

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3], [REDACTED 4], [REDACTED 5],
[REDACTED 6], and [REDACTED 7]¹
represented by George Jakobovits

in re Account of Magd. Singer

Claim Number: 002462/MG

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of [REDACTED].² This Award is to the unpublished account of Magd. [sic] Singer (the “Account Owner”) at 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 a Claim Form identifying the Account Owner as his cousin, Magda Singer, who was born in 1929 in Targul Mures, northern Transylvania, Hungary (today Romania), to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that Magda Singer, who was Jewish, had four siblings: [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. The Claimant stated that Magda Singer’s father, [REDACTED], was a wealthy man who owned a siphon bottle spare part factory, which

¹ The Claimant provided his name and some of his relatives’ names only in Hebrew characters in the Claim Form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the Claim Form with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

² The CRT did not locate an account belonging to [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

employed 50 workers, as well as property in Targul Mures. The Claimant indicated that [REDACTED] had six siblings: [REDACTED]; [REDACTED], née [REDACTED]; [REDACTED], née [REDACTED]; [REDACTED]; [REDACTED], née [REDACTED]; and [REDACTED], née [REDACTED].

The Claimant stated that, in 1944, he was deported to Auschwitz-Birkenau along with his father, [REDACTED], and his father's brother [REDACTED]. The Claimant stated that in Auschwitz, his uncle announced during a roll-call that he would give all his property that he owned in Targul Mures to the person who would pass along the name of the Swiss bank and the account number to his wife, [REDACTED]. The Claimant indicated that his uncle stated that his Swiss bank account contained a large sum of money. The Claimant indicated that his uncle perished in 1944, and that he later learned that [REDACTED] was on a later transport to Auschwitz-Birkenau, where she, together with her five children, was murdered upon arrival in 1944.

In support of his claim, the Claimant submitted a letter, dated 13 February 1997, which his legal representative sent to the Contact Office of the Swiss banks and in which he explained the circumstances under which he learned of his uncle's account; a copy of the response from the Contact Office of the Swiss banks, dated 2 May 1997, confirming receipt of his completed questionnaire; and a detailed family tree.

The Claimant stated that he was born on 23 April 1928 in Romania, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant is representing his cousins, [REDACTED 2], who was born on 30 April 1929 in Targul Mures (the son of [REDACTED], née [REDACTED]); [REDACTED 3], who was born on 12 October 1932 in Timisoara, Romania (the son of [REDACTED], née [REDACTED]); [REDACTED 5], née [REDACTED], who was born on 28 August 1925 in Targul Mures (the daughter of [REDACTED]); [REDACTED 4], née [REDACTED], who was born on 15 July 1922 in Cluj, Romania (the daughter of [REDACTED], née [REDACTED]); [REDACTED 6], who was born on 15 January 1921 in Cluj (the son of [REDACTED], née [REDACTED]); and [REDACTED 7], who was born on 21 July 1921 in Romania (the son of [REDACTED], née [REDACTED]).

Information Available in the Bank's Records

The Bank's records consist of a list of accounts transferred to a suspense account on 30 June 1937, and a printout from the Bank's database. According to these records, the Account Owner was *Fräulein* (Miss) Magd. Singer. The Bank's records do not show the full first name of the Account Owner or her place of residence. The Bank's records indicate that the Account Owner held one account, but do not indicate its type.

According to the Bank's records, the account was transferred to a suspense account for dormant assets on 30 June 1937. The amount in the account on the date of its transfer was 4.40 Swiss Francs. The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's cousin's name matches the unpublished name of the Account Owner.³ The CRT notes that the name Magd. Singer does not appear on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably those of victims of Nazi persecution (the "ICEP List"); thus, the name of the Claimant's cousin substantially matches unpublished information about the Account Owner provided by the Claimant with respect to the Account Owner's marital status, first name, and last name contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name and marital status.

The CRT also notes that the Claimant filed an Initial Questionnaire with the Court in 1999, and sent a letter to the Contact Office of the Swiss Banks on 13 February 1997, detailing his family's fate and circumstances during the Second World War and asserting his entitlement to a Swiss bank account owned by [REDACTED], prior to the publication of the ICEP List. This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP 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 ICEP List. It also indicates that the Claimant had reason to believe that his uncle owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Further, because Magda Singer was a child during the Second World War, the CRT concludes that it is plausible that [REDACTED] opened and funded the account in favor of his daughter, Magda Singer. 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 she perished in Auschwitz.

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 his cousin. There is no information to indicate that the Account Owner has other surviving heirs than the Claimant and those whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains open in the Bank's suspense account.

³ The CRT notes that the Bank's records do not contain the full first name of the Account Owner, but rather a shortened version, "Magd." The CRT finds that this abbreviated version may refer to the name "Magda."

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. Second, the Claimant has plausibly demonstrated that the Account Owner was his cousin, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account of unknown type as of 30 June 1937 was 4.40 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. 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. Consequently, the total award amount in this case is 49,375.00 Swiss Francs.

Division of the Award

According to Article 23(1)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his six cousins, who are also the Account Owner's cousins, and they are all the grandchildren of [REDACTED], née [REDACTED], and [REDACTED]. The Claimant and the six people represented by him are the children of the six siblings of the Account Owner's father, [REDACTED]; [REDACTED] (the father of the Claimant); [REDACTED], née [REDACTED] (the mother of [REDACTED 2]; [REDACTED], née [REDACTED] (the mother of [REDACTED 3]); [REDACTED] (the father of [REDACTED 5], née [REDACTED]); [REDACTED], née [REDACTED] (the mother of [REDACTED 4], née [REDACTED], and [REDACTED]); and [REDACTED], née [REDACTED] (the mother of [REDACTED 7]). Accordingly, the Claimant, [REDACTED 2], [REDACTED 3], [REDACTED 5], née [REDACTED], and [REDACTED 7] are each entitled to one-sixth of the total award amount, and [REDACTED 4], née [REDACTED], and [REDACTED 6] are each entitled to one-twelfth of the total award amount.

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
28 May 2004