

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Anna Szpilfogel and Izraël Szpilfogel

Claim Number: 211443/MD

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the published account of Anna Szpilfogel. This Denial is to the account of Anna Szpilfogel (“Account Owner Anna Szpilfogel”) and Izraël Szpilfogel (“Account Owner Izraël Szpilfogel”)¹ (together the “Account Owners”) at the Geneva 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 Account Owner Izraël Szpilfogel as her paternal uncle, Izrael (also known as Edward) Szpilfogel, who was born on 25 October 1898 in Piotrków Trybunalski, Poland; and Account Owner Anna Szpilfogel, as his wife, Anna Szpilfogel, née Redel, who was most likely born in Wola Krzysztoporska, Poland. The Claimant stated that Izrael Szpilfogel was an engineer and co-owner of a yeast factory in Wola Krzysztoporska and later in Heryków, a town near Warsaw, Poland.

The Claimant stated that Izrael and Anna Szpilfogel had one child, [REDACTED], who was born in 1926. The Claimant explained that her relatives, who were Jewish, lived in Wola Krzysztoporska from approximately 1930 to 1933, and in Henryków from 1933 to 1939. According to the Claimant, Izrael Szpilfogel’s aunt and uncle, [REDACTED] and [REDACTED], lived in Switzerland and may have helped the Szpilfogel family open an account in a Swiss bank.

¹ The CRT notes that 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 “ICEP list”), Izraël Szpilfogel’s first name was erroneously spelled as “Izrail” instead of Izraël. Further, the CRT notes that on the ICEP list, Izraël Szpilfogel is indicated as the Power of Attorney Holder to the account held by Anna Szpilfogel. Upon careful review, the CRT has concluded that the Bank’s record evidences that Anna Szpilfogel and Izraël Szpilfogel jointly owned the account.

The Claimant stated that Anna Szpilfogel fled with her son, [REDACTED], to Wilno after the Nazi occupation of Poland, and that she probably died there in approximately 1942.² According to the Claimant, [REDACTED] died in 1942, most likely in Ponary near Wilno. The Claimant stated further that Izrael Szpilfogel died in Warsaw in April 1942, and possibly died in a train bombing.

According to the family tree submitted by the Claimant, Izrael Szpilfogel had three siblings: [REDACTED] (the Claimant's father), [REDACTED], and [REDACTED]. The Claimant indicated that [REDACTED] had one child, [REDACTED]; and that [REDACTED] also had one child, [REDACTED], later [REDACTED]. The Claimant stated that all her relatives died, and that she is the only surviving member of the Szpilfogel family.

The Claimant indicated that she was born on 5 November 1938 in Warsaw. The Claimant explained that her family changed their last name from Szpilfogel to [REDACTED] during the Second World War for safety reasons. In support of her claim, the Claimant submitted her birth certificate, showing that she is a daughter of [REDACTED] and [REDACTED]; the death certificate of [REDACTED], showing that he was a son of [REDACTED] and [REDACTED], née [REDACTED], and that he died on 31 August 1942 in Warsaw; a decision issued by the *Wojewoda* (president of a province) of Warsaw, dated 8 March 1948, stating that [REDACTED], widow of [REDACTED], changed her last name to [REDACTED]; and Izrael Szpilfogel's death certificate, showing that he was a son of [REDACTED] and [REDACTED], née [REDACTED], and that he resided in Warsaw at ulica Pańska 4.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owners were Izraël Szpilfogel and *Mme* (Mrs.) Anna Szpilfogel, who resided in Warsaw, Poland. The Bank's record indicates that the Account Owners held a demand deposit account that was opened on 21 May 1937 and closed on 23 June 1939. The Bank's record does not indicate the value of the account.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's relatives' names and country of residence match the published name and country of residence of the Account Owners.³ The Claimant stated that Izrael and Anna Szpilfogel resided in Henryków near

² The CRT notes that Wilno was under Polish rule until September 1939 and under Lithuanian rule from September 1939 until June 1940, at which time Lithuania was incorporated into the Soviet Union. In June 1941 Wilno was occupied by Nazi Germany.

³ The CRT notes that first name "Izraël" in French is the phonetic equivalent of the Polish name "Izrael."

Warsaw, but Izrael Szpilfogel's death certificate submitted by the Claimant indicates that he resided in Warsaw on ulica Pańska. This information matches the unpublished information about the Account Owners' address contained in the Bank's record. In support of her claim, the Claimant submitted documents, including her father's birth certificate and her paternal uncle's death certificate, thus providing independent verification that the person who is claimed to be Account Owner Izraël Szpilfogel had the same name and domicile recorded in the Bank's records as the name and domicile of Account Owner Izraël Szpilfogel.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Anna Szpilfogel, and indicates that she was from Warsaw and lived in Wilno, which matches the information about Account Owner Anna Szpilfogel provided by the Claimant. 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 Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that Izrael Szpilfogel was Jewish and that he was killed in April 1942 in Warsaw. The Claimant also stated that Anna Szpilfogel was Jewish, that she fled from Nazi occupied Poland to Wilno, where she most likely died in 1942. As noted above, a person named Anna Szpilfogel was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Izraël Szpilfogel was her paternal uncle, and that Account Owner Anna Szpilfogel was his wife. These documents include the Claimant's and the Claimant's father's birth certificates as well as her uncle's death certificate.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 23 June 1939, more than two months before the German invasion of Poland. Therefore, the CRT concludes that the Account Owners received the proceeds of the claimed account.

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
18 August 2004