.

Finally, Claimant [REDACTED 7] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 7] stated that the Account Owner was Jewish, and that he perished in Auschwitz.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was either Claimant [REDACTED 1]'s mother or brother. These documents include his own birth certificate and his brother's birth certificate, indicating that Claimant [REDACTED 1]'s mother was Gabriella Molnár and that his brother was Gyorgy Molnár. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s father. The CRT further notes that Claimant [REDACTED 2] identified unpublished information about the Account Owner as contained in the Bank's record. Finally, the CRT notes that the information submitted by Claimant [REDACTED 2] is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his claim. There is no information to indicate that the Account Owner has other surviving heirs.

Claimants [REDACTED 3] and [REDACTED 4] have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was these Claimants' uncle. The CRT further notes that Claimant [REDACTED 2] identified unpublished information about the Account Owner as contained in the Bank's record. Finally, the CRT notes that the information submitted by these Claimants is of the type that family members would possess and indicates that the Account Owner was well known to these Claimants as a family member, and all of this information supports the plausibility that these Claimants are related to the Account Owner, as they have asserted in their claims. There is no information to indicate that the Account Owner has other surviving heirs.

Claimants [REDACTED 5] and [REDACTED 6] have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was Claimant [REDACTED 5]'s second husband and Claimant [REDACTED 6]'s stepfather. These documents include Claimant [REDACTED 6]'s birth certificate, indicating that his mother was Claimant [REDACTED 5], and Claimant [REDACTED 5]'s second marriage certificate, indicating that her second husband was Geza Molnár. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 7] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents demonstrating that the Account Owner was Claimant [REDACTED 7]'s father. These documents include an inheritance certificate relating to her paternal uncle's estate, indicating that Claimant [REDACTED 7]'s father was Gejza Molnár. The CRT notes that Claimant [REDACTED 7] indicated that she has other surviving relatives, but that because he is not represented in her claim, the CRT will not treat his potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to the Bank's suspense account on 31 December 1933, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, their claims are 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 mother or his brother; Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his father; Claimants [REDACTED 3] and [REDACTED 4] have plausibly demonstrated that the Account Owner was their uncle; Claimants [REDACTED 5] and [REDACTED 6] have plausibly demonstrated that the Account Owner was Claimant [REDACTED 5]'s husband; and Claimant [REDACTED 7] has plausibly demonstrated that the Account Owner was her father, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 5], as the Account Owner's wife, has a better entitlement to the account than Claimant [REDACTED 6], the Account Owner's step-son.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's record indicates that the value of the account as of 31 December 1933 was SF 10.70. 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. Consequently, the total award amount in this case is SF 26,750.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the

account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each group of Claimants has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-fifth of the Award amount; Claimant [REDACTED 2] is entitled to one-fifth of the Award amount; Claimants [REDACTED 3] and [REDACTED 4] are jointly entitled to one-fifth of the Award amount; Claimant [REDACTED 5] is entitled to one-fifth of the Award amount; and Claimant [REDACTED 7] is entitled to one-fifth of the total Award amount.

With regard to the portion of the Award designated to Claimants [REDACTED 3] and [REDACTED 4], according to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 3] and Claimant [REDACTED 4] are each entitled to one-half of this portion of the Award, or one-tenth of the total Award amount.

With regard to the portion of the Award claimed by Claimants [REDACTED 5] and [REDACTED 6], according to Article 23(1)(a), if the Account Owner's spouse and no descendants of the Account Owner have submitted a claim, the spouse shall receive the entire amount. As indicated above, Claimant [REDACTED 6] informed the CRT that Claimant [REDACTED 5] passed away in June 2000. Accordingly, the Estate of Claimant [REDACTED 5] is entitled to this entire portion of the award, or one-fifth of the total Award amount.

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
25 November 2008