

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant Mira Eva Hirsch¹
also acting on behalf of Amalia Hirsch

in re Account of Elemer Hirsch

Claim Number: 003911/MW

This Certified Denial is based upon the claim of Mira Eva Hirsch (the “Claimant”) to the published account of Elemer Hirsch (the “Account Owner”), over which Emilia Hirsch (“the Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Elemer Hirsch, who was born in Romania on 14 May 1895, and the Power of Attorney Holder as her mother, Emilia Szekely, who was born on 15 January 1908. The Claimant stated that her parents were married on 28 April 1932 in Cluj, Romania, and that they had two children: Amalia Hirsch and the Claimant. The Claimant further stated that her father, who was a lawyer, resided and worked in the family’s home located at 34 Julio-Meniu Street in Cluj. The Claimant explained that in 1944 her father fled from Romania to Palestine. The Claimant indicated that her father, who was Jewish, died on 17 May 1953 in Cluj, and that her mother died on 11 June 1992 in Israel. In support of her claim, the Claimant submitted, *inter alia*, her and her sister’s birth certificates, which indicate that their parents were Dr. Elemer Hirsch and Emilia Hirsch, née Szekely, who both resided in Cluj; and her father’s certificate of probate, indicating that Elemer Hirsch’s wife was Emilia, and his two daughters were Amalia and the Claimant. The Claimant indicated that she was born on 29 May 1938 in Romania. The Claimant is representing her sister, Amalia Hirsch, who was born on 26 December 1934 in Romania.

¹ The CRT notes that the Claimant passed away on 3 April 2003.

Information Available in the Bank's records

The Bank's records consist of a power of attorney form signed on 20 February 1938, and printouts from the Bank's database. According to these records, the Account Owner was Dr. Elemer Hirsch, an attorney, and the Power of Attorney Holder was the Account Owner's wife, *Frau* (Mrs.) Dr. Emilia Hirsch, née Szekely, both of whom resided in Cluj, Romania. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which was closed on 30 September 1940. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant has identified the Account Owner. The Claimant's father's name, city and country of residence match the published name, city, and country of residence of the Account Owner. The Claimant's mother's name matches the published name of the Power of Attorney Holder. The Claimant identified her father's occupation and title, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimant also identified the Account Owner's relationship to the Power of Attorney Holder, which further matches unpublished information contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her own and her sister's birth certificates, which indicate that their parents were Dr. Elemer Hirsch and Emilia Hirsch, née Szekely, who both resided in Cluj; and her father's probate certificate indicating that Elemer Hirsch's wife was Emilia, and his two daughters were Amalia and the Claimant. These documents provide independent verification that the persons who are claimed to be the Account Owner and the Power of Attorney Holder had the same names and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner and the Power of Attorney Holder, and that they shared the same relationship as the Account Owner and the Power of Attorney Holder.

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 her parents were Jewish, and that they fled from Romania to Palestine to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her father. These documents include the Claimant's birth certificate, which indicate that her parents were Dr. Elemer Hirsch and Emilia Hirsch, née Szekely, who both resided in Cluj; and her father's probate certificate indicating that Elemer Hirsch's wife was Emilia, and his two daughters were

Amalia and the Claimant. There is no information to indicate that the Account Owner has surviving heirs other than the Claimant's sister, whom she represents.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owner held an account, which was closed on 30 September 1940. The CRT notes that this was prior to the formation of a formal alliance between Romania and Nazi Germany on 20 November 1940. Therefore, the CRT determines that the Account Owner or the Power of Attorney Holder was able to access this account, and concludes that the Account Owner or the Power of Attorney Holder closed this account and received the proceeds themselves.

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 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 Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
31 March 2005