

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Stephen M. Harnik

in re Accounts of Margarete Fischer

Claim Number: 500814/AC¹

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Margarete Fischer (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All Denials 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 father’s paternal cousin, Margarethe (Marguerite) Josefine Helene Fischer, née May, who was born on 12 March 1897 in Ungarisch Ostrau, Austria-Hungary (now Uhersky Ostroh, Czech Republic), and was married to *Ing.* (Engineer) [REDACTED] on 21 July 1920 in Vienna, Austria. The Claimant indicated that his father’s cousin, who was Jewish, resided in Vienna, and that she and her two brothers, Dr. [REDACTED] and [REDACTED], were the children of [REDACTED] and [REDACTED], née [REDACTED]. According to the Claimant, [REDACTED] was the sister of [REDACTED], who was the Claimant’s grandfather, and the father of the Claimant’s father, [REDACTED]. The Claimant stated that [REDACTED] resided in Zurich, and that it was likely that he deposited assets in Swiss banks on behalf of other family members. According to the Claimant, his father’s cousin had one child, [REDACTED], who passed away in January 1984, without having had any children. In a telephone conversation with the CRT on 11 January 2005, the Claimant indicated that he was not certain about the Account Owner’s fate during the Second World War, but that it was likely that she and her family were in Vienna at the time, as the Claimant and his family had visited her family in Vienna when he was young. The Claimant also stated that many members of their extended family were deported to concentration camps, where they perished, and that the rest of the family was forced to flee and scatter, and have now

¹ The Claimant submitted additional claims to the accounts of Friedrich Engel-Janosi, Hermann May, and Fritz May, which are registered under the Claim Numbers 500811, 500812, and 500813, respectively. The CRT will treat the claims to these accounts in separate decisions.

lost touch. The Claimant submitted a copy of a deed, dated 10 December 1946, indicating that *Herr* (Mr.) Dr. [REDACTED], who resided in Zurich, Switzerland, sold property in Vienna, Austria to *Herr* (Mr.) [REDACTED], an engineer residing in Vienna.

The Claimant indicated that he was born on 26 June 1928 in Pecs, Hungary.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Margarete Fischer, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held two demand deposit accounts.

The Bank's record indicates that the accounts were closed on 10 May 1932 and 10 January 1938, respectively. The amount in the accounts on the dates of their closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant's relative's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that the name Margarete Fischer appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner. 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 CRT notes that while the Claimant was not sure whether the Account Owner was a Victim of Nazi Persecution, the Account Owner's family members were Victims of Nazi Persecution. The Claimant stated that many of the Account Owner's family members were deported by the Nazis to concentration camps, where they perished, and that other family members were forced to flee in order to avoid Nazi persecution.

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 father's paternal cousin.

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 a copy of a deed, dated 10 December 1946, relating to a property transaction between the Claimant's relatives, [REDACTED] of Zurich, and [REDACTED] of Vienna, which provides independent verification that the Claimant's relatives resided in Vienna. 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.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In this case, the Account Owner held two demand deposit accounts that were closed on 10 May 1932 and 10 January 1938. The CRT notes that it lacks jurisdiction over the account closed in 1932 because it was closed prior to the Relevant Period, which is defined as the period from 1933 to 1945.

Nevertheless, the CRT notes that both accounts were closed prior to the incorporation of Austria into the German Reich in March 1938 (the *Anschluss*). Consequently, the CRT concludes that the Account Owner was able to access these accounts and she closed the accounts and received the proceeds herself.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

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 Denial

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

Claims Resolution Tribunal
31 March 2005