

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of Ana Feder Glanz
and Claimant [REDACTED 2]
also acting on behalf of Ana Feder Glanz, [REDACTED], and [REDACTED]

in re Account of Hermine Szabo, Eugen Szabo, Gabriella Kasztner, Ernest Kasztner, Ana Feder Glanz, and Richard Feder

Claim Numbers: 218756/MBC; 218757/MBC; 218758/MBC; 218759/MBC; 221037/MBC;
221038/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], formerly [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Eugen Szabo and Hermine Szabo (“Account Owners Eugen and Hermine Szabo”), Ernest Kasztner and Gabriella Kasztner (“Account Owners Ernest and Gabriella Kasztner”), and Richard Feder and Ana Feder Glanz (“Account Owners Richard and Ana Feder”) at the Zurich branch of the [REDACTED] (the “Bank”). This Award refers to the six Account Owners collectively as the “Account Owners.”

All awards are published, but where a claimant has requested confidentiality, as the Claimants have in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

The Claimants, who are first cousins, submitted Claim Forms identifying Account Owners Eugen and Hermine Szabo as their maternal grandparents. The Claimants identified Account Owners Ernest and Gabriella Kasztner, née Szabo, as their uncle and aunt. In addition, the Claimants identified Account Owners Richard and Ana Feder, née Szabo, as Claimant [REDACTED 1]’s father and mother. The Claimants indicated that all of the Account Owners were Jewish. The Claimants stated that Eugen Szabo was born on 16 March 1879 in Czegled, Hungary, and that his wife Hermine Szabo, née [REDACTED], was born on 3 March 1876 in Romania. The Claimants further stated that Eugen and Hermine Szabo had three daughters, [REDACTED], Gabriella and Ana. [REDACTED], Claimant [REDACTED 2]’s mother, was born on 9 January 1908 in Oradea, Romania, was married to [REDACTED], and was later married to [REDACTED]. Gabriella Szabo was born on 10 April 1910 in Cluj and married

Ernest Kasztner on 13 September 1933 in Cluj. Ana Szabo, Claimant [REDACTED 1]'s mother, was born on 29 December 1911 in Cluj and married Richard Feder on 25 July 1934 in Cluj. The Claimants indicated that Ernest Kasztner was born on 7 December 1900 in Cluj, and that Richard Feder was born on 16 October 1908 in Brasov, Romania. Claimant [REDACTED 1] stated that his parents divorced on 11 May 1944, and that his mother later married [REDACTED].

The Claimants indicated that their relatives were partners in the family business, a department store called *S.A. Eugen Szabo Jenö R.T. Casa De Moda Si Textile*, located at Calea Regele Ferdinand in Cluj. The Claimants further indicated that their relatives had business relationships with textile companies in Switzerland and in other European countries. Claimant [REDACTED 1] stated that his family often visited Switzerland on vacation. The Claimants further stated that their grandfather, Eugen Szabo, died on 2 April 1940 in Cluj and that their grandmother Hermine, along with her daughters and their husbands, lived in Cluj until 1944, when they were expelled from their homes, forced into the Jewish ghetto in Cluj and later imprisoned in the Bergen-Belsen concentration camp. According to the Claimants, their relatives spent six months in Bergen-Belsen before being taken to Switzerland in December 1944 as part of the "Kasztner Group" of Jews who escaped death and went to Israel, many via Switzerland.¹

The Claimants indicated that Hermine Szabo, the Claimant's grandmother, died in a hospital in Montreux, Switzerland, on 4 June 1945, and Claimant [REDACTED 1]'s father, Richard Feder, died in February 1956 in Cluj. The remaining family members reached Israel in June 1949. The Claimants' uncle, Ernest Kasztner, died on 23 August 1974 in Haifa, Israel, and their aunt, Gabriella Kasztner, died on 13 September 1976 in Jerusalem, Israel. The Claimants further indicated that [REDACTED], Claimant [REDACTED 2]'s mother, died on 9 October 1982 in Cluj (Kolozsvár), Romania, and that Gabriella Szabo died on 28 May 1976 in Jerusalem, Israel. In support of their claims, the Claimants submitted documents, including a family tree; Ana Feder Glanz's marriage certificate to [REDACTED], dated 24 July 1946, indicating that her maiden name is Szabo and identifying Jenö (Eugen) and Hermina Szabo as her parents; Claimant [REDACTED 1]'s birth certificate, identifying his birth name as [REDACTED] and his parents as Richard Feder and Ana Szabo; the will of Gabriella Kasztner, née Szabo; Claimant [REDACTED 2]'s birth certificate, identifying [REDACTED] as her mother; the Szabo family's Romanian nationality certificate, indicating that Eugen and Hermina Szabo were married and had three daughters: [REDACTED], Gabriella and Ana; and Gabriella Szabo's marriage certificate, indicating that she was married to Ernö (Ernest) Kasztner.

Claimant [REDACTED 1] indicated that he was born on 1 August 1939 in Cluj. Claimant [REDACTED 1] is representing Ana Feder Glanz, his mother, in these proceedings.

¹ The CRT notes that the following persons were included in a database of people who were rescued by [REDACTED]: Hermina Szabo-[REDACTED], who was born in 1876; Ernst Kasztner, who was born on 7 December 1900; and Anna Szabo-Feder from Romania, who was born on 29 December 1911. This list includes approximately 1,350 names. The list includes primarily those who were in Bergen-Belsen from July 1944 until December 1944. The CRT also notes that [REDACTED], a Zionist activist in Hungary, coordinated with the Nazis and representatives of the American Jewish Joint Distribution Committee and the Jewish Agency in Switzerland to have over 3,000 Jews, mostly from Hungary and Transylvania, transported to Switzerland in June, August, and December 1944.

Claimant [REDACTED 2] indicated that she was born on 9 October 1931 in Cluj. Claimant [REDACTED 2] is representing [REDACTED], her sister, [REDACTED], her half-brother, and Ana Feder Glanz, her aunt, in these proceedings.

Information Available in the Bank's Records

The Bank's records consist of a customer card and printouts from the Bank's numbered accounts database. According to these records, the Account Owners were Eugen Szabo, who resided at Calea Regele Ferdinand in Cluj, Romania; *Frau* (Mrs.) Hermine Szabo; *Frau* (Mrs.) Gabriella Kasztner, née Szabo; Ernest Kasztner; *Frau* (Mrs.) Ana Feder, née Szabo; and Richard Feder. The Bank's records indicate that the Account Owners held numbered account 4375, with correspondence directed to [REDACTED] of Budapest, Hungary. A handwritten annotation dated 7 March 1945 on the customer card shows that an unidentified person contacted the Bank and informed the Bank that Account Owner Richard Feder divorced his wife, Account Owner Ana Feder. As a consequence, Account Owner Richard Feder's name was crossed out. The date of divorce is not recorded.

Further, the customer card bears a stamp showing that the account was "controlled" or reviewed in November 1949. This stamp also contains the word "*ausgegangen*" (closed). The customer card bears two additional stamps: one stamp shows that the account was reviewed on 23 April 1956, as part of the internal survey carried out by the Bank in 1956 to identify dormant accounts; and the other stamp is dated 9 July 1986, and suggests that the account was reviewed again on that date. The Bank's records do not show to whom the account was paid or the value of this account.

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. These auditors indicated that the date and the circumstances of the closure of the account were unknown. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the six claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owners. Their relatives' names match the published names of the Account Owners. The Claimants identified the exact street address of their relatives' business, which matches unpublished information about the Account Owners contained in the Bank's records. In addition, Claimant [REDACTED 1] indicated that his parents divorced on 11 May 1944, which matches unpublished information contained in the Bank's records about Account Owners Richard and Ana Feder. In support of their claims, the Claimants submitted documents, including Claimant [REDACTED 1]'s birth certificate, identifying Richard Feder and Ana Szabo as his parents; Ana Feder Glanz's marriage certificate, identifying Jenö (Eugen) and Hermina Szabo as her parents; Claimant [REDACTED 2]'s birth certificate, identifying [REDACTED] as her mother; the Szabo family's Romanian nationality certificate, indicating that Eugen and Hermina Szabo were married and had three daughters: [REDACTED], Gabriella and Ana; and Gabriella Szabo's marriage certificate, indicating that she was married to Ernö (Ernest) Kasztner; demonstrating that Claimant [REDACTED 1] is the son of Account Owners Richard and Ana Feder, and that Claimant [REDACTED 1] and Claimant [REDACTED 2] are the grandchildren of Account Owners Eugen and Hermine Szabo and the nephew and niece of Ernest and Gabriella Kasztner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named Hermine Szabo, Ernst Kasztner, Gabriella Kasztner, [REDACTED 1], and Ana Feder. The database further indicates that Hermine Szabo was born in March 1876, that Ernst Kasztner was born on 7 December 1900, that Gabriella Kasztner was born on 10 April 1910, that [REDACTED 1] was born on 1 August 1939, and that their country of residence was Romania, which is consistent with the information about the Account Owners provided by the Claimants. The database also indicates that the victims found refuge in Switzerland in December 1944, which is consistent with information about the Account Owners provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish and that they were interned in the Bergen-Belsen concentration camp before finding refuge in Switzerland in December 1944. As noted above, persons named Hermine Szabo, Ernst Kasztner, Gabriella Kasztner, [REDACTED 1], and Ana Feder, were included in the CRT's database of victims.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they and their represented parties are related to the Account Owners by submitting documents, including Claimant [REDACTED 1]'s birth certificate, identifying Richard Feder and Ana Szabo as his parents; Ana Feder Glanz's marriage certificate, identifying Jenö (Eugen) and Hermina Szabo as her parents; Claimant [REDACTED 2]'s birth certificate, identifying [REDACTED] as her mother; the Szabo family's Romanian nationality certificate, indicating that Eugen and Hermina Szabo were married and had three

daughters: [REDACTED], Gabriella and Ana; and Gabriella Szabo's marriage certificate, indicating that she was married to Ernö (Ernest) Kasztner; demonstrating that Claimant [REDACTED 1] is the son of Account Owners Richard and Ana Feder, and that Claimant [REDACTED 1] and Claimant [REDACTED 2] are the grandchildren of Account Owners Eugen and Hermine Szabo and the nephew and niece of Ernest and Gabriella Kasztner. Furthermore, the Claimants have demonstrated that Ana Feder Glanz, who is being represented by both her son and her niece, and Account Owner Ana Feder are the same person. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

As indicated above, the Bank's records show that the account still existed in November 1949, that it was included in a Bank's internal survey of Nazi victim dormant accounts in 1956, and that the account was reviewed again for the last time in 1986. The CRT notes that the Bank's records show a closing in November 1949, after some of the Account Owners had left Switzerland and arrived in Israel in June 1949; but this apparent closing does not appear to be a final closing of the Bank because of the further reviews of the account in 1956 and 1986. The CRT further notes that the auditors who carried out the ICEP Investigation indicated that both the circumstances and the date of closure of the account are unknown. Given these facts, and that the Account Owners' account remained in existence after the Second World War, that there is no record of the payment of the account to the Account Owners after the Second World War, that the Account Owners or their heirs would not have been able to obtain information about their 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;² and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners were their parents, grandparents, aunt, or uncle, and these relationships justify an Award. In addition, the Claimants have demonstrated that Anna Feder Glanz and Account Owner Ana Feder are the same person. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

² As the record in cases before the CRT and in the Report of the Bergier Commission (see In re Accounts of Prof. Dr. Albert Uffenheimer) have identified, the banks feared that if they disclosed the information on forced transfers that was in their files, they would be liable to the Account Owners or their heirs for cooperating with the German authorities in the implementation of these forced transfers. (See also Independent Commission of Experts Switzerland - Second World War, Final Report: Switzerland, National Socialism and the Second World War 446 (2002).)

Amount of the Award

In this case, the Account Owners held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 Swiss Francs.

Division of the Award

The Claimants are representing Ana Feder Glanz and Claimant [REDACTED 2] is representing [REDACTED] and [REDACTED] in these proceedings. According to Article 25(1) of the Rules, if an Account is a Joint Account and Claimants related to each of the Account Owners have submitted claims to the Account, it shall be presumed that each Account Owner was the owner of an equal share of the Account. With regard to the share of the account owned by Anna Feder Glanz, as indicated above the CRT determines that Ana Feder Glanz and Account Owner Ana Feder are the same person. Ana Feder Glanz is therefore entitled to her share of the account, or one-fifth of the total award amount.

With regard to the share of the account owned by Account Owner Gabriella Kasztner, Article 23(2)(a) of the Rules provides that, where the Claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, as in this case, the award will provide for the distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. Accordingly, Account Owner Gabriella Kasztner's share of the account shall be distributed equally between Claimant [REDACTED 2] and Ana Feder Glanz, or one-tenth of the total award amount each.

With regard to the shares of the account owned by Account Owners Eugen Szabo and Hermine Szabo, according to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. As descendants of Account Owners Eugen and Hermine Szabo, Ana Feder Glanz is entitled to receive one-half of Eugen and Hermine Szabo's shares of the account, or one-fifth of the total award amount; and Claimant [REDACTED 2], [REDACTED] and [REDACTED] are entitled to receive the other one-half of Eugen and Hermine Szabo's shares of the account, or one-fifteenth of the total award amount each.

With regard to the share of the account owned by Account Owner Ernest Kasztner, according to Article 23(1)(g) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner, the Account Owner's parents or the Account Owner's grandparents have submitted a claim, the award shall be in favor of any relatives of the Account Owner, whether by blood or by marriage, who have submitted a claim, in equal shares by representation. As a relative by marriage of Account Owner Ernest Kasztner, Ana Feder Glanz is entitled to receive

one-half of Ernest Kasztner's share of the account, or one-tenth of the total award amount; and Claimant [REDACTED 2], [REDACTED] and [REDACTED] are entitled to the other one-half of Ernest Kasztner's share of the account, or one-thirtieth of total award amount each.

As the descendant of Richard Feder, Claimant [REDACTED 1] is not entitled to a share of the total award amount.³

Accordingly, Ana Feder Glanz is entitled to three-fifths of the total award amount; Claimant [REDACTED 2] is entitled to one-fifth of the total award amount; and [REDACTED] and [REDACTED] are each entitled to one-tenth of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
31 December 2003

³ Richard Feder was originally one of the six Account Owners of the account which is awarded in this case. However, after his divorce from Account Owner Ana Feder, his name was struck from the list of Account Owners as a consequence of his divorce.