

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Rosa Breuer

Claim Number: 727436/BI¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”), to the published account of Rosa Breuer (the “Account Owner”) at the Davos-Platz 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”) identifying the Account Owner as her mother, Rosa (Riza) Breuer, who was born in 1881 and was married to [REDACTED]. According to the Claimant, her parents, who were Jewish, resided in Dunaszerdahely, Czechoslovakia (now Dunajska Streda, Slovakia), where her father was a successful merchant. The Claimant stated that her father transferred money to Switzerland, but that she does not know the name of the bank. The Claimant indicated that in 1944, the Nazis confiscated all of her family’s assets, including the contents of their house in Dunaszerdahely. The Claimant further indicated that she and her parents were deported in 1944 to Auschwitz, where both of her parents perished, and that she was transferred to Bergen-Belsen, and on to Theresienstadt, where she worked as a slave laborer until she was liberated at the end of the Second World War. The Claimant indicated that she was born in 1925.

¹ Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HEB-0421165, 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 IQs 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 the claim number 727436.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Rosa Breuer. The Bank's records do not indicate the Account Owner's domicile.

The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. 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 there was no evidence of activity on this account after 1945. The Bank's records indicate that the amount in the account on 27 May 1983 was 118.70 Swiss Francs ("SF"). The Bank's records indicate that the account was transferred on an unknown date to a suspense account, where it remains today.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant in 2006, which indicates that Riza Breuer, née Bischits, was born in Dunaszerdahely, that she was married to [REDACTED], and that she had four children. The page of testimony further indicates that the Claimant's mother was confined to a ghetto during the Second World War, and that she perished in May 1944 in Auschwitz, at the age of approximately 56. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Rosa Breuer appears 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 "ICEP List"). The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Rosa Breuer, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant had reason to believe that her 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 there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim or Target 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, that she was confined to a ghetto during the War, and that she perished in Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was her mother. The CRT further notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also submitted a page of testimony to the Yad Vashem Memorial regarding her mother. 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 she has asserted in her IQ. 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 account was transferred on an unknown date to a suspense account, where it remains today.

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, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her mother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held an account of unknown type. The Bank's records indicate that the value of the account as of 27 May 1983 was SF 118.70. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 605.00, which reflects standardized bank fees charged to an account of unknown type between 1945 and 1983. Consequently, the adjusted balance of the account at issue is SF 723.70. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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 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).

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