

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 2]

in re Accounts of Farkas Rózsa and Paul Rózsa

Claim Number: 212820/BI; 212821/BI

Award Amount: 325,000.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (formerly [REDACTED], [REDACTED] or [REDACTED]) to the published account of Pal Rozsa. This award is to the unpublished accounts of Farkas Rózsa (“Account Owner Farkas Rózsa”) and Paul Rózsa (“Account Owner Paul Rózsa”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).¹ The accounts awarded are from the Total Accounts Database (“TAD”) at 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 Claimant

The Claimant submitted two Claim Forms identifying Account Owner Paul Rózsa as his father, Paul (Pal) Rózsa, and Account Owner Farkas Rózsa as his paternal grandfather, Farkas Rózsa. The Claimant stated that his grandfather, who was Jewish, was married to [REDACTED], née [REDACTED], and that they lived in Budapest, Hungary. The Claimant stated that Farkas and [REDACTED] had a son, Paul (the Claimant’s father), who was born on 27 November 1904 in Budapest, and was married to [REDACTED], née [REDACTED], on 5 May 1931 in Budapest. According to the Claimant, after Hungary’s alliance with the Nazis, his father, who was also Jewish, was forced to perform slave labor, and that he and his family were forced to live in a

¹ The CRT notes that the name Pal Rozsa appears 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”). Upon careful review, the CRT has determined that this Pal Rozsa is not the same person addressed in the current decision. That account, which was held at a different Swiss bank, was awarded to another claimant. See *In re Account of Imre Kadar, Imréné Kadar, Pal Rozsa, Palné Rozsa and Istvan Rozsa* (approved on 12 January 2005). The Claimant’s claim to the account published in 2001 was treated in a separate decision. See *In re Account Pal Rosza* (approved on 27 February 2007).

“Yellow Star House,”² from which they escaped after they were able to obtain Swedish protective passes (“*Schutz Pässe*”). The Claimant stated that his parents then hid in various places, including in the cellar of the Swiss embassy in Budapest. The Claimant added that his mother died from shrapnel wounds on 12 February 1945, shortly after the siege of Budapest. According to the Claimant, his father survived the War and emigrated to Australia, where he married his second wife, [REDACTED], née [REDACTED], on 25 January 1948. The Claimant stated that his father passed away on 16 October 1969. The Claimant did not provide information regarding the fate of his grandfather, Farkas Rózsa.

In support of his claim, the Claimant submitted copies of: (1) his father’s birth certificate, indicating that Pal Rózsa was born on 27 November 1904 and that his parents were Farkas and [REDACTED]; (2) a document from the Swiss Consulate in Budapest, dated 23 October 1944, confirming that Pal Rózsa had a collective immigration pass (“*Kollektivpass zur Auswanderung*”); (3) his own birth certificate, indicating that [REDACTED 1] was born on 2 June 1937 in Budapest and that his parents were Pal Rózsa and [REDACTED], née [REDACTED]; (4) a legal declaration signed in 1964 in Sydney, Australia, confirming that the Claimant’s name was changed from [REDACTED 1] to [REDACTED 1]; (5) his sister’s birth certificate, indicating that [REDACTED 2] was born on 18 February 1932 in Budapest and that her parents were Pal Rózsa and [REDACTED], née [REDACTED]; (6) a copy of his “*Schutz Pass*,” dated 20 August 1944 and issued by the Swedish Consulate in Budapest, indicating that [REDACTED 1], who was born on 2 June 1937, and his residence (“*Wohnung*”) were under the protection of the Swedish Consulate; (7) his father’s Australian passport, indicating that Paul Rózsa was born on 27 November 1904 in Budapest; (8) a letter from the Cremation Society of Australia, indicating that Paul Rozsa was born in Budapest in 1904 and passed away on 16 October 1969; and (9) his father’s will, dated 23 December 1966, in which the Claimant and his sister are named equal beneficiaries to their father’s estate.

The Claimant indicated that he was born on 2 June 1937 in Budapest. The Claimant is representing his sister, [REDACTED 2], née [REDACTED], who was born on 18 February 1932 in Budapest.

Information Available in the Bank’s Records

The Bank’s records consist of two Power of Attorney forms, each referring to a different account. According to the first Power of Attorney form, which was signed in Budapest on 5 May 1930, the Account Owner was Paul Rózsa and the Power of Attorney Holder was Farkas Rózsa, the Account Owner’s father, who both resided in Budapest, Hungary. According to the second Power of Attorney form, which was signed in Zurich on 8 May 1930, the Account Owner was Farkas Rózsa and the Power of Attorney Holder was Paul Rózsa, who both resided in

² During 1944, the Jewish population of Budapest was forced to move into common houses marked by a yellow star, commonly known as “Yellow Star Houses.” This marked the beginning of the segregation of Budapest’s Jewish population. See, for example, the testimony of Vera Koveski in “Terror and Survival: A Family History,” *Memoirs of Holocaust Survivors in Canada*, Vol. 32, pp. 118, published by the Montreal Institute for Genocide and Human Rights Studies and Concordia University Chair in Canadian Jewish Studies (available at http://migs.concordia.ca/memoirs/kovesi_vera/vera_kovesi_01.htm).

Budapest, Hungary. According to these records, each Account Owner held a custody account.³ Based on the source location of the documents, the auditors who carried out the investigation of this bank pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) identified these accounts as accounts open or opened during the Relevant Period, which is defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”) as 1933 to 1945, and indicated that they were closed unknown to whom on unknown dates. The Bank’s records do not indicate the value of these accounts.

These accounts were not part of the Account History Database at the CRT, but were identified as a result of matching and research carried out at the Bank and using, as noted above, the TAD at the Bank. The TAD at the Bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the ICEP auditors as open or opened in the 1933-1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks,⁴ are composed of 1.9 million savings accounts with unknown values or a 1930-1940s value of 250.00 Swiss Francs or less and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included within the Account History Database, that is, within the 36,000 accounts that ICEP determined were “probably or possibly” owned by victims of Nazi persecution.

The accounts awarded are part of a group of accounts identified in the TAD.

The CRT’s Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant’s father’s name and the Claimant’s paternal grandfather’s name as well as their city and country of residence match the unpublished names and city and country of residence of the Account Owners and the Power of Attorney Holders. The Claimant also identified the family relationship between the Account Owners and the Power of Attorney Holders, which matches unpublished information about the Account Owners and Power of Attorney Holders contained in the Bank’s records.

In support of his claims, the Claimant submitted documents, including (1) his father’s birth certificate, indicating that Pal Rózsa was born on 27 November 1904 in Budapest, Hungary, and that his parents were Farkas and [REDACTED]; (2) a document from the Swiss Consulate in Budapest dated 23 October 1944, confirming that Pal Rózsa had a collective immigration pass; (3) his own birth certificate, indicating that [REDACTED 1] was born on 2 June 1937 in Budapest and that his parents were Pal Rózsa and [REDACTED], née [REDACTED]; (4) his

³ The Bank’s records contain power of attorney forms that reference a “*Titeldepot*” which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although these power of attorney forms therefore do not necessarily demonstrate that the Account Owners held custody accounts, in the absence of evidence to the contrary, the CRT concludes that it is plausible that they held such accounts.

⁴ These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

father's "*Schutz Pass*," dated 20 August 1944 and issued by the Swedish Consulate in Budapest, indicating that [REDACTED 1] was born on 2 June 1937 in Budapest and that his place of residence in 1944 was Budapest; (5) his father's Australian passport, indicating that he was born on 27 November 1904 in Budapest; and (7) a letter from the Cremation Society of Australia, indicating that Paul Rozsa was born in Budapest in 1904 and passed away on 16 October 1969. These documents provide independent verification that the persons who are claimed to be the Account Owners had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owners. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city of residence than the city of residence of the Account Owner and did not identify the family relationship between the Account Owner and the Power of Attorney Holder.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that Account Owner Paul Rózsa was forced to perform slave labor, and that he and his family were forced to live in a "Yellow Star House" until they escaped after obtaining Swedish protective passes. According to the Claimant, Account Owner Paul Rózsa and his family then hid in various hiding places, including in the cellar of the Swiss Embassy in Budapest. The Claimant also submitted a document from the Swiss Consulate in Budapest dated 23 October 1944 confirming that Pal Rózsa had a collective immigration pass, and his own "*Schutz Pass*," dated 20 August 1944 and issued by the Swedish Consulate in Budapest, which indicates that [REDACTED 1] and his residence ("*Wohnung*") were under the protection of the Swedish Consulate.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's father and paternal grandfather. These documents include: (1) his father's birth certificate, indicating that Pal Rózsa was born on 27 November 1904 and that his parents were Farkas and [REDACTED]; (2) his own birth certificate, indicating that [REDACTED 1] was born on 2 June 1937 in Budapest and that his parents were Pal Rózsa and [REDACTED], née [REDACTED]; (3) a legal declaration signed in 1964 in Sydney, Australia, confirming that the Claimant's name was changed from [REDACTED 1] to [REDACTED 1]; (4) his Australian passport, indicating that [REDACTED 1] was born in Budapest on 2 June 1937 (5) his sister's birth certificate, indicating that [REDACTED 2] was born on 18 February 1932 in Budapest and that her parents were Pal Rózsa and [REDACTED], née [REDACTED]; (6) his sister's marriage certificate, dated 12 April 1957, indicating that she and [REDACTED] were married in New South Wales; (7) his father's Australian passport, indicating that Paul Rózsa was born on 27 November 1904 in Budapest; and (8) a letter from the Cremation Society of Australia, indicating that Paul Rózsa was born in Budapest in 1904 and passed away on 16 October 1969.

There is no information to indicate that the Account Owners have surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

According to the Bank's records and the auditors' report, the accounts were closed unknown to whom on an unknown date. Given that the Account Owners resided in Nazi-allied Hungary, that Account Owner Paul Rózsa was forced to perform slave labor, that he and his family were forced into a Yellow Star House, from which they escaped only after obtaining protective passes, and that they then survived in hiding; that there is no record of the payment of the Account Owners' accounts to them, nor any record of a date of closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) 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 Owners, the Power of Attorney Holders, or their 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 the Claimant and the party he represents. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owners were his father and his paternal grandfather, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, nor the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, each of the Account Owners held a custody account. Pursuant to Article 29 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 current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). Thus, the combined 1945 average value for the two accounts at issue is SF 26,000.00. 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 SF 325,000.00.

Division of the Award

In this case, the award is to accounts owned by Account Owner Paul Rózsa and Account Owner Farkas Rózsa, and the Claimant is representing his sister, [REDACTED 2].

With respect to the custody account owned by Account Owner Paul Rózsa, the CRT notes that the Claimant submitted a copy of his father's will, in which he and his sister are named equal beneficiaries of their father's estate. According to Article 23(2)(a) of the Rules, if a claimant has

submitted the account owner's will or other documents pertaining to the account owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. Accordingly, the Claimant and his sister are entitled to equal shares of this half of the award, or one-fourth of the total award amount each.

With respect to the custody account owned by Account Owner Farkas Rózsa, the CRT notes that the Claimant did not provide a copy of Farkas Rózsa's will. According to Article 23(1)(c) of the Rules, if the account owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the account owner who have submitted a claim, in equal shares by representation. Accordingly, the Claimant and his sister, as the grandchildren of Account Owner Farkas Rózsa, are each entitled to half of his half of the award amount, or one-fourth of the total award amount each.

In summary, the Claimant is entitled to half of the total award amount and represented party [REDACTED 2] is entitled to half of the total award amount.

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 claims 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) at banks other than the Bank.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
10 November 2007