

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
also acting on behalf of [REDACTED]

## **in re Accounts of Stefan and Gisela Ullmann**

Claim Numbers: 211862/LK, 219452/LK

Award Amount: 98,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Stefan and Gisela Ullmann (the “Account Owners”) at the Zurich branch of the [REDACTED I] (“Bank I”) and at the [REDACTED II] (“Bank II”).

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 two Claim Forms identifying the Account Owners as his parents, Stefan Istvan Jisroel Ullmann, who was born at the end of November 1901 in Nagyvarad, Hungary, and Gisela Ullmann, née [REDACTED], who was born at the end of July 1903. The Claimant stated that his parents, who were Jewish, were married in Budapest, Hungary, around 1925 and had two children: [REDACTED], the Claimant; and [REDACTED], his brother, whom the Claimant is representing. The Claimant further stated that his parents lived at Nagypiacter 11 in Oradea, Romania, until 1942. According to the Claimant, his father, who was president of the Jewish community, was sent to Transnistria in 1942 and forced to wear an armband and work in a Ukrainian work brigade. The Claimant asserted that when his father became ill with typhus, he was sent to a barn that was burned by the Nazis in April 1943. The Claimant further asserted that the Nazis shot and killed those who tried to escape the flames, including his father. According to the Claimant, he, his mother and his brother were sent to the Nagyvarad ghetto and later fled to Budapest. The Claimant stated that they were placed on the Kasztner transport in December 1944 and taken to Bergen-Belsen, where they spent approximately six months.<sup>1</sup> The

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<sup>1</sup> The CRT notes that a person named Gisella Ullmann-[REDACTED], who was born on 8 July 1903; a person named [REDACTED], who was born on 28 December 1926; and a person named [REDACTED], who was born on 9 May 1933, were included in a database of people who were rescued by [REDACTED]. This list includes approximately 1,350 names. The list includes primarily those who were in Bergen-Belsen from July 1944 until

Claimant explained that after the Second World War, they emigrated to Israel, where his mother died in June 1999. The Claimant submitted excerpts from a bank ledger that his father kept in 1935, 1936 and 1937, showing account activities at Bank I and Bank II. The Claimant indicated that he was born on 28 December 1926 in Oradea. The Claimant is representing his brother, [REDACTED], who was born on 9 May 1930 in Oradea.

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

The Bank's records from Bank I consist of a customer card and printouts from the Bank's numbered accounts database. According to these records, the Account Owners were Stefan Ullman and Frau Gisela Ullmann from Romania. The Bank's records indicate that all correspondence regarding the account was to be held at Bank I, and that St. Bitachon and G. Bitachon were used as code names for the account. The records also indicate that the account, numbered 20002, was closed in November 1949, but do not indicate the type of account the Account Owners held, to whom it was paid, or the value of this account. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account and received the proceeds themselves.

No records belonging to the Account Owners were found by 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") at Bank II. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

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

#### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His parents' names and nationalities match the published names and nationalities of the Account Owners. The Claimant identified Bank I as a bank where his parents had an account, which matches unpublished information about the Account Owners contained in the Bank's records. In support of his claim, the Claimant submitted documents including excerpts from a bank account records ledger that his father kept in the 1930s, indicating that his father held accounts at Bank I and Bank II.

In addition, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Stefan or Istvan Ullmann, and indicates that he was born in November 1901 and lived at Nagy Piacter 11 in Oradea, which matches the information about Account Owner Stefan Ullman provided by the Claimant. The database is a compilation of names from

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December 1944. The CRT also notes that [REDACTED], a Zionist activist in Hungary, coordinated with the Nazis and representatives of the American Jewish Joint Distribution Committee and the Jewish Agency in Switzerland to have over 3,000 Jews, mostly from Hungary and Transylvania, transported to Switzerland in June, August and December 1944.

various sources, including the Yad Vashem Memorial of Israel. Finally, the CRT notes that the other claims to these accounts were disconfirmed because the other claimed account owners had different first, last or maiden names than the Account Owner and the other claimants submitted different biographical information than that of the Account Owner.

#### 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 the Account Owners were Jewish, that his father was killed by the Nazis, and that his mother was sent to Bergen-Belsen. As noted above, a person named Stefan or Istvan Ullmann was included in the CRT's database of victims.

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

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting documents demonstrating that they were his parents.

#### The Issue of Who Received the Proceeds

With regard to the accounts at Bank I and Bank II, the CRT notes that it is possible that, if the accounts were still open in 1950, they could have been transferred to the Romanian government pursuant to an agreement between Switzerland and Romania whereby unclaimed assets held by Romanian citizens in Swiss banks were to be transferred to the Romanian government in return for compensation for Swiss property that had been nationalized by Romania's communist regime. Given this possibility, the persecution of Jews in Romania and the confiscation of Jewish assets during the War, the Communist dictatorial regime after the War and therefore the inability to access the accounts after the war, and the application of Presumptions (h), (i) 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 Owners or their 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 Owners were his parents, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owners held one account of unknown type at Bank I and one account of unknown type at Bank II. The Claimant submitted excerpts from a contemporaneous bank record ledger from 1935, 1936 and 1937, in which his father listed deposits made to Bank I and Bank II. The CRT concludes that while this ledger provides evidence on an account of unknown type, numbered 7054, at Bank I, and of an additional account of unknown type at Bank II, the CRT is unable to determine the values or disposition of these accounts. While the ledger does document account deposits in Bank I and Bank II, the balances and any withdrawal or transfer activities are unclear.

Accordingly, 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs, resulting in a total 1945 value of 7,900.00 Swiss Francs. 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 98,750.00 Swiss Francs.

### 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, the Claimant is representing his brother, [REDACTED], in these proceedings. Accordingly, [REDACTED] is entitled to receive one-half of any payment made to the Claimant.

### **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  
July 15, 2003