

IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROSALIE SIMON, *et al.*,
Individually, for themselves and for all
others similarly situated,

Plaintiffs,

v.

THE REPUBLIC OF HUNGARY, *et al.*,

Defendants.

Case No. 1:10-cv-01770-BAH

* * * * *

DECLARATION OF TZVI (HERMANN) ZELIKOVITCH

TZVI (HERMAN) ZELIKOVITCH, under penalties of perjury and in accordance with 28 U.S.C. § 1746, declares as follows:

1. I am over eighteen years old and I am competent to make this Declaration.
2. I am a citizen of the State of Israel and reside at Moshav Nordiyya in Israel.
3. I am a named plaintiff in the above-captioned case.
4. I am fluent in the Hebrew and Yiddish languages and to some extent in spoken Hungarian. I am not able to understand or read English. This Declaration was translated into Hebrew for me by Advocate Marc Zell so that I could understand its contents.
5. I was born in Uglya, Ruthenia, Czechoslovakia on 14 January 1928.
6. I am the son of Asher Zelig Zelikovitch (b. Uglya, Austria-Hungary, 1895) and Esther Rachel Fuchs (born Osandorfalva/Shandrev/Sandrovo, Austria-Hungary, 1900).

7. I am the brother of Yaakov (b. 1922, Uglya, Czechoslovakia); Leah (b. 1926, Uglya); Penina (b. 1932, Uglya); Sarah Rivka (b. 1933, Uglya); Ezra (b. 1935, Uglya) and Etta (b. 1940, Uglya).

8. Both my father and mother were Austro-Hungarian citizens. My father even served in the Austro-Hungarian army in World War I.

9. My father was the town blacksmith in Uglya and made a good living. We lived in a comfortable home near the Uglya creek and lead a solid middle class lifestyle with a well-appointed home, valuables, furnishings, furniture, jewelry and valuable Jewish ritual objects.

10. In the summer of 1941, following the German and Hungarian invasion of the former Soviet Union, the Hungarian government through its local gendarmerie expelled the entire Jewish population of Uglya, including my family and me.

11. Our home was taken over by the gendarmes along with most of our non-portable possessions. These were worth thousands of United States dollars at the time and today would have been worth a small fortune. My father and mother carried with them and with us older children what little we could bear physically including cash and jewelry in the hopes that they would provide a source of sustenance for us wherever we were being sent.

12. We were sent by MÁV train first to the MÁV station in Tecso/Tecevo and then to the border crossing at Jasina/Korosmezo. At the Korosmezo border crossing we were placed on trucks owned and operated by MÁV and driven to a location in the German-occupied Ukraine not far from Kamenetz-Podolsk.

13. The property confiscated by the Hungarian gendarmes and MÁV was never returned to us nor did we ever receive any compensation therefor.

14. Both at the Tecso/Tecevo train station and later at the Korosmezo station, I recall MÁV railroad workers taking possession of our personal belongings.

15. When we finally reached the village of Orynyn/Oranien just outside of Kamenetz-Podolsk, the MÁV people turned us over to the Germans. It was late August, 1941.

16. On August 26, 1941, a German SS squad (I later learned that this was part of SS Lieutenant-General Franz Jaeckeln's Einsatzgruppe "D"), arrived to take control over our group which had been left alone on a road besides a cornfield. At first I was fascinated by the spit and polish of the German soldiers, the sheen of their uniforms and the sight of their weapons. My entrancement was short-lived, however, because within minutes, a truck filled with more SS soldiers arrived and unloaded several machine guns which they proceeded to assemble opposite our group on the country road. There some 60 – 70 soldiers and several hundred Jews. I stood in the rear of the group with some of my teenage friends from Uglya.

17. Suddenly, I heard the firing of the machine guns and saw my family friends being mowed down in front of me. Instinctively, I lurched into the cornfield behind me and ran toward a stand of trees some several hundred minutes in the distance. I did not dare look back as the sound of the machine guns continued unabated. I ran for what seemed like hours with two older friends at my side. We did not stop to rest until we reached the woods where we collapsed from exhaustion. I later learned that my entire

family had been murdered in cold blood in the massacre at Orynyn/Oranien: both my parents and my six siblings including my baby sister only one year old.

18. In the days, weeks and months that followed, my two friends and I wandered on foot through German occupied Poland, seeking refuge in the Jewish communities that still existed along the way. In many instances we survived off the land. Our lives were at risk at every minute. By some miracle we managed to traverse some 1,500 kilometers returning to our home village of Uglya nearly two years later. There were virtually no Jews left. My home had been taken over by local Christians. All our belongings had long been confiscated by the Hungarian gendarmes and MÁV workers. I was all alone in a sea of madness. I decided that staying in Uglya was impossible, since I would be readily spotted and turned over to the Hungarian authorities only to be deported on the spot or murdered.

19. I made my way to Budapest, the capital, where I heard that Jews were still able to survive, albeit meagerly.

20. I remained in Budapest until the Spring of 1944, when I was arrested by Hungarian state police who turned me over to MÁV, which confiscated my remaining possessions, threw me into a sweltering cattle car and transported me to Auschwitz-Birkenau. I was 16 years old.

21. After arriving at Birkenau, Mengele selected me to live on as a slave laborer. I worked for months in the factories at Monowitz and remember the allied bombers flying overhead and bombing the industrial complex at Monowitz. Later I was removed to Buchenwald concentration camp, where I nearly died of typhus. I later recovered but somehow at the end of the war I ended up in the Theresienstadt

concentration camp in what is now the Czech Republic. I was gravely ill and lost consciousness. It was only through the healing of a Russian-Jewish physician serving in the Red Army that I managed to survive.

22. After I regained my health, I joined the Aliyah Bet movement where I assisted hundreds of Jewish Holocaust survivors to make their way clandestinely to the Land of Israel (illegally). Eventually my own turn came to travel to the Land of Israel, then still under British rule. As our ship approached Haifa, we were apprehended by the British navy and I was taken to Cyprus where I was placed in yet another concentration camp until the State of Israel was established. The British freed me in 1949 and I made my way to Israel where I became one of the founders of Moshav Nordiyya where I still reside.

23. I have never been compensated for my injuries or suffering. Nor, as the sole surviving member of my family, was I ever compensated for the thousands of dollars or our family proper that was confiscated by Hungary and MÁV.

24. I have made numerous inquiries into the possibility of receiving compensation from the Hungarian government for all that the Hungarians did to me and my family first in 1941 and then again in 1944, but to no avail.

25. I am now 83 and my health is failing. A trip to Hungary at this stage in my life is just out of the question from a physical standpoint. But in addition to the physical stress that traveling to Budapest would entail – more than I could readily endure – the emotional trauma of subjecting myself for a third time to the system and the culture that murdered my family and hundreds of thousands of Jews is far more than I could bear

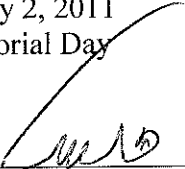
emotionally. I could not do it. My memories of that time and place are still with me, as are my memories of my family and friends who were killed there.

26. Still there is little that can intimidate me. How could I ever agree to place myself before a court in Hungary to ask their consent to indemnify me for all that I endured at their hands. In many ways the Hungarians were far worse than the Germans when it came to killing Jews. The Germans did what they did because of some twisted ideological theory called Nazism. The Hungarians participated in the destruction of our people out of an almost satanic desire to be rid of us – a kind of *Schadenfreude*. To insist that we the victims of the Hungarian Holocaust must seek dispensation from the courts of the very nation that perpetrated this monstrous crime against us would be asking too much of me or of any other Jew who survived the Holocaust – and I went through it not once but *twice*.

27. It was for this reason that I was elated to hear that this law suit was being filed – not in Hungary, but in the United States of America. I was among the first to add my name to the list of plaintiffs to bring this action, because I knew that it was only in the courts of the United States of America that we, the survivors of the Hungarian Holocaust, had any chance of having justice done for the first time since the War. I pray that this Court will allow us to have our day in court – in the names of my father, Asher Zelig (46), my mother Esther (41), my brothers, Yaakov (19) and Ezra (6), and my sisters, Leah (15), Penina (9), Sara Rivka (8), and Etta (1).

I declare under penalty of perjury under the laws of the United States of America that the foregoing Declaration is true and correct.

Executed on May 2, 2011
Holocaust Memorial Day



Tzvi (Hermann) Zelikovitch