

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of Arthur Pollak

Claim Numbers: 204714/MBC¹; 300801/MBC; 300805/MBC; 300817/MBC²

Award Amount: 59,412.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Arthur Pollak and the claim of [REDACTED 2] (formerly [REDACTED 2]), née [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of Zigmund Partos (Pollak).³ This Award is to the published account of Arthur Pollak (the “Account Owner”), over which Zsigmond Partos (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).⁴

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.

¹ In 1999, Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) also submitted an Initial Questionnaire (“IQ”), numbered HUN_0034155, 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 729535. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 204714.

² Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted four additional claims, which are registered under the Claim Numbers 300802, 300803, 300804, and 500057. In a separate decision, the CRT treated Claimant [REDACTED 2]’ claim to the account of Simon Weiss. See *In re Account of Simon Weiss* (approved on 19 July 2007). The CRT will treat the remaining claims in separate determinations.

³ The CRT notes that Claimant [REDACTED 2]’ three remaining Claim Forms are to the accounts of Adalbert (Vojtech, Bela) Kraus (Karas), Ladislav (Laci) Karas (Kraus), and Frantisek (Feri) Weiss. In 1999, Claimant [REDACTED 2] also submitted numerous IQs - including one seeking the Swiss bank accounts of Zigmund Partos (Pollak) - to the Court; these IQs have been incorporated into Claimant [REDACTED 2]’ claims. The CRT will treat the claims to the accounts of Adalbert (Vojtech, Bela) Kraus (Karas), Ladislav (Laci) Karas (Kraus), and Frantisek (Feri) Weiss, as well as any other remaining claims, in separate determinations.

⁴ The CRT notes that the account was published on the January 1997 list of Swiss accounts held by Hungarian account owners and paid to the Hungarian government in 1975; and was published again on the CRT’s additional List of Account Owners Published in 2005 (the “2005 List”).

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form and Initial Questionnaire identifying the Account Owner as his father, Arthur (Artur) Pollak, who was born on 3 June 1886 in Pecs, Hungary and was married to [REDACTED], née [REDACTED], in 1907 in Vienna, Austria. Claimant [REDACTED 1] indicated that his parents, who were Jewish, resided in Vienna and in Budapest, Hungary, where his father was a tailor and merchant, and where he (Claimant [REDACTED 1]) was born on 9 August 1927. According to Claimant [REDACTED 1], his family was deported to the ghetto in Budapest in 1944, was liberated in 1945, and emigrated to Tel-Aviv, Israel in 1948. Finally, Claimant [REDACTED 1] indicated that his father returned to Budapest in 1954, where he died on 31 August 1955, and that his mother died in 1964 in Montreal, Canada.

Claimant [REDACTED 1] submitted copies of documents in support of his claim, including: 1) his father's birth certificate, indicating that Artur Pollak was born on 3 June 1886 in Pecs; 2) his father's residency certificate for Budapest, dated 19 March 1918, indicating that Artur Pollak was born on 3 June 1886 in Pecs and that he resided in Budapest; and 3) his own birth certificate and marriage certificate, indicating that [REDACTED 1] was born on 9 August 1927 in Budapest, that he was Jewish, and that his parents were Artur Pollak and [REDACTED], who were both Jewish.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an Initial Questionnaire identifying the Account Owner as her maternal uncle, Zigmund Partos (originally Pollak or Polak), who was born in 1895 and was married to [REDACTED]. Claimant [REDACTED 2] indicated that her uncle and his wife, who were Jewish, resided in Budapest, Hungary, where her uncle owned a large carpet factory. Claimant [REDACTED 2] further indicated that they had significant sums of money deposited in a Swiss bank account. According to Claimant [REDACTED 2], her aunt's and uncle's assets, including the factory, their money and personal possessions, were looted in 1942 by Nazis and in 1944 they were deported to concentration camps, where they perished.

Claimant [REDACTED 2] submitted copies of documents in support of her claim, including: 1) her own marriage certificate, indicating that [REDACTED 2] was Jewish, that she was born on 1 January 1921 in Topolcany, Czechoslovakia (now Slovakia), that her mother was [REDACTED], née [REDACTED], and that she was married to [REDACTED] in 1942 in Topolcany; 2) a name change certificate, indicating that she and her husband changed their surname to [REDACTED] in 1946; and 3) her own Certificate of Naturalization as a United States citizen, dated 1974, indicating that [REDACTED 2] was born on 12 January 1921 in Czechoslovakia.

Information Available in the Bank's Records

The CRT notes that 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 an account belonging to Arthur Pollak during their investigation of the Bank. The documents evidencing an account belonging to Arthur Pollak were obtained from archival sources in Switzerland and are further described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey"). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Arthur Pollak, numbered 352.

These documents indicate that the Account Owner was Arthur Pollak, who resided in Budapest, Hungary, and that the Power of Attorney Holder was Zsigmond Partos, who also resided in Budapest. These records further indicate that the last contact between the Bank and the Account Owner occurred prior to 9 May 1945, that he was likely persecuted for religious or political reasons during the Second World War, and that he was probably Jewish. According to these documents, the Account Owner held one demand deposit account, which contained a balance of 4,468.00 Swiss Francs ("SF") as of 1 September 1963.

The records do not contain information about the disposition of this account. However, the CRT notes that the account was published on a 1997 list of Swiss bank accounts held by Hungarian account owners and transferred to the Hungarian government on 19 February 1975.

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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s father's name and city and country of residence match the published name and city and country of residence of the Account Owner. In support of claim, Claimant

[REDACTED 1] submitted documents, including his father's birth certificate and residency certificate and his own birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Swiss Federal Archive records as the name and city of residence of the Account Owner.

Claimant [REDACTED 2]' uncle's name and city and country of residence match the published name and city and country of residence of the Power of Attorney Holder. In addition, Claimant [REDACTED 2] identified the Account Owner's published surname and indicated that it was the original surname of the Power of Attorney Holder before he adopted the Hungarian surname Partos. Therefore, the CRT determines that it is plausible that the Account Owner and Power of Attorney Holder were related and that the Account Owner was also Claimant [REDACTED 2]' relative. Although Claimant [REDACTED 2] did not specifically identify the Account Owner, the CRT notes that Claimant' [REDACTED 2]' family resided in Topolcany,⁵ whereas the Account Owner and Power of Attorney Holder resided in Budapest, and therefore determines that it is plausible that the Claimant [REDACTED 2] would not know the names of all of her extended family members.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]' relative are not necessarily the same person. However, given that the information provided by each claimant supports and in no way contradicts any information available in the Swiss Federal Archive records; that there is no additional information in the records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner or failed to identify the Account Owner's city of residence, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] 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 the Account Owner was Jewish, that he resided in Nazi-allied Hungary, and that he was imprisoned in the ghetto in Budapest from 1944 to 1945.

Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner's family members, including the Power of Attorney Holder, were Jewish and that they were Victims of Nazi Persecution. The CRT notes that a person named [REDACTED], who was born in 1894 and resided in Budapest, possibly corresponding to the Power of Attorney Holder's spouse, was included in the CRT's database of victims. The CRT further notes that the Account Owner resided in Nazi-allied Hungary and that the Swiss Federal Archive records indicate that he was likely Jewish and a victim of religious or political persecution during the Second World War.

⁵ The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Artur Pollak, who was born in 1896 in Topolcany. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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 Claimant [REDACTED 1]'s father. These documents include Claimant [REDACTED 1]'s birth certificate, indicating that his father was Artur Pollak. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] submitted specific biographical information, demonstrating that the Power of Attorney Holder was Claimant [REDACTED 2]' maternal uncle and that he originally had the surname Pollak. Therefore, the CRT notes that it is plausible that the Account Owner and Power of Attorney Holder were related. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Power of Attorney Holder was well known to Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that the Claimant is related to the Power of Attorney Holder, and by extension, to the Account Owner. Finally, the CRT notes that Claimant [REDACTED 2] submitted a copy of her own marriage certificate, which provides independent verification that Claimant [REDACTED 2]' maternal relatives bore the same family name as the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT's records indicate that the account was paid to the Hungarian government on 19 February 1975.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the 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 father and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her maternal relative, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor 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 demand deposit account. The Swiss Federal Archive records indicate that the value of the account as of 1 September 1963 was SF 4,468.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 4,753.00. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 59,412.50.

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 Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is entitled to one-half of the 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
12 October 2007