

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

LASZLO PASZTOR

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-598

Decision No. HUNG-2-0079

PROPOSED DECISION

This claim in the asserted amount of \$313,345.00 against the Government of Hungary, under subsection 303(5), Title III of the International Claims Settlement Act of 1949, as amended, is based upon loss of property as follows:

- (1) Stock in trade of a jewelry store at No. 1 Janos Arany Street in Kecskemét;
- (2) Unstated number of shares of stock in the corporation "English-Hungarian Loan Bank" (presumably: Magyar Bank és Kereskedelmi R.T., formerly known as Angol-Magyar Bank R.T.);
- (3) Photographic and optical merchandise, gold, jewelry, diamonds, silverware, U.S. currency and an Opel passenger car;
- (4) Personal injuries sustained by "sufferings and humiliation" when incarcerated in Hungary.

Claimant states that he acquired United States nationality on November 12, 1963, by naturalization.

Under section 303, Title III of the International Claims Settlement Act of 1949, (69 Stat. 570 (1955)); 22 U.S.C. §§1641-1641q (1971), as amended by section (3) of Public Law 93-460, approved on October 20, 1974 (88 Stat. 1386 (1974)), and which implements certain provisions of the Hungarian Claims Agreement of March 6, 1973, (TIAS 7569), the Commission is given jurisdiction as follows:

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims of nationals of the United States against the . . . [Government of Hungary] . . . arising out of the failure to ---

(5) pay effective compensation for the nationalization, compulsory liquidation or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and the date the United States-Hungarian Claims Agreement of March 6, 1973, enters into force.

It is clear, therefore, that this new section of the Act does not confer jurisdiction upon the Commission to consider all claims which were settled and discharged under the Hungarian Claims Agreement of 1973, but rather, provides for a limited class only, namely, those which arose between August 9, 1955, and March 6, 1973, as a result of the nationalization, compulsory liquidation or other taking of property in Hungary.

It is important to note that other classes of claims settled and discharged by the Agreement which arose prior to August 9, 1955, were provided for pursuant to subsections (1), (2) and (3) of section 303 of the Act, supra. The Commission's authority with respect to claims arising before August 9, 1955, under Public Law 84-285, expired, by law, on August 9, 1959.

On the basis of an affidavit dated February 27, 1975, by one Julius Kent, and submitted by the claimant, it appears that property, assertedly owned by the claimant, was lost as follows:

(1) & (2) The stock in trade of the jewelry store at No. 1 János Arany Street in Kecskemét, Hungary, consisting of 12 kg. of gold, 550 Karats of diamonds, 1,000 watches, 40 kg. of silverware, and an unstated number of shares of the corporation "English-Hungarian Loan Bank" (presumable: Magyar Bank és Kereskedelmi R.T., formerly known as Angol-Magyar Bank R.T.) were confiscated by members of the armed forces or agents of the U.S.S.R. in February 1945;

(3) Photographic and optical merchandise, 2 kg. of gold and jewelry, 70 karats of diamonds, 15 kg. of silverware, \$845.00 in United States currency, and an Opel passenger car were taken at the address

mentioned above by agents of the Government of Hungary on unstated dates in the years of 1949 and 1950.

In view of the foregoing, the Commission concludes that it does not have jurisdiction to grant compensation for the losses mentioned because the loss occurred and the claim based upon such loss arose in the years of 1945, 1949, and 1950, on dates prior to August 9, 1955, the first date of the period during which the loss must have occurred in order to be compensable.

The claimant, LASZLO PASZTOR, alleges personal injuries sustained by "sufferings and humiliation" when incarcerated in Hungary and also for false imprisonment by the Government of Hungary, apparently during the years of 1950-1952 (See Item (4)).

The Commission finds that this portion of the claim is not within the purview of section 303(5) of the Act, supra, because sufferings, humiliation, or false imprisonment do not constitute a "nationalization, compulsory liquidation or other taking of property", as required for compensation.

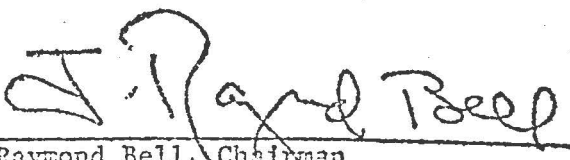
In view of the foregoing, this claim must be and it is denied in its entirety.

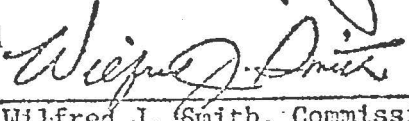
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

16 JUL 1975

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 27 AUG 1975


J. Raymond Bell, Chairman


Wilfred J. Smith, Commissioner


Executive Director

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5 (e) and (g), as amended.)