

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and to the Estate of Claimant [REDACTED 2]

## **in re Account of Z. Feigelmanis**

Claim Numbers: 003622/RS; 715046/RS; 715010/RS<sup>1</sup>

Award Amount: 233,034.88 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Zalman Feigelman (Fogelman or Feigelmanis), and the claim of [REDACTED 2], née [REDACTED] ([REDACTED]), (“Claimant [REDACTED 2]”) (together, the “Claimants”) to the account of Zalman and Sara Feigelman (Fogelman).<sup>2</sup> This award is to the unpublished account of Z. Feigelmanis at the London branch of the [REDACTED] (the “Bank”).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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

Claimant [REDACTED 1] submitted a Claim Form and two Initial Questionnaires (“IQs”) identifying the Account Owner as his paternal grandfather, Zalman Feigelman (Feigelmanis or Fogelman), and Claimant [REDACTED 2] submitted an IQ identifying the Account Owner as her father, Zalman Feigelman (Fogelman). The Claimants indicated that the Account Owner, who was Jewish, was born in 1884 in Poland or Russia, and was married to [REDACTED], née

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<sup>1</sup> [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HEB 0107 076, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 715010. The CRT was informed that Claimant [REDACTED 2] has passed away.

<sup>2</sup> The CRT did not locate an account belonging to Sara Feigelman (Fogelman) 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”).

[REDACTED]. Claimant [REDACTED 1] stated that his grandfather Zalman Feigelman lived in Riga, Latvia, prior to the Second World War, and that he had five children, including Claimant [REDACTED 2] and [REDACTED] ([REDACTED]) (Claimant [REDACTED 1]'s father).

Claimant [REDACTED 1] further stated that Zalman Feigelman was a wealthy merchant in Riga, who owned a flour mill and numerous pieces of rental property. The Claimants indicated that Zalman Feigelman sent his daughter, Claimant [REDACTED 2], to study in Geneva, Switzerland from 1934 to 1936. Claimant [REDACTED 2] stated that while she was in Geneva, she would often withdraw funds from a Swiss bank account that her father had established in his own name in Switzerland. Claimant [REDACTED 2] also indicated that her father told her prior to the Second World War that he had deposited a substantial amount of money and assets at a bank in Switzerland.

The Claimants stated that Zalman and [REDACTED] and three of their five children were all killed by the Nazis following the German occupation of Latvia in 1941; only Claimant [REDACTED 2] and Claimant [REDACTED 1]'s father [REDACTED] ([REDACTED]) survived the Second World War. According to Claimant [REDACTED 2], her father Zalman Feigelman was killed by Nazi troops on the second day of the German occupation of Riga; her mother [REDACTED] was taken from a ghetto in Riga to a forest outside of the city, where she was killed.

Claimant [REDACTED 1] stated that his father [REDACTED] ([REDACTED]) is now deceased. Claimant [REDACTED 1] also indicated that Claimant [REDACTED 2] has two sons: [REDACTED] and [REDACTED].

In support of his claim, Claimant [REDACTED 1] submitted copies of: (1) his Israeli identity card, indicating that [REDACTED 1] was born on 2 July 1947, and that his parents were [REDACTED] and [REDACTED]; and (2) his father's birth certificate, indicating that [REDACTED] was born on 7 August 1909 in Riga, that he was Jewish, and that his parents were Zalmans and [REDACTED].

Claimant [REDACTED 1] also submitted a copy of a bank statement, which is further described below, relating to Zalman Feigelman's ownership of assets held at the Bank. He also submitted a copy of a letter, dated 12 August 1997, that he wrote to the Bank's office in London, England, requesting that the Bank indicate how the funds from the account belonging to Z. (Zalman) Feigelman could be transferred to Claimant [REDACTED 1]'s bank in Israel. Claimant [REDACTED 1] indicated that the Bank did not respond to that letter.

Claimant [REDACTED 1] indicated that he was born on 2 July 1947 in Israel. Claimant [REDACTED 2] indicated that she was born on 30 June 1910.

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

The CRT notes that 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”) did not report an account belonging to Z. Feigelmanis during their investigation of the Bank. The Bank’s record was obtained by Claimant Fogelman and was forwarded to the CRT.

This record consists of an acknowledgment form providing the Account Owner with the opportunity to acknowledge to the Bank that he had received an account statement dated 30 June 1940. According to this record, the Account Owner was Z. Feigelmanis Esq., who resided in Riga, Latvia.

The record further indicates that the Account Owner held an account of an unknown type, and that the account had a balance of 1,120 British Pounds (£), 7 shillings and 3 pence (£ 1,120.7.3),<sup>3</sup> as of 30 June 1940.

The Bank’s record does not show when the account at issue was closed. There is no evidence in the Bank’s record that the Account Owner or his heirs closed the account and received the proceeds themselves.

## **The CRT’s Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant [REDACTED 1]’s grandfather’s name and city and country of residence, and Claimant [REDACTED 2]’s father’s name and city and country of residence, match the unpublished name and city and country of residence of the Account Owner on the document submitted by Claimant [REDACTED 1].

In support of his claim, Claimant [REDACTED 1] submitted documents, including the Bank’s acknowledgment form and his father’s birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank’s record as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 2] in 1955, and another page of testimony submitted by Claimant [REDACTED 2] in 1999, which indicate that Zalman Feigelman (Fogelman or Feigelmanis) was born in 1884 or 1885, that he was married to

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<sup>3</sup> Before the decimalization of the British Pound in 1971, values in Pound Sterling were expressed in terms of pounds, shillings and pence. The CRT has converted the account balance to the decimal value for the purposes of calculating the current value of this account. In decimal terms, one shilling is equivalent to £ 1/20 and one pence is equivalent to £ 1/240.

[REDACTED], that he was a merchant, that he resided in Riga, and that he died in 1941 in Riga, which matches the information about the Account Owner provided by the Claimants. 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 Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he was killed by Nazi troops on the second day of the German occupation of Riga in 1941. The Claimants further indicated that the Account Owner's wife and three of his five children were also killed by the Nazis in 1941.

As noted above, a person named Zalman Feigelman was included in the CRT's database of victims.

#### The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his paternal grandfather, and Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was her father. These documents include Claimant [REDACTED 1]'s Israeli identity card, indicating that [REDACTED 1]'s father was [REDACTED]; and [REDACTED] [REDACTED]'s birth certificate, indicating that his father was Zalmans Feigelmani. The CRT notes that the Claimants indicated that they may have other surviving relatives, but that because they are not represented in the Claimants' claims, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's record, that Claimant Fogelman submitted the Bank's record himself, and that the Claimants also identified information which matches information contained in the Yad Vashem records. Finally, the CRT 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

#### The Issue of Who Received the Proceeds

Given that the Account Owner was killed by Nazi soldiers in 1941; that the only Bank record available indicates that the account was in existence as of 30 June 1940; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners

because of the banks' concern regarding double liability; and given the application of Presumptions (e), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his paternal grandfather, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her father, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one account of an unknown type. The Bank's record indicates that the value of the account as of 30 June 1940 was £ 1,120.73 or £ 1,120.36, which was equivalent to 18,642.79 Swiss Francs ("SF").<sup>4</sup> The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 233,034.88.

### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] is the son of the Account Owner's son [REDACTED] ([REDACTED]), and Claimant [REDACTED 2] is the daughter of the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the total award amount, and Claimant [REDACTED 2] is entitled to one-half of the total award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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).

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<sup>4</sup> The CRT uses official exchange rates when making currency conversions.

**Certification of the Award**

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

Claims Resolution Tribunal  
21 December 2007