

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Miklos Fényes

Claim Number: 208102/MG

This Certified Denial is based on the claim of [REDACTED], née Fried, (the “Claimant”) to the published account of Miklos Fényes (the “Account Owner”), over which Karoly Kun (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

All denials 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 the husband of her father’s cousin, Miklos Fényes, who was married to [REDACTED] and had no children. The Claimant stated that her relative was Jewish and that he resided in Budapest, Hungary. During a telephone conversation with the CRT on 22 January 2003, the Claimant explained that her relative ran a journalism-related business, and that during the Second World War he was forced to work as a slave laborer. According to the Claimant, she met her father’s cousin, [REDACTED], in Budapest in the 1970s. The Claimant stated that [REDACTED], who was the widow of Miklos Fényes, gave the Claimant a share certificate relating to shares in a company located in Geneva, Switzerland, by the name of *Union des Usines et des Exploitations Forestieres de Nasic*, which had been owned by Miklos Fényes. The Claimant further indicated that, according to [REDACTED], her late husband owned a Swiss bank account, and that she asked the Claimant to attempt to access this account, as she was then residing in communist Hungary. The Claimant stated that she tried but was unsuccessful in her attempts to locate an account belonging to Miklos Fényes. According to the Claimant, Miklos Fényes died during or soon after the Second World War, and [REDACTED] died in Hungary in the 1980s or 1990s. In support of her claim, the Claimant submitted documents, including copies of a share certificate issued by *Union des Usines et des Exploitations Forestieres de Nasic* and correspondence from 1976 with the *Handelskredit-Bank AG* and the Bank in Zurich regarding the value of this share.

The Claimant stated that she was born on 25 October 1949 in Ozo, Hungary.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by a Mr. Fényes of Budapest.

Information Available in the Bank’s Records

The Bank’s records consist of a power of attorney form dated 16 September 1938 and printouts from the Bank’s database. According to these records, the Account Owner was Miklos Fényes, who resided at Margrit Rakpart 37, Budapest II, Hungary, and the Power of Attorney Holder was Generaldirektor (General Director) Karoly Kun. The Bank’s records indicate that the Account Owner held a demand deposit account, which was closed on 19 April 1939.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s relative’s name and city of residence match the published name and city of residence of the Account Owner. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Mr. Fényes, 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 last 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.

The CRT notes that the name Miklos Fényes appears only once 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”).

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

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, demonstrating that the Account Owner was the husband of her father’s

cousin. The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List, which supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 19 April 1939. The CRT notes that this was prior to the Hungarian alliance with Nazi Germany on 20 November 1940. Consequently, the CRT concludes that the Account Owner closed the account and received the proceeds himself.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

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 Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
9 March 2005