

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Wolf Szapiro

Claim Number: 223525/AY¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of Wolf Szapiro (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 her paternal great-uncle, Wolf Szapiro, who was born in Miedzyrzec, Poland and the brother of her paternal grandfather, [REDACTED]. The Claimant indicated that her grandfather and her father, [REDACTED], who were Jewish, owned a lumber business and real estate in Poland, and added that Wolf Szapiro, who was Jewish, probably lived in Warsaw, Poland, where he managed the family’s real estate, until 1939. The Claimant further added that she remembered her father talking about his pre-War visits to relatives in Warsaw. The Claimant stated that her father was deported to several concentration camps, including Maidanek, Buna, and Birkenau, and that he was subsequently deported to a prison in Germany until his liberation in 1945. The Claimant submitted documents in support of her claim, including her father’s certificate of naturalization and a Nebraska District Court Order approving his name change from [REDACTED] to [REDACTED]; her parent’s marriage certificate indicating that [REDACTED] was born in Miedzyrzec, Poland, and that [REDACTED] was born in Lamberg, Poland; her mother’s identify

¹ The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], which are registered under the Claim Numbers 223526, 223527, 223528, 223536 and 223537, respectively. The CRT did not locate any accounts belonging to the Claimant’s relatives, [REDACTED], [REDACTED], [REDACTED] or [REDACTED], 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 Claimant should be aware that the CRT will carry out further research on her claims to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources. The CRT will treat the claim to the account of [REDACTED] in a separate decision.

card indicating that [REDACTED] was born in Poland; her father's death certificate, indicating he was born in Poland to [REDACTED] and [REDACTED]; and her own birth certificate, indicating she was the daughter of [REDACTED] and [REDACTED]. The Claimant indicated that she was born on 4 June 1953 in Montreal, Canada.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED] from Poland.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Wolf Szapiro, who resided in Warsaw, Poland. The Bank's records indicate that the Account Owner held two custody accounts, numbered 9068 and 11157. The Bank's records indicate that account numbered 9068 was opened on 10 December 1929 and was closed on 14 February 1939, and account numbered 11157 was opened on 9 June 1931 and was closed on 23 January 1939. The amounts in the accounts on the dates of their closure are unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner. In support of her claim, the Claimant submitted documents, including her parent's marriage certificate indicating that [REDACTED] was born in Miedzyrzec, Poland, and that [REDACTED] was born in Lamberg, Poland, providing independent verification that the relatives of the person who is claimed to be the Account Owner had the same last name and country of residence recorded in the Bank's records as the name and country of residence of the Account Owner.

The CRT notes that the name Wolf Szapiro appears only once on the February 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution.

The CRT also notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED] and [REDACTED] from Poland, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant had reason to believe that her relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT further notes that there are no other claims to these accounts. 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. The Claimant also indicated that her father, who was one of the Account Owner's business partners, was interned in concentration camps.

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, demonstrating that the Account Owner was the Claimant's great-uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant submitted her parent's marriage certificate indicating that the Claimant's father, [REDACTED], was born in Miedzyrzec, Poland, and that his wife, [REDACTED], was born in Lamberg, Poland, and her father's death certificate indicating he was born in Poland, which provides independent verification that the Claimant's relatives bore the last name Szapiro, and that they resided in Poland.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts at issue were closed on 14 February 1939 and 23 January 1939, prior to the Nazi invasion of Poland, the Account Owner's country of residence. Accordingly, the CRT 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 directed to the Special Masters at the following address: 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
8 August 2004