

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Árpád Sebestyén**

Claim Number: 211873/RS

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Árpád Sebestyén (the “Account Owner”), over which Alice Sebestyén (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”). The account awarded is 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 a Claim Form identifying the Account Owner as his father, Dr. Árpád Sebestyén, who was born on 8 February 1896 in Budapest, Hungary, and was married to Alice Sebestyén, née Ponger, on 15 July 1924 in Budapest. According to the Claimant, his father, who was Jewish, was a dentist in Budapest. The Claimant indicated that in the 1930s, his father resided at Karoly krt 3/c in Budapest, and that his father visited the *University of Lausanne* and the *University of Zurich*, both in Switzerland, several times for professional reasons between the years 1930 and 1940. According to the Claimant, his father held several bank accounts and a safety deposit box at a Hungarian bank, all of which were plundered and removed from Hungary by Nazi authorities in the fall of 1944. The Claimant further indicated that his father was conscripted in July 1944 into a forced labor battalion in Hungary, in which he was forced to serve until January 1945. The Claimant indicated he is an only child, that his father died on 23 September 1983 in Budapest, and that his mother died in 1992 in the United States.

The Claimant indicated that he was born on 21 April 1926 in Budapest.

## **Information Available in the Bank's Records**

The Bank's records consist of a power of attorney form and a printout from the Bank's database. According to these records, the Account Owner was Dr. Árpád Sebestyén, who resided at Karoly körút 3/c in Budapest, Hungary, and the Power of Attorney Holder was *Frau* (Mrs.) Dr. Alice Sebestyén, née Ponger, the Account Owner's wife. These records, which include signature samples for the Account Owner and the Power of Attorney Holder, indicate that the Account Owner held one account, the type of which is not indicated, which was opened on 21 October 1930 and closed on an unknown date.

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

This account was not part of the Account History Database at the CRT, but was 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 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") 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,<sup>1</sup> are composed of 1.9 million savings accounts with unknown values or a 1930-1940s value of 250.00 Swiss Francs ("SF") 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 account awarded is part of a group of accounts identified in the TAD.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's parents' names and city and country of residence match the unpublished names and city and country of residence of the Account Owner and the Power of Attorney Holder. The Claimant identified the Account Owner's title and exact street address, the relationship between the Account Owner and the Power of Attorney Holder, and the Power of Attorney Holder's maiden name, which also match unpublished information contained in the Bank's records.

The CRT notes that there are no other claims to this account.

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<sup>1</sup> These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

### Status of the Account Owner as a Victim or Target 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 resided in Nazi-allied Hungary, and that the Account Owner's Hungarian accounts were plundered by the Nazi authorities in the fall of 1944. The Claimant also stated that the Account Owner was forcibly conscripted into a forced labor battalion in which he served in Hungary under harsh conditions from July 1944 to mid-January 1945.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner and the Power of Attorney Holder by submitting specific biographical information, demonstrating that the Account Owner and the Power of Attorney Holder were the Claimant's parents.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. The CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-allied Hungary; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account 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 Owner, the Power of Attorney Holder, or his 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. 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, nor their heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held an account of unknown type. Pursuant to Article 29 of the Rules, when the value and type of an account is unknown, as is the case here, the average value of an 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 an account of unknown type was 3,950.00 SF. 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 49,375.00.

### **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) 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