

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Rozsi Singer

Claim Number: 210622/MG

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Rozsi Singer (the “Account Owner”) at the Zurich 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 a Claim Form identifying the Account Owner as his mother, Rozsi (Rozalia) Pfeffermann, née Singer, who was born on 12 July 1906 in Cojocna, Romania, and was married first to [REDACTED] (the Claimant’s father) in 1929 in Targu Mures, Romania. The Claimant stated that his father died in 1937 and that his mother subsequently married [REDACTED] on 20 February 1940 in Targu Mures. The Claimant further stated that his mother, who was Jewish, resided between 1932 and 1951 in Timisoara, Romania, where she owned a factory producing soda water, soft drinks and bottle tops. The Claimant indicated that his mother resided in Timisoara between 1932 and 1941 at 12 Splauil, between 1941 and 1942 or 1943 at 1 Dacilor Street, between 1943 and 1944 at 2 Piata Traian and between 1944 and 1951 at 4 Piata Traian. According to the Claimant his mother was a target of Nazi persecution during the period of the Second World War. The Claimant stated that his mother moved to Israel in 1951 and that she died on 9 February 1968 in Tel Aviv, Israel. The Claimant submitted a copy of his own birth certificate, showing that he was born in Timisoara, and that his parents were [REDACTED] and Rozalia Pfefferman, and a certificate issued in 2001 by the Romanian authorities in Cojocna certifying that his mother’s maiden name was Rozalia Singer, that she was born in Cojocna, Romania, that her son’s name is [REDACTED], and that she married [REDACTED] on 20 February 1940. The Claimant stated that he was born on 12 October 1932 in Timisoara and that he is his mother’s only child.

Information Available in the Bank's Records

The Bank's records consist of an account statement and an extract from a suspense account ledger. According to these records, the Account Owner was *Frau* (Mrs.) Rozsi Singer, who resided in Romania. The Bank's records indicate that the Account Owner held a demand deposit account, which was considered dormant by the Bank and which was transferred to a suspense account for dormant assets on 6 August 1949. The Bank's records also show that the account balance as of 7 December 1948 was 23.00 Swiss Francs ("SF").

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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name and country of residence match the published name and country of residence of the Account Owner.

In support of his claim, the Claimant submitted documents, including a certificate from the Romanian authorities in Cojocna certifying that his mother's maiden name was Rozalia Singer, that she was born in Cojocna, Romania and that she married [REDACTED] on 20 February 1940, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of the Account Owner.

The CRT notes that the name Rozsi Singer appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). The CRT further notes that the other claims to this account were disconfirmed because those claimants provided a different married name or resided in a different country of residence than that of the Account Owner. Taking all 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 resided in Nazi-allied Romania.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include a certificate from the Romanian authorities in Cojocna certifying that the Claimant is the son of Rozalia Singer. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account on 6 August 1949. The auditors who carried out the ICEP Investigation presumed that the account was subsequently closed on an unknown date. Given that the Account Owner resided in Romania until 1951, that there is no record of the payment of the Account Owner's account to her, nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h), (i) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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 mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 a demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 7 December 1948 was SF 23.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 60.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 83.00. 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
9 March 2005