

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Katherine Diosy

in re Accounts of Bela Ronai, Lili Ronai,¹ Hans Ronai and Ladislaus Ronai

Claim Numbers: 219412/JS; 219413/JS; 219414/JS; 219415/JS

Award Amount: 136,275.00 Swiss Francs

This Certified Award is based upon the claims of Katherine Diosy (the “Claimant”) to the published accounts of Lili Ronai, Bela Ronai, Hans Ronai and Ladislaus Ronai (the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant submitted four Claim Forms and an Initial Questionnaire in which she identified the Account Owners as four members of her family. The Claimant stated that her father, Aladar Kalafoni, had first cousins named Bela, Ladislaus and Hans Ronai. Bela was married to Lili (also known as Lidi), whose maiden name was Kreutzer. Bela and Lili Ronai were both Jewish and resided in Budapest, Hungary, where Bela was president of a firm called “Agy Toll Kiviteli Syndikatus.” Bela was also a partner in “Ronai Brothers,” a feather export business. Both Lili and Bela perished in concentration camps in 1944.

Ladislaus and Hans Ronai were also Jewish (and brothers). Hans was born and resided in Budapest, Hungary, and he was also involved in “Ronai Brothers.” The Claimant believes that he perished in a concentration camp. Ladislaus, who was also known as Leslie, lived in New York, in the United States, since before the beginning of the Second World War. He owned an import business that had ties with “Ronai Brothers.” He died suddenly in New York in 1946. According to the Claimant’s submissions, all of her above relatives died without issue and she is their only surviving heir.

Information Available in the Bank Records

The bank records consist of extracts from the Bank’s database. According to these records, there were three accounts. One account was jointly owned by Bela Ronai and Lili Ronai née Kreutzer, both of Hungary. The second account was jointly owned by Bela Ronai and Ladislaus Ronai,

¹ This name was erroneously published as “Lidi” Ronai on the 2001 List of Swiss Bank Accounts from the investigation conducted by the Independent Committee of Eminent Persons (“ICEP”).

both of Budapest, Hungary. The third account was jointly owned by Bela Ronai, Hans Ronai and Ladislaus Ronai.

The bank records do not show if or when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the type or value of these accounts. The auditors who carried out the investigation of the Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of ICEP (the “ICEP Investigation”) did not find these accounts in the Bank’s system of open accounts and therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945.

The Tribunal’s Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the discretion of the Claims Judges. In this case, the Tribunal determines it appropriate to join the claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has demonstrated that it is plausible that her relatives were the Account Owners. The names of her father’s first cousins, Bela, Hans and Ladislaus, match the published names of three of the Account Owners, and the name of the spouse of Bela, Lili, matches the name of the fourth account owner. Bela, Hans, and Lili Ronai all lived in Budapest, Hungary, which matches the Account Owners’ published place of residence. The fact that Ladislaus (Leslie) lived in New York is not as such inconsistent with this information: as a sibling of the Claimant’s cousin Hans, Leslie probably also lived in Budapest at some point. Finally, the family connections identified by the claimant reflect the unpublished information contained in the bank documents as to how the accounts were set up. Thus, for example, the unpublished fact that Lili Ronai owned an account jointly with Bela is consonant with the information provided by the Claimant that they were husband and wife.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has provided plausible evidence that, with the exception of Ladislaus, the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners, her relatives, were Jewish, and that, apart from Ladislaus, they perished in concentration camps. Moreover, the Tribunal notes that a database containing the names of Victims of Nazi Persecution includes a person named Lily Ronai, whose maiden name was Kreutzer and who lived in Budapest. This person’s name is very similar to that of Lili Ronai, and the other information matches the information about Lili Ronai provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Ladislaus Ronai, a Hungarian Jew, who apparently lived and died in New York, was a Target of Nazi Persecution. Since the accounts in relation to which he appears in the bank records as an account owner were jointly owned by individuals who were Victims of Nazi Persecution, these accounts are considered to be owned by Victims. Accounts owned by Victims or Targets of Nazi Persecution are suitable for adjudication by the Tribunal.

The Claimant's Relationship to the Account Owners

The Claimant has provided plausible evidence that she is related to the Account Owners by submitting a copy of her family tree. The Claimant, who is the daughter of Account Owners Bela, Hans and Ladislaus Ronai's first cousin, states that the Account Owners have no other surviving heirs. The credibility of other information provided by the Claimant gives the Tribunal no basis to question the veracity of this information.

The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the accounts at issue were paid to the Account Owners or their heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the ICEP Investigation demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, since the funds in this case apparently were not paid to the Account Owners or their family as described below, there is a substantial likelihood that these funds went to the Nazis or to the Bank.

Although the Tribunal cannot determine with certainty who received the proceeds of the accounts, the Tribunal concludes that it is plausible that neither the Account Owners nor their heirs received the proceeds. As the German invasion of Europe during the Second World War progressed, it would have been increasingly difficult and dangerous for the Account Owners to travel to Switzerland to access their accounts. It is plausible that the accounts were not accessed after the War, since, with the exception of Ladislaus Ronai, the Account Owners all perished during the Holocaust. Although Ladislaus lived in New York, the fact that he died suddenly in 1946 makes it plausible that the accounts in relation to which he was a joint owner were not paid to him. Furthermore Hungarian accounts were frozen generally from December 1944 onwards. Moreover, there is no evidence in the bank records suggesting that the Account Owners closed the accounts and received the proceeds themselves and, as stated by the Claimant in her submissions, none of the Account Owners left any descendants or heirs, with the exception of the Claimant.

Basis for the Award

The Tribunal has determined that an Award may be made in favor of the Claimant. First, the claimed accounts belonged to Victims of Nazi Persecution. Second, the Claimant has plausibly demonstrated that three of the Account Owners were her first cousins once removed, and the fourth of the Account Owners was the spouse of one of these cousins. These relationships justify an Award being made of all three accounts. Finally, the Tribunal has determined that it is

plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

Pursuant to Article 35 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 present 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. The present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 136,275.00 Swiss Francs taking all three accounts together.

According to Article 37(3) of the Rules, in cases where the value of an account is based on the presumptions of Article 35 of the Rules, or where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this case, the value of the accounts at issue is based on the Article 35 presumptions and there is the possibility of other competing claims. In this instance, 35% of the total award amount is 47,696.25 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal will carry out further research on her claims 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

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a plausible case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same account will be forthcoming. Articles 37(3)(a) and (b) of the Rules provide that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, and/or the Tribunal determines that an account may be subject to later competing claims, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. Thus, the Rules instruct and require the Tribunal to certify and recommend an initial 35% payment in awards submitted for Court approval in particular cases where either the Tribunal has used the value presumptions of Article 35 or it has determined that the account may be subject to later competing claims, or both.

In this case, the Tribunal has used the value presumptions of Article 35 of the Rules to calculate the account value and is of the opinion that the accounts at issue may be subject to later competing claims. On this basis, the Tribunal certifies this Award for approval by the Court and for payment by the Special Masters in accordance with Article 37(3) of the Rules.

8 May 2022

Date



Veijo Heiskanen
Senior Claims Judge