

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Livia Bielek

in re Accounts of Dr. Imre von Turchányi

Claim Number: 500366/BW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Livia Bielek, née von Turchányi, (the “Claimant”) to the published accounts of Imre von Turchányi (the “Account Owner”) 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 has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Dr. Imre von Turchányi, who was born on 22 February 1889 in Nyitrarudnó, Austria-Hungary, and was married to Rózsa von Turchányi, née Roth, on 6 January 1918 in Budapest, Hungary. The Claimant indicated that her father, a lawyer and local banker, was a senator for the Hungarian minority in Czechoslovakia from 1933 to 1938, and then a representative in the Hungarian Parliament in Budapest from 1938 until the German occupation of Hungary. According to the Claimant, her father, along with her mother, who was Jewish, and herself fled their home in Budapest after her father learned of a Nazi warrant for his arrest. The Claimant indicated that her father, who became a member of the Hungarian resistance, survived the War, and resided in Hungary until his death in 1955.

The Claimant submitted the following documents in support of her claim: (1) her father’s birth certificate, issued in 1942, which indicates that he was born on 22 February 1889 in Nitra-Rudno, Czechoslovakia (formerly Nyitrarudnó, Austria-Hungary); (2) her parents’ marriage certificate, which indicates that Imre von Turchányi married Rózsa von Turchányi, née Roth, on 6 January 1918 in Budapest, Hungary; (3) the Claimant’s own birth certificate, which indicates she was born on 21 January 1919 in Nové Zámky, Slovakia (formerly Érsekujvár, Czechoslovakia) to Imre and Rózsa von Turchányi; and (4) a copy of an arrest warrant from the Nazi commanding officer at Stuhlweissenburg (Székesfehérvár, Hungary) addressed to the Hungarian police of Érsekujvár, dated 22 November 1944 and written in German and Hungarian, which indicates that Dr. Imre Turchányi was to be taken into immediate police custody.

The Claimant indicated that she was born on 21 January 1919 in Érsekujvár, Czechoslovakia.

Information Available in the Bank's Records

The Bank's records consist of lists of dormant accounts and several printouts from the Bank's electronic database. According to these records, the Account Owner was Dr. Imre Turchányi from Budapest, Hungary. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"), and the Bank provided the CRT with additional documents. These documents consist of customer account cards, a custody account contract, and a signature sample card. These records indicate that the Account Owner was Dr. Imre Turchányi from Budapest, Hungary; that the Account Owner was a senator and later a representative; and that the Account Owner's alternative city of residence was Érsekujvár.

The Bank's records indicate that the Account Owner held two accounts: a custody account, numbered 42019, that was opened on 30 December 1939 and closed on 13 June 1940, and which contained bonds issued by the city of Budapest in 1914 with a nominal value of 25,200.00 Swiss Francs ("SF"); and an account of unknown type, numbered 480222, opened on 13 June 1940 and closed on 22 November 1965. According to the Bank's records, the account of unknown type appeared on lists of dormant accounts compiled internally by the Bank in 1959 and 1963. According to these lists, the account balance on 1 January 1959 was SF 75.50 and SF 65.50 on 15 November 1963. The Bank's records indicate this account was closed on 22 November 1965. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account of unknown type and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant also identified the Account Owner's occupation and title, as well as an alternate city of residence of the Account Owner, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including her father's birth and marriage certificates, which provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city and country recorded in the Bank's records as the name and city and country of residence of the Account Owner.

The CRT notes that the name Imre von Turchányi appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List).

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 or Target of Nazi Persecution. The CRT notes that while the Account Owner was not Jewish, he was married to a Jewish woman, and would have therefore been targeted by the Nazi regime. The Claimant stated that the Account Owner's wife was Jewish, and that she was forced to flee her home with the Account Owner and her family after a warrant was issued for the Account Owner's arrest.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's birth certificate, which indicates that the Account Owner was her father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owner's custody account was closed on 13 June 1940, which is the same day that the Account Owner's account of unknown type was opened. The CRT has therefore concluded that the Account Owner received the proceeds of the custody account.

Regarding the Account Owner's account of unknown type however, given that the Account Owner was forced to flee his home after learning of a Nazi warrant for his arrest; that the Account Owner lived behind the Iron Curtain after the Second World War until his death in 1955; that the account was closed on 22 November 1965, ten years after the death of the Account Owner; that there is no record of the payment of the Account Owner's account to him; 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 (b), (h), (i) 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 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 her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account of unknown type as of 15 November 1963 was SF 65.50. 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 account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 350.50. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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, 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 her claim 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

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

Claims Resolution Tribunal
19 December 2007