

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of S. Algazy**

Claim Number: 707371/BE<sup>1</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of S. Algazy (the “Account Owner”) at the Davos branch of 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 his paternal uncle, who was born in approximately 1880 in Romania, and was married to [REDACTED] in Bucharest, Romania. The Claimant indicated that his uncle, who was Jewish, resided at Rue Iulius Barasch, in Bucharest, and that he was an engineer. The Claimant further indicated that his uncle died in approximately 1944 or 1945.

The Claimant indicated that he was born on 12 May 1922.

## **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

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<sup>1</sup> Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered FRE-0008-140, 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 707371.

of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not report an account belonging to S. Algazy during their investigation of the Bank. The documents evidencing the account belonging to S. Algazy were obtained from archival sources in Switzerland and are further described below.

### **Information Available in the Swiss Federal Archive**

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (“the 1962 Survey”). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of S. Algazy, numbered 604.

According to these records, the Account Owner was S. Algazy, who resided in Bucharest, Romania, and was an engineer. These records indicate that the Account Owner held a demand deposit account with a value of 966.00 Swiss Francs (“SF”) as of 6 March 1964. The records further indicate that the Bank did not have any contact with the Account Owner since the Second World War, and that this account was therefore reported in the course of the 1962 survey. According to a document, dated 15 December 1965, the Registration Office for Assets of Missing Foreigners (*Meldestelle für Vermögen verschwundener Ausländer*) requested the Guardianship Authorities (*Vormundschaftsbehörde*) of the city of Davos to entrust the assets of the account to a custodian, as prescribed by the 1962 Federal Decree. The records from the Swiss Federal Archive further indicate that such a custodian was appointed on 15 July 1966.

Finally, the records indicate that, on 16 March 1970, the custodian instructed the transfer of the assets in the demand deposit account at issue into the Heirless Assets Fund in Bern, at which time it held an amount of SF 966.00.

### **The CRT’s Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s uncle’s name matches the published name of the Account Owner. The Claimant identified the Account Owner’s city and country of residence, as well as his profession, which match unpublished information about the Account Owner contained in the Swiss Federal Archive records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Salomon Algazy, and indicates that he resided in Bucharest, Romania, which match the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name S. Algazy appears only once on the List of Account Owners Published in 2005 (the “2005 List”).

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Salomon Algazy, prior to the publication of the 2005 list. This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the 2005 List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the 2005 List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to this account were disconfirmed because that claimant provided a different country of residence than the country of residence of 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 lived in Nazi-allied Romania during the Second World War.

As noted above, a person named Salomon Algazy was included in the CRT’s database of victims.

#### The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant’s uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Swiss Federal Archive records; 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 the 2005 List; and that the Claimant also identified information which matches information contained in the CRT’s database of victims. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

#### The Issue of Who Received the Proceeds

The records from the Swiss Federal Archive indicate that, on 16 March 1970, the custodian instructed the transfer of the assets in the demand deposit account at issue into the Heirless Assets Fund in Bern.

### 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 Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was his uncle, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held one demand deposit account. The records of the Swiss Federal Archive indicate that the value of the demand deposit, as of 6 March 1964, was SF 966.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 1,266.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

### **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 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 Award**

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

Claims Resolution Tribunal  
12 October 2007