

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Stanislaw Margulies**

Claim Number: 771835/MBC<sup>1</sup>

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Stanislaw Margulies (the “Account Owner”) at the Basel 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 an Initial Questionnaire (“IQ”) to the Court in 1999, identifying the Account Owner as his maternal grandfather, Stanislaw Margules (Margulies), who was born in 1880, and was married to [REDACTED]. The Claimant indicated that his grandparents had two children, [REDACTED], [REDACTED], and the Claimant’s mother. The Claimant indicated that his grandfather, who was Jewish, resided in Warsaw, Poland before the Second World War. According to the Claimant, his grandfather was the director of a munitions factory named *Pocisk*, which was located in Warsaw. The Claimant further indicated that his grandfather committed suicide when Germany invaded Poland in the fall of 1939. The Claimant further indicated that his mother, [REDACTED], and his aunt, [REDACTED], who are both deceased, attempted to retrieve assets from the Bank, but were unsuccessful.

In support of his claim, the Claimant submitted his mother’s marriage certificate, indicating that her name was [REDACTED], née [REDACTED], and a certified Power of Attorney form,

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<sup>1</sup> [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG 0068 054, 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 771835.

signed by [REDACTED] in the United States on 23 January 1997, identifying her as an heir of Stanislaw Margules, and appointing her son, [REDACTED], as her attorney for purposes of locating assets deposited by Stanislaw Margules. The Claimant indicated that he was born on 12 July 1939.

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

The Bank's records consist of a mailing instruction form and internal correspondence. According to these records, the Account Owner was *Generaldirektor* ("managing director") Stanislaw Margulies, who resided at Sienkiewicza 3 in Warsaw, Poland. The Bank's records indicate that the Account Owner held one custody account, numbered 37524. The Bank's records further indicate that on 18 February 1932, the Account Owner ordered the Bank to send all correspondence to his address in Warsaw. The Bank's records also include internal correspondence, dated in September 1951, indicating that Stanislaw Margules died at the outbreak of the Second World War, and that his heirs fled to the United States. This correspondence indicates that as of September 1951, no assets under the Account Owner's name were deposited with the Bank. While the Bank's records indicate that the account was closed some time before September 1951, they do not indicate the exact date of closure of the account. The value of the account is not known. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The Bank's records also contain a letter from the Bank to the Holocaust Claims Processing Office, dated 26 October 1999, responding to an inquiry made on behalf of Mrs. [REDACTED] and Ms. [REDACTED], indicating that they identified their parents as Stanislaw Margules (Margulies) and [REDACTED], and that the Bank found, in a binder with documents on closed numbered accounts, a mailing instruction signed by Stanislaw Margulies in connection with account 37524. In this letter, the Bank indicated that it had no additional information regarding the closing of the account.

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

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name and city and country of residence match the published name and city and country of residence of the Account Owner.<sup>2</sup> The Claimant indicated that his grandfather was the director of a company and that he died in 1939, which matches unpublished information about the Account Owner contained in the Bank's records. In addition, the Claimant identified the names of his mother and grandmother, and submitted documentation indicating that his mother resided in the United

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<sup>2</sup> The CRT notes that the Claimant's mother's marriage certificate indicates that her maiden name was [REDACTED], and that some of the Bank's records indicate that the Account Owner's name was Margulies. However, the Claimant stated that Margulies was an alternate spelling of his grandfather's name, and the Bank's records also contain the spelling Margules. Accordingly, the CRT concludes that the two different spellings refer to one and the same name.

States, all of which matches unpublished information about the Account Owner's family contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including a certified Power of Attorney form, signed by [REDACTED] in the United States, identifying her as an heir of Stanislaw Margules, and his mother's marriage certificate, indicating that her name was [REDACTED]. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT also notes that the name Stanislaw Margulies appears only once 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"). The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Stanislaw Margules (Margulies), prior to the publication of the ICEP List. This indicates that the Claimant based his claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city of residence than the city of residence of the Account Owner, and indicated that the account was held under the Account Owner's name as a pseudonym, which is not supported by the Bank's records.

#### 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 committed suicide when Germany invaded Poland in the fall of 1939.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's maternal grandfather. These documents include his mother's marriage certificate, indicating that her name was [REDACTED], née [REDACTED], and a certified Power of Attorney form, signed by [REDACTED] in the United States on 23 January 1997, identifying her as an heir of Stanislaw Margules, and appointing her son, [REDACTED], as her attorney for purposes of locating assets deposited by Stanislaw Margules. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

Given that the Account Owner committed suicide in 1939; 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 (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 Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his grandfather, and that relationship justifies 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 custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF162,500.00.

### **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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
7 June 2006