

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Paul von Kiraly

Claim Number: 730896/MBC¹

Award Amount: 39,662.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Paul von Kiraly (the “Account Owner”) at the [REDACTED] (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 an Initial Questionnaire (“IQ”) identifying the Account Owner as her late husband, Pál Gyorgy Király, who was born on 5 July 1898 in Budapest, Hungary, and was married to the Claimant on 27 December 1952 in Budapest. The Claimant stated that her husband, who was Jewish, was a correspondent for a Hungarian evening newspaper (“*Este Kuris*”) and that he regularly traveled to France, Switzerland and other European countries for his work. According to the Claimant, her husband was prevented from traveling outside Hungary from 1937 or 1938 onwards due to travel restrictions imposed on Jews at that time. The Claimant also stated that some time in 1942 her husband was deported to the first of several camps, where he was forced to perform slave labor for approximately 18 months. The Claimant indicated that her husband survived the Second World War, and that he died on 27 March 1980 in Budapest.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HUN 0079 163, 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 730896.

The Claimant submitted her marriage certificate which shows that she was married to Pál Király on 27 December 1952 in Budapest, and her husband's death certificate which states that Pál Király died on 27 March 1980 in Budapest, and that he was married to the Claimant.

The Claimant stated that she was born on 26 July 1920 in Ujkécske, Hungary.

Information Available in the Bank's Record

The Bank's record consists of an extract from a list of foreign customers with demand deposit accounts and foreign currency accounts, dated 31 December 1938. According to this record, the Account Owner was Paul von Kiraly, who resided in Budapest, Hungary. The Bank's record indicates that the Account Owner held a demand deposit account, and that as of 31 December 1938 the amount in the account was 3,173.00 Swiss Francs ("SF").

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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's husband's name, city and country of residence match the published name, city and country of residence of the Account Owner.² The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Pál Király, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

In support of her claim, the Claimant submitted her marriage certificate which shows that she was married to Pál Király on 27 December 1952 in Budapest, and her husband's death certificate, which states that Pál Király died on 27 March 1980 in Budapest, and that he was married to the Claimant, providing independent verification that person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as

² The CRT notes that the name Pál is the Hungarian equivalent of the name Paul.

the name and city of residence of the Account Owner. The CRT notes that there are no other claims to this account. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim 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, and that he was forced to perform slave labor for a period of approximately 18 months from 1942 onwards.

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 her husband. These documents include her marriage certificate and the Account Owner's death certificate, confirming that the Claimant was married to the Account Owner.

The Issue of Who Received the Proceeds

Given that the Account Owner was prevented from undertaking any travel from 1937 or 1938; that he was forced to perform slave labor for 18 months from 1942; that following the Second World War the Account Owner resided in a communist country in Eastern Europe; 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), (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 husband, 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 demand deposit account. The Bank's record indicates that the value of the demand deposit account as of 31 December 1938 was SF 3,173.00. The current value of the amount of the award is determined by multiplying the historic value by a

factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 39,662.50.

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
30 December 2004