

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Rudolf Fischer

Claim Number: 221665/MW¹

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Rudolf Fischer (the “Account Owner”) at the Zurich bank 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 maternal great-grandfather, Rudolf Fischer, née Wertheimer, who was born between 1860 and 1865 in Hungary and was married to [REDACTED], née [REDACTED]. The Claimant stated that Rudolf Fischer was Jewish and was a manager or financial manager who lived in Budapest, Hungary. The Claimant further stated that his great-grandfather had business partners in Switzerland and had a Swiss bank account for that reason. The Claimant indicated that his great-grandfather’s last name was originally Wertheimer, but that he changed it to Fischer following the Hungarian Freedom Fights of 1848, in which his father perished. The Claimant further indicated that [REDACTED], Rudolf Fischer’s son, changed the family name back to Wertheimer in honor of his grandfather. According to the Claimant, his great-grandfather attempted to obtain a visa and refugee treatment for his son in Switzerland, however the Swiss authorities refused to permit [REDACTED], née [REDACTED], to enter the country and he subsequently perished in a forced labor camp in 1944. The Claimant stated that during the Second World War, his great-grandfather was forced to live in the Jewish ghetto in Budapest, where he perished in 1944. In support of his claim, the Claimant submitted a family tree, which indicates the Claimant’s relationship to Rudolf Fischer; and the Claimant’s birth certificate. The Claimant indicated that he was born on 8 June 1951 in Budapest.

¹ The Claimant submitted additional claims to the unpublished accounts of [REDACTED], [REDACTED], [REDACTED], and [REDACTED], which are registered under the Claim Numbers 221666, 221667, 221668, and 221669 respectively. The CRT will treat these claims in separate decisions.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Rudolf Fischer who resided in Budapest, Hungary. The Bank's record indicates that the Account Owner held four demand deposit accounts, three of which were opened in June 1935 and the other in March 1937. According to the Bank's record, one demand deposit account was closed on 31 January 1937, one demand deposit account was closed on 31 July 1938, and the remaining two demand deposit accounts were both closed on 20 November 1939. The amounts in the accounts on their dates of closure are unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-grandfather's name matches the published name of the Account Owner. The Claimant identified his relative's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different city of residence than the city of residence 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 during the Second World War he was forced to live in the Jewish ghetto in Budapest, where he perished in 1944.

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, which indicates that the Account Owner was the Claimant's great-grandfather. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record, which indicates that the Account Owner was well-known to the Claimant as a family member, and supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

In this case, the Account Owner held four demand deposit accounts. The Bank's record indicates that one demand deposit account was closed on 31 January 1937, one demand deposit account was closed on 31 July 1938, and the remaining two demand deposit accounts were closed on 20 November 1939. The CRT notes that these accounts were all closed prior to Hungary's alliance with Nazi Germany, which was entered into on 20 November 1940.

Therefore, the CRT determines that the Account Owner was able to access these accounts, and concludes that the Account Owner closed these accounts himself and received the proceeds.

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.

Claims Resolution Tribunal
10 September 2004