

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Zoltan Strasser, Zoltan Foty and Klari Foty

Claim Number: 601298/AK¹

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of [REDACTED], [REDACTED], [REDACTED], and [REDACTED].² This Denial is to the unpublished account of Zoltan Foty (“Account Owner Zoltan Foty”) and Klari Foty (“Account Owner Klari Foty”), and to the unpublished accounts of Zoltan Strasser (“Account Owner Strasser”) (together the “Account Owners”), over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney, all at 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 to the Holocaust Claims Processing Office (“HCPO”), identifying Account Owner [REDACTED] as his father, [REDACTED], formerly know as [REDACTED], who was born on 8 January 1895 in Nove Becsi, Hungary, and Account Owner [REDACTED] as his mother, [REDACTED], née [REDACTED], who was born in Budapest, Hungary. The Claimant indicated that his parents, who were Jewish, were married in 1927 in Hungary. According to the Claimant, his father lived in Budapest, where he was the director of the Italian-Hungarian Bank. The Claimant stated that his father traveled to Switzerland during the 1930s, and that he owned a Swiss bank account there. The Claimant further stated that, during the Second World War, his father was forced to live in the Budapest ghetto, and that he was subsequently transported to the *Ciszka Puszta* labor camp. In addition, the Claimant stated that his father also lived in hiding for part of the Second World War. The Claimant explained that his father survived the Second World War, and that he died in Budapest on 17 August 1949. The Claimant stated that his mother emigrated to Israel in 1956, that she moved on to New York,

¹ The Claimant submitted a claim, numbered B-02171, on 22 February 2000, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601298.

² The CRT will treat the claim to the accounts of [REDACTED] in a separate decision.

New York, the United States, in 1982, and that she passed away in New York on 16 December 1996.

Moreover, the Claimant identified Account Owner [REDACTED] as his maternal grandfather, [REDACTED], who was born in June 1881, was Jewish, and who died in 1945 or 1946. The Claimant stated that [REDACTED]'s wife, [REDACTED], who was Jewish, lived in Haifa, Israel after the war.

The Claimant submitted his parents' marriage certificate, indicating that [REDACTED] married [REDACTED] on 14 May 1927, that their last name was changed from [REDACTED] to [REDACTED] on 29 March 1934, that they converted to Catholicism on 29 December 1938, that they lived in Budapest, and that [REDACTED]'s mother was [REDACTED]; correspondence between his maternal grandmother, [REDACTED], his mother, [REDACTED], and the Bank, indicating that they contacted the Bank in the 1957 and 1962; and a certificate issued in Budapest, indicating that [REDACTED] was an architect, and that he resided in Budapest in 1928.

In addition, the Claimant submitted records pertaining to the accounts of [REDACTED], [REDACTED], and [REDACTED] at the Bank, and correspondence between the Bank and the HCPO, including records for the accounts of [REDACTED], [REDACTED], and [REDACTED] located by the Bank. These records are further described below. With respect to the accounts detailed in these documents, in a telephone conversation with the HCPO on 27 August 2002, which was related in turn to the CRT, the Claimant stated that he considered the only remaining question with respect to these accounts to relate to his mother's remark in one of her letters, indicating that her husband had deposited 18,000.00 Swiss Francs ("SF") with the Bank. This letter is also further described below.

The Claimant indicated that he was born on 17 February 1928 in Budapest.

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED].

Information Available in the Bank's Records

The CRT notes that 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 report an account belonging to [REDACTED], [REDACTED], or [REDACTED] during their investigation of the Bank. The Bank's documents were obtained from the Claimant and from the Bank by the HCPO on the Claimant's behalf, and were forwarded to the CRT.

Accounts of Zoltan Strasser

The Bank's records consist of an application for opening of an account, a safe deposit box rental contract, a safe deposit box registry card, a power of attorney form, signature sample forms, and

correspondence with the Bank. According to these records, Account Owner Strasser was Zoltan Strasser, and the Power of Attorney Holder was [REDACTED], née [REDACTED], Account Owner [REDACTED] 's wife. The Bank's records indicate that Account Owner Strasser was a Hungarian citizen, and that he resided at Meszaros utca 2 in Budapest, Hungary. The Bank's records indicate that Account Owner Strasser held a safe deposit box, numbered 1758, as well as two custody accounts and two demand deposit accounts under the consolidated identification number 80190.

The Bank's records indicate that the safe deposit box was rented by Account Owner Strasser on 21 February 1939 for a three-month period, and that he temporarily resided in Engelberg, Switzerland at this point in time. The Bank's records further indicate that the safe deposit box was closed on 6 March 1939 to Account Owner Strasser, who acknowledged the receipt of his SF 50.00 security deposit in return for the key to this safe deposit box. The value of the contents of the safe deposit box on the date of its closure is unknown.

With respect to the accounts maintained under the identification number 80190, the Bank's records indicate Account Owner Strasser signed an account opening contract on 24 February 1939, and that on the same day power of attorney was granted to the Power of Attorney Holder. The total value of the assets deposited in these accounts was SF 48,000.00 as of 24 February 1939. The Bank's records indicate that the Account Owner contacted the Bank on 14 October 1947 to inform it that he resided in Budapest at the same address. The Bank's records contain a letter, dated 3 July 1957, in which the Power of Attorney of Holder informed the Bank that she had emigrated to Israel, and requested a statement for the accounts numbered 80190 for purposes of giving further instructions to the Bank. The Bank's records also include a letter, dated January 1962, in which the Power of Attorney Holder referred to her letter of 30 November 1961 and ordered the Bank to sell some of the assets in the account and to transfer the proceeds to [REDACTED] Bank in Haifa. The Bank's records further indicate that the accounts registered under number 80190 were closed in 1971. The amount in the accounts on the date of their closure is unknown.

Account of Zoltan Foty and Klari Foty

The Bank's records consist of an excerpt from the Bank's ledger, an account registration card, and correspondence with the Bank. According to these records, Account Owner Zoltan Foty was Zoltan Foti, who resided in Hungary, and Account Owner Klari Foty was Klari Foti, née [REDACTED]. The Bank's records indicate that Account Owner Zoltan Foty and Account Owner Klari Foty held a numbered account, the type of which is not indicated, with a designation 8007. The Bank's records further indicate that this account was transferred to a collective account on 26 November 1949, with a balance of SF 2,453.35, and that it was later crossed off the list of accounts contained in this collective account. The Bank's records do not indicate the exact date of closure of this account. The amount in the account on the date of its closure is unknown. However, the Bank's records include a letter from Account Owner Klari Foty to the Bank, dated 31 October 1957, stating that she had received the proceeds of account 8007 in Pound Sterling a few months earlier. In this letter, Account Owner Klari Foty also stated that her son, [REDACTED], had closed two of her accounts a few years earlier. Additionally, in this same letter, Account Owner Klari Foty requested a complete statement of account from the

Bank, noting that she was unable to recall details, but adding that she believed her husband deposited a sum of SF 18,000.00 with the Bank, and that this was still with the Bank.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's parents' names and city and country of residence match the names and city and country of residence of Account Owner [REDACTED] and Account Owner [REDACTED] specified on the documents provided by the Claimant. The Claimant's grandparents' names and city and country of residence match the names and city and country of residence of Account Owner [REDACTED] and the Power of Attorney Holder specified on the documents provided by the Claimant. In support of his claim, the Claimant submitted documents, including his parents' marriage certificate, indicating that [REDACTED] was married to [REDACTED], and that they resided in Budapest, providing independent verification that the persons who are claimed to be Account Owner [REDACTED] and Account Owner [REDACTED] had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of Account Owner [REDACTED] and Account Owner [REDACTED]. In addition, the Claimant submitted a certificate, identifying his grandfather as [REDACTED], providing independent verification that the person who is claimed to be Account Owner [REDACTED] had the same name recorded in the Bank's records as the name of Account Owner [REDACTED]. The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims or Targets of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Zoltan Foty was a Victim of Nazi Persecution. The Claimant stated that Account Owner Zoltan Foty was Jewish, that he was forced to live in the Budapest ghetto and later transferred to a labor camp, and that he was also forced to live in hiding during the Second World War. The CRT notes that the Claimant has submitted insufficient information regarding the fate of Account Owner [REDACTED] or Account Owner [REDACTED] to determine whether Account Owner [REDACTED] and Account Owner [REDACTED] were Victims or Targets of Nazi Persecution.

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 Account Owner [REDACTED] and Account Owner [REDACTED] were his parents, and that Account Owner [REDACTED] was his grandfather. These documents include a letter from Account Owner [REDACTED] to the Bank, indicating that [REDACTED], was her son. The CRT notes that the Claimant submitted a copy of Account Owner [REDACTED] and Account Owner [REDACTED]'s marriage certificate, a certificate confirming that Account Owner [REDACTED] was an architect, and letters from the Power of Attorney Holder to the Bank regarding the accounts of Account Owner [REDACTED]. The CRT notes that it is plausible that these documents are documents which

most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners and the Power of Attorney Holder were well known to the Claimant as a family members, and all of this information supports the plausibility that the Claimant is related to the Account Owners, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

Accounts of Zoltan Strasser

The Bank's records indicate that Account Owner Zoltan Strasser held a safe deposit box and four accounts maintained under the identification number 80190. With respect to the safe deposit box, given that the Bank's records indicate that it was closed on 6 March 1939, when Account Owner Zoltan Strasser resided in Switzerland, and that he acknowledged having received the security deposit in return for the safe key, the CRT concludes that Account Owner Zoltan Strasser received the proceeds of the claimed safe deposit box. With respect to the accounts numbered 80190, given that the Power of Attorney Holder contacted the Bank with specific instructions regarding these accounts in 1957, 1961, and 1962; and that the accounts were closed in 1971, the CRT concludes that the Power of Attorney Holder was able to access these accounts and that she closed them and received the proceeds herself.

Account of Zoltan Foty and Klari Foty

The Bank's records indicate that Account Owner Zoltan Foty and Account Owner Klari Foty held one account, the type of which is not indicated, numbered 8007. Given that the account at issue was initially included on, but later removed from, the Bank's list of accounts transferred to a collective account, and that, in 1957, Account Owner Klari Foty specifically acknowledged receiving the proceeds from that account in a letter to the Bank, the CRT concludes that Account Owner Klari Foty was able to access this account and that she closed it and received the proceeds herself.

The CRT notes that, in her 1957 letter to the Bank, Account Owner Klari Foty indicated that she believed Account Owner Zoltan Foty deposited an amount of SF 18,000.00 with the Bank, and that these funds remained with the Bank. However, the CRT further notes that, in this same letter, Account Owner Klari Foty acknowledged that she personally received the proceeds contained in the account numbered 8007; that her son, [REDACTED], had earlier closed two accounts held in her name; and that she was unable to recall details regarding her and her husband's account ownership. Accordingly, the CRT determines that this inquiry by Account Owner Klari Foty constitutes insufficient evidence of additional account ownership by either Account Owner Klari Foty or Account Owner Zoltan Foty.

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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

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 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).

Certification of the Denial

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

Claims Resolution Tribunal
21 September 2005