

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to the Estate of Claimant [REDACTED 1]<sup>1</sup>  
also acting on behalf of [REDACTED 2] and [REDACTED 3]

## **in re Accounts of Sigmund Vanos**

Claim Numbers: 707864/WT; 707956/WT<sup>2,3</sup>

Award Amount: 1,421,996.38 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (the “Claimant”) to the accounts of Sigmund (Sigismondo) Vamos. This Award is to the published accounts of Sigmund Vanos (the “Account Owner”), over which [REDACTED] (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 Claimants**

The Claimant submitted two Initial Questionnaires (“IQs”) identifying the Account Owner as his maternal grandfather, Sigmund (Sigismondo) Vamos, who was born in Stavropol, Russia on 15 May 1872 and was married to [REDACTED], née [REDACTED], and identifying the Power of Attorney Holder as his maternal uncle, [REDACTED]. The Claimant indicated that his grandfather, who was Jewish and who was a Hungarian national, lived in Fiume, Italy (today Rijeka, Croatia) directly prior to and during the Second World War. According to the Claimant and his cousins, represented parties [REDACTED 2] and [REDACTED 3], their grandfather Sigmund Vamos had several children, including [REDACTED]; [REDACTED], who was the

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<sup>1</sup> The CRT notes that in correspondence dated 28 February 2005, represented party [REDACTED 2] indicated that [REDACTED 1] (the “Claimant”) passed away on 23 February 2005.

<sup>2</sup> The Claimant did not submit a Claim Form to the CRT. However, in 1999 he submitted two Initial Questionnaires (“IQs”), numbered FRE-0021-195 and FRE-0024-054, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned claim numbers 707864 and 707956, respectively.

<sup>3</sup> In a separate decision, the CRT awarded the accounts of Rosa Sussmann to the Claimant. See *In re Accounts of Rosa Sussmann* (approved on 6 May 2006) (the “May 2006 Award”).

Claimant's mother; and [REDACTED], who was the mother of represented parties [REDACTED 2] and [REDACTED 3].

The Claimant indicated that Sigmund Vamos was deported from Milan on 19 May 1944 to Bergen-Belsen, and from there to Auschwitz, where he perished in September 1944, along with one of his sons. The Claimant also stated that [REDACTED] fled Italy for the United States during the Second World War.

The Claimant indicated that he was also imprisoned in Auschwitz, where his father and brother perished. The Claimant stated that [REDACTED], who had no children, passed away in Lugano, Switzerland in 1987. The Claimant indicated that he and his two cousins, [REDACTED 2] and [REDACTED 3], are the only surviving members of the family.

In support of his claim, the Claimant submitted copies of: 1) a letter from his grandfather to the *Bankhaus Henz & Co.* [sic] in Geneva, Switzerland, dated 9 October 1939, indicating that Sigmund Vamos instructed the bank to transfer his assets at that bank to his son, [REDACTED]; 2) a copy of a letter written on the printed letterhead of [REDACTED] and [REDACTED], both of Fiume, Italy, dated 6 February 1941, and referring to family members named [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]; 3) excerpts from *Il Libro Della Memoria*, a book listing Holocaust victims from Italy, indicating that in 1944, Sigismondo Vamos, who was born in Stavropol, U.S.S.R. on 15 May 1872, was deported from Milan to Bergen-Belsen and then to Auschwitz, where he perished; that [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED], died while interned in concentration camps; that [REDACTED 1] and [REDACTED], who was the daughter of Sigismondo Vamos, were liberated from Auschwitz; that [REDACTED 1] was the son of [REDACTED], and that family members resided in Fiume, Milan, and other cities in Italy; 4) copies of correspondence between the Claimant and the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the "Contact Office") dated in 1997, regarding the Claimant's inquiry regarding accounts belonging to Sigismondo (Sigmund) Vamos, with a copy of a check for 100.00 Swiss Francs ("SF") from the Claimant to cover the research fees; and 5) copies of correspondence between the Claimant, his attorney, and the Swiss embassy in Italy, all dated in 1999, concerning the Claimant's inquiry regarding Swiss bank accounts held by his relatives.

The Claimant indicated that he was born on 6 August 1923 in Budapest, Hungary. The Claimant is representing his cousins, [REDACTED 2] and [REDACTED 3], née [REDACTED], who were born in Fiume on 1 May 1938 and 16 December 1936, respectively.

In correspondence dated 7 February 2007, the Claimant's spouse submitted the Claimant's death certificate, which indicated that [REDACTED 1] died on 23 February 2005, and that his parents' names were [REDACTED] and [REDACTED].

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

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

Sigmund Vanos during their investigation. The documents evidencing accounts belonging to Sigmund Vanos were obtained from the Swiss Federal Archive and are further described below.

### **Information Available in the Swiss Federal Archive**

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss 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”). In the records of the Swiss Federal Archive in Bern, Switzerland, E 4111 (A) 1980/13, *Spezial-Kartei “registrierte Vermögenswerte,”* there is a file concerning the assets of Sigmund Vanos, numbered 233.

The documents in this file indicate that the Account Owner was Sigmund Vanos, and that the Power of Attorney Holder was [REDACTED], the Account Owner’s son. These records indicate that the Account Owner was Hungarian; that his last known address dates from 1938, when he resided in Italy; and that the Bank’s last contact with the Account Owner was prior to the end of the Second World War.

The Swiss Federal Archive records indicate that the Account Owner held four accounts under two account numbers at the Zurich branch of the Bank: one custody account and one demand deposit account, jointly numbered 10054, and one custody account and one demand deposit account, jointly numbered 10055. The records further indicate that each custody account held 240 shares of capital stock in the *Northern Pacific Company* with a market value of SF 50,168.00 as of 1 September 1963, for a total of SF 100,336.00 for the content of the two custody accounts combined.

The records from the Swiss Federal Archive indicate that each demand deposit account was denominated in United States dollars (“US \$”), and that as of 1 September 1963, demand deposit account 10054 held a balance of US \$3,686.60, and demand deposit account 10055 held a balance of US \$3,698.60.

According to a document dated 10 November 1965, the Registration Office for Assets of Missing Foreigners (the “Registration Office”) (“*Meldestelle für Vermögen verschwundener Ausländer*”) requested that the Custody Office of the city of Zurich (“*Vormundschaftsbehörde der Stadt Zürich*”) appoint a guardian, as prescribed by the Federal Decree, and that such a guardian was appointed in 1966.

The CRT notes that in 1999, Swiss authorities published names of owners of accounts that had been reported in the 1962 Survey and that the Account Owner’s name was among those published. According to confidential information received by the CRT from Swiss authorities, a claim was received for the above accounts, and after research by those authorities, an amount of SF 284,629.00, representing the 1 September 1963 value of the accounts adjusted for interest, was paid out to the persons who filed the claim. The CRT notes that the Swiss authorities did not identify the name of the persons who filed the claim in 1999 and who subsequently received

the funds. However, given that the Claimant in this case contacted the Contact Office in 1997 regarding accounts belonging to Sigismondo (Sigmund) Vamos, and that the Claimant and his attorney corresponded with the Swiss embassy in Italy in 1999 concerning the Claimant's inquiry regarding Swiss bank accounts held by his relatives, the CRT considers that the claims were made by the Claimant and that the sums paid in 1999 were received by the Claimant.

## **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 two claims of the Claimant in one proceeding.

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's maternal grandfather's name and country of residence matches the published name and country of residence of the Account Owner. Additionally, the Claimant's uncle's name matches the published name of the Power of Attorney Holder. The Claimant identified the relationships between the Account Owner and the Power of Attorney Holder, and the Account Owner's nationality, which also matches unpublished information about the Account Owner and the Power of Attorney Holder contained in the records of the Swiss Federal Archive.

The CRT notes that the Claimant indicated that his relative's last name was spelled "Vamos" and that the archival records indicate that the Account Owner's last name was spelled "Vanos." However, given that the surnames "Vamos" and "Vanos" are nearly identical, that the records from the Swiss Federal Archive include no original documents that were reviewed or signed by the Account Owner, and that the first name and country of residence of the Account Owner are the same as the first name and country of residence of the Claimant's grandfather, and that the first name of the Power Attorney Holder is the same as that of the Claimant's uncle, the CRT concludes that this discrepancy was a typographical error and that it does not affect the Claimant's identification of the Account Owner.

In support of his claim, the Claimant submitted documents, including: 1) a letter from his grandfather, indicating that Sigmund Vamos instructed *Bankhaus Henz & Co.* in Geneva to transfer assets to his son, [REDACTED]; 2) excerpts from a book listing Holocaust victims from Italy, indicating that in 1944 Sigismondo Vamos was deported from Milan to Bergen-Belsen and then to Auschwitz, where he perished; and 3) copies of correspondence from 1997 between the Claimant and the Contact Office regarding the Claimant's inquiry regarding accounts belonging to Sigismondo (Sigmund) Vamos, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the records of the Swiss Federal Archive as the name and country of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Sigismondo Vamos, and indicates that his date of birth was 15 May 1872, that his place of birth was Stavropol, Russia, that he lived in Fiume, Italy, and that he perished in Auschwitz in August 1944, which matches the information about the Account Owner 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 these accounts.

#### 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 resided in Nazi-allied Italy. The Claimant also stated that the Account Owner perished in Auschwitz. The Claimant submitted excerpts from *Il Libro Della Memoria*, a book listing Holocaust victims from Italy, indicating that on 19 May 1944 Sigismondo Vamos was deported from Milan to Bergen-Belsen and then to Auschwitz, where he perished in September 1944. As noted above, a person named Sigismondo Vamos was included in the CRT's database of victims.

#### 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 excerpts from a book listing Holocaust victims from Italy, indicating that [REDACTED 1] was the son of [REDACTED] and [REDACTED], and that [REDACTED] was the daughter of Sigismondo Vamos. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

The CRT notes that the Claimant identified unpublished information about the Account Owner and the Power of Attorney Holder as contained in the Swiss Federal Archive records, and that he also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of a letter from his grandfather to the *Bankhaus Henz & Co.* in Geneva, Switzerland, dated 9 October 1939, indicating that Sigmund Vamos instructed the bank to transfer his assets to his son, [REDACTED]. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of a letter written on the printed letterhead of [REDACTED] and [REDACTED] of Fiume, Italy, and that the Claimant's spouse submitted a copy of the Claimant's death certificate, indicating that the Claimant's mother was [REDACTED], both of which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Italy. 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 Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

### The Issue of Who Received the Proceeds

As noted above, in 1999 Swiss authorities published names of owners of accounts that had been reported in the 1962 Survey and that the Account Owner's name was among those published. According to confidential information received by the CRT from Swiss authorities, a claim was received for the above accounts, and after research by those authorities, an amount of SF 284,629.00, representing the 1 September 1963 value of the accounts adjusted for interest, was paid out to the persons who filed the claim. The CRT notes that the Swiss authorities did not identify the name of the persons who filed the claim in 1999 and who subsequently received the funds. However, given that the Claimant in this case contacted the Contact Office in 1997 regarding accounts belonging to Sigismondo (Sigmund) Vamos, and that the Claimant and his attorney corresponded with the Swiss embassy in Italy in 1999 concerning the Claimant's inquiry regarding Swiss bank accounts held by his relatives, the CRT considers that the claims were made by the Claimant and that the sums paid in 1999 were received by the Claimant.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant's Estate and the parties the Claimant represents. First, the claims are 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 maternal grandfather, and that relationship justifies an Award. Third, although Swiss authorities made a payment, presumably to the Claimant, for these accounts, the amount of that payment is considerably less than that provided for by the Rules.

### Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account jointly numbered 10054, and one custody account and one demand deposit account jointly numbered 10055.

With regard to account 10054, the Swiss Federal Archive records indicate the custody account held 240 capital shares of stock which had a market value of SF 50,168.00 as of 1 September 1963. The demand deposit account had a balance of US \$3,686.60 as of 1 September 1963, which was equivalent to SF 15,926.11.<sup>4</sup>

With regard to account 10055, the Swiss Federal Archive records indicate the custody account held 240 capital shares of stock with a market value of SF 50,168.00 as of 1 September 1963. The demand deposit account had a balance of US \$3,698.60 as of 1 September 1963, which was equivalent to SF 15,977.95.

In accordance with Article 31(1) of the Rules, each demand deposit account total is increased by an adjustment of SF 1,235.00, which reflects numbered account fees and standardized bank fees charged to each demand deposit account between 1945 and 1963, and each custody account total is increased by an adjustment of SF 1,900.00, which also reflects numbered account fees and

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

standardized bank fees charged to each custody deposit account between 1945 and 1963. Consequently, the adjusted balance of the four accounts at issue is SF 138,510.06.

The CRT notes that payment of SF 284,629.00, representing the value of the accounts adjusted for interest, was made by Swiss authorities for these accounts following their publication in 1999. It is not clear when this payment was made, or how exactly the adjustment for interest was calculated. However, on 12 November 2001, when the first set of Deposited Assets awards were made under the Settlement Agreement in *In re Holocaust Victim Assets Litigation*, 1945 values were adjusted to current values by using an adjustment factor of 11.5. Accordingly, the CRT uses that factor to determine the 1945 value that corresponds to the payment of SF 284,629.00 to reach an amount of SF 24,750.35. That amount is subtracted from the adjusted 1945 balance of the four accounts for a total amount of SF 113,759.71 that has yet to be restituted. The current value of this amount is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 1,421,996.38.<sup>5</sup>

### 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 cousins, [REDACTED 2] and [REDACTED 3], who are the children of his maternal aunt [REDACTED], née [REDACTED]. Accordingly, the Claimant's Estate is entitled to one-half of the total award amount, and [REDACTED 2] and [REDACTED 3] are each entitled to one-quarter of the total value of the accounts.

### **Scope of the Award**

The Claimant's Estate should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on the Claimant's claims to determine whether there are additional Swiss bank accounts to which his Estate 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  
24 September 2008

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<sup>5</sup> The CRT notes that the Claimant was reimbursed the SF 100.00 search fee that he paid to the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the "Contact Office") in the May 2006 Award.