

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]  
represented by Israel Bokman and Irene Bokman

## **in re Account of Samu Spiegel**

Claim Number: 777865/WI<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Samu Spiegel (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>2</sup>

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 identifying the Account Owner as her paternal uncle, Samu Spiegel, who was born to [REDACTED] and [REDACTED] in Gyöngyös, Hungary, and was married to [REDACTED]. The Claimant stated that her uncle had no children. The Claimant further stated that prior to Nazi occupation, her uncle, who was Jewish, resided in Gyöngyös, worked in the textile industry and that, together with his brother [REDACTED] (the Claimant’s father), he sent money to a Swiss bank. The Claimant also stated

---

<sup>1</sup> [REDACTED] Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0304-054, 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 777865.

<sup>2</sup> The Claimant previously received a determination indicating that the CRT did not locate an account belonging to Samu Spiegel 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 current award is for an account that was not included in the Account History Database, but whose existence is evidenced by a document submitted by the Claimant.

that her uncle and his wife were deported to Dachau or Bergen-Belsen, where they perished in approximately 1945.

In support of her claim, the Claimant submitted copies of documents, including: a certificate of deposit (*Depotschein*) and accompanying letter, issued by the Bank, which is described in detail below; and an administrative decision indicating that [REDACTED], born in Gyöngyös in 1893 and his daughter [REDACTED] changed their surname to “[REDACTED]” on 15 September 1947.

The Claimant indicated that she was born on 13 March 1931 in Hungary.

### **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 of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not report an account belonging to Samu Spiegel during their investigation of the Bank. The Bank’s documents were obtained by the Claimant and forwarded to the CRT.

The Bank’s records consist of a certificate of deposit and accompanying letter issued by the Bank on 26 September 1939, indicating that 200.00 Pound Sterling (“£”) had been deposited by *Herr* (Mr.) Hans Bernstein, residing at Seefeldstrasse 29, in Zurich, Switzerland on behalf of the Account Owner, *Herr* Samu Spiegel, who resided in Gyöngyös, Hungary, in an account, the type of which is not indicated.

The Bank’s records do not show when the account at issue was closed, nor do these records indicate the value of this account. There is no evidence in the Bank’s records that the Account Owner or his heirs closed the account and received the proceeds themselves.

### **The CRT’s Analysis**

#### Identification of the Account Owner

The Claimant’s paternal uncle’s name and city and country of residence match the unpublished name and city and country of residence of the Account Owner specified in the Bank’s records provided by the Claimant.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Samu Spiegel, and indicates that he was son of [REDACTED] and [REDACTED], that he was born in 1889, that during the war he resided in Hungary and that he perished in a concentration camp in 1944, which matches 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.

Finally, 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 he was deported to a concentration camp, where he perished in 1945. As noted above, person named Samu Spiegel 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 information demonstrating that the Account Owner was the Claimant's paternal uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. The CRT further notes that the Claimant submitted copies of the Bank's records. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. Additionally, the CRT notes that the Claimant submitted a copy of an administrative decision, which provides independent verification that the Claimant and her relatives bore the same family name as the Account Owner. 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, that the Claimant also identified information which matches information contained in the Yad Vashem records and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

### The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-allied Hungary until his deportation to a concentration camp, where he perished; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner's heirs would not have been able to obtain information about his 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) 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 his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owner or his heirs received the proceeds of the claimed account.

### 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 her paternal uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his 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 record indicates that as of 26 September 1939, the account had a balance of at least £200.00, which was equivalent to 3,934.00 Swiss Francs ("SF").<sup>3</sup> According to the Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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. Consequently, the total award amount in this case is SF 49,375.00.

#### **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 her claim to determine whether there are additional Swiss bank accounts to which she 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  
30 May 2007

---

<sup>3</sup> The CRT uses official exchange rates when making currency conversions.