

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by [REDACTED]

## **in re Account of Mauriciu Winkler**

Claim Number: 401900/MBC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Mauriciu Winkler.<sup>1</sup> This Award is to the published account of Mauriciu Winkler (the “Account Owner”), over which Magdalena Winkler (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

All awards 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 great-great-uncle, Mauriciu Winkler, and the Power of Attorney Holder as his wife, Magdalena (Magda) Winkler, née Schonberger. The Claimant indicated that Mauriciu Winkler, whose parents were [REDACTED] and [REDACTED], may have been born between 1880 and 1885, probably in Margita, Romania. The Claimant explained that Mauriciu Winkler was the younger brother of [REDACTED], née [REDACTED], the Claimant’s maternal great-grandmother. The Claimant further indicated that Mauriciu Winkler, who was Jewish, was a dentist and that he resided in Bucharest, Romania. According to the Claimant, Mauriciu and Magdalena Winkler had two children, [REDACTED] and [REDACTED]. The Claimant indicated that Mauriciu Winkler owned a second residence, possibly in Transylvania. Finally, the Claimant indicated that in 1940 her relative refused to flee Romania, after which he and all of his family perished.

In support of her claim, the Claimant submitted documents, including: her own birth certificate, indicating that the Claimant is the daughter of [REDACTED] and [REDACTED]; the birth

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<sup>1</sup> The CRT notes that [REDACTED], née [REDACTED] (the “Claimant”), also claimed an account belonging to Franz Winkler. The CRT will treat the Claimant’s claim to the account of Franz Winkler in a separate determination.

certificate of her mother, indicating that [REDACTED] is the daughter of [REDACTED] and [REDACTED]; and the death certificate of [REDACTED], indicating that she was the daughter of [REDACTED] and [REDACTED], and that she was born in Sibiu, Romania, in 1905. The Claimant indicated that she was born on 19 March 1964 in Florence, Italy.

### **Information Available in the Bank's Records**

The Bank's records include lists of accounts and printouts from the Bank's database, as well as documents prepared in the course of the 1962 Swiss survey of assets held by foreigners or stateless persons who were victims of racial, religious or political persecution (the "1962 Survey").<sup>2</sup>

According to these records, the Account Owner was Mauriciu Winkler, who resided in Romania, and the Power of Attorney Holder was *Frau* (Mrs.) Magdalena Winkler. The Bank's records indicate that the Account Owner held a numbered demand deposit account, with a designation 3172. According to these records, the account was opened some time before 1939. These records further indicate that the Bank last heard from the Account Owner some time before 1945, and that the Bank had no contact with the Power of Attorney Holder.

The Bank's records indicate that the account had a balance of 427.00 Swiss Francs ("SF") on 31 December 1963. However, on the 1962 Survey registration form for this account, which is dated 27 February 1964, the Bank reported that the account had a balance of only SF 152.00 as of 1 September 1963. The Bank's records also include an undated document connected with the 1962 Survey showing an account balance of SF 30.00. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported that in the course of the 1962 Survey, the Bank levied charges of SF 152.00 on the account, leaving a zero balance. The Bank's records indicate that the Bank closed the account some time in 1964.

### **The CRT's Analysis**

#### Identification of the Account Owner

The names of the Claimant's great-great uncle and of his wife match the published names of the Account Owner and of the Power of Attorney Holder. The Claimant identified her great-great uncle's country of residence, which matches published information about the Account Owner contained in the Bank's records.

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<sup>2</sup> By Federal Decree of 20 December 1962, the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Switzerland-based assets whose last known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey").

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Mauriciu Winkler, which indicates that he was born in 1891 and that he resided in Romania. This information is consistent with the information provided by the Claimant, who indicated that she did not know the precise year of Mauriciu Winkler's birth. This database also indicates that Mauriciu Winkler was confined in Dorohoi, Romania, and that he perished in the Holocaust. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the names Mauriciu Winkler and Magdalena Winkler each appear only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT further notes that the other claims to this account 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 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 the Account Owner was Jewish and that he lived in Nazi-aligned Romania, where he and all of his family died. As noted above, a person named Mauriciu Winkler was included in the CRT's database of victims.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's great-great uncle. The Claimant submitted her own and her mother's birth certificates and her grandmother's death certificate, providing independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Romania. The CRT further 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 she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the Bank closed the account to fees in 1964.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her great-great uncle, and that relationship justifies an Award. Third,

the CRT has determined that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held a demand deposit account. The Bank's records indicated that the balance of this account was SF 427.00 on 31 December 1963. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 1,235.00, which reflects standardized bank fees and numbered account fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 1,662.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

### **Scope of the Award**

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 Award**

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

Claims Resolution Tribunal  
12 October 2007