

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED 1]¹

to Claimant [REDACTED 2]
represented by Arie Davidovici

to Claimant [REDACTED 3]

and to Claimant [REDACTED 4]

in re Account of F. Burger

Claim Numbers: 204456/MBC; 204458/MBC; 204930/MBC; 207779/MBC; 212064/MBC;²
707811/MBC;³ 727937/MBC; 727987/MBC⁴

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Ivan Zoltan Burger (“Claimant Ivan Burger”) to the accounts of Dezso Burger and Ivan Burger;⁵ the claim of Sandor Burger (“Claimant Sandor Burger”) to the accounts of Ignacz Burger and Sandor Burger;⁶ the claim of [REDACTED 4], née [REDACTED] (“Claimant [REDACTED 4]”), to the account of Oskar Burger;⁷ and the

¹ In a telephone call with the CRT, the wife of Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) informed the CRT that her husband passed away on 19 October 2005.

² Claimant [REDACTED 4] (“Claimant [REDACTED 4]”) submitted two Claim Forms, which were registered under the Claim Numbers 212064 and 300017. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 212064.

³ In 1999 Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted an Initial Questionnaire (“IQ”), numbered FRE-0020117, 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 claim number 707811.

⁴ Claimant [REDACTED 1] submitted two IQs, numbered HUN-0005016 and HUN-0005161, to the Court in 1999. These IQs were forwarded to the CRT and have been assigned claim numbers 727937 and 727987, respectively.

⁵ The CRT did not locate any accounts belonging to Dezso Burger or Ivan Zoltan Burger in the Account History Database (“AHD”) 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”).

⁶ The CRT did not locate an account belonging to Ignacz Burger or Sandor Burger in the AHD.

⁷ In a separate decision, the CRT treated Claimant [REDACTED 4]’s claim to the account of Oskar Burger. See *In re Account of Oskar Burger* (approved 27 December 2002).

claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Oskar Burger and Abraham Zucker.⁸ This award is to the unpublished account of F. Burger (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where the claimants have 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]

Claimant [REDACTED 1] submitted a Claim Form and Initial Questionnaires (“IQ”) identifying the Account Owner as his paternal grandmother, Franciska Burger, née Goldstein. According to the information provided by Claimant [REDACTED 1], his grandmother gave birth to Claimant [REDACTED 1]’s father, [REDACTED], in Hungary on 12 December 1907. Claimant [REDACTED 1] indicated that his family is Jewish. Claimant [REDACTED 1] further indicated that in March 1943 his father, who last resided at Savanyukut Utca 6 in Budapest, Hungary, was transported to a labor camp in Komarom, Hungary. Claimant [REDACTED 1] stated that [REDACTED] was later deported to Dachau, where he perished in November 1944.

In support of his claim, Claimant [REDACTED 1] submitted documents, including: (1) a certificate from the Hungarian Antifascist Committee, dated 16 September 1997, indicating that [REDACTED]’s mother was Franciska Burger, née Goldstein, and that he was transported to Komarom in 1943 and subsequently to Dachau, never to be heard from again; and (2) an affidavit, dated 22 September 1997 and signed by two people who indicated that they knew [REDACTED] personally, indicating that [REDACTED] was taken from Budapest in 1943 and that he died in Germany.

In a conversation with the CRT on 30 March 2007, Claimant [REDACTED 1]’s wife, [REDACTED], née [REDACTED], stated that Claimant [REDACTED 1] passed away. She also confirmed that Claimant [REDACTED 1]’s mother’s name was Franciska Burger. Claimant [REDACTED 1]’s wife submitted her husband’s death certificate, indicating that he was born on 26 January 1944 in Budapest and that he died there on 19 October 2005.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his paternal grandmother, Frida (Frumed) Burger, née Weisz, who was married to [REDACTED]. Claimant [REDACTED 3], who indicated that his family is Jewish, stated that his grandparents had a son, [REDACTED] (Claimant [REDACTED 3]’s father), who was born on 18 August 1890 in Cseke, Hungary, where they owned a general store. According to Claimant

⁸ In a separate decision, the CRT treated Claimant [REDACTED 2]’s claim to the account of Oskar Burger. See *In re Account of Oskar Burger* (approved 23 February 2006). The CRT did not locate an account belonging to Abraham Zucker in the AHD.

[REDACTED 3], his grandmother passed away sometime before 1926, and that her son (Claimant [REDACTED 3]'s father) was her heir. Claimant [REDACTED 3] stated that after the Nazi rise to power in Germany, his father, who owned a prosperous textile and manufacturing business as well as a department store in Eger, Hungary, traveled to Switzerland to establish bank accounts in order to secure the family's future. According to Claimant [REDACTED 3], his father attempted to flee Hungary for Switzerland in March 1944, but he was denied entry by Swiss officials. Claimant [REDACTED 3] further stated that his parents were deported to Auschwitz, where they perished in 1944. Claimant [REDACTED 3] indicated that he was also deported to Auschwitz in 1944, and that he was subsequently transported to concentration camps in Matthausen and Gunskirchen, where he remained until the end of the Second World War. In support of his claim, Claimant [REDACTED 3] submitted his own birth certificate, indicating that his father was [REDACTED], and that he was born on 6 August 1926 in Eger.

Claimant [REDACTED 3] previously submitted two Initial Questionnaires with the Court in 1999, asserting his entitlement to Swiss bank accounts owned by himself and his father.⁹

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying the Account Owner as her mother, Frieda (Fritzi) Burger, née Kohn, who was born on 18 January 1887, and was married to [REDACTED] in 1913 in Vienna, Austria. Claimant [REDACTED 4] indicated that her parents had two children: [REDACTED], who was born in 1915, and [REDACTED 4] (Claimant [REDACTED 4]), who was born in 1921. Claimant [REDACTED 4] further indicated that her parents, who were Jewish, lived at 21 Alserstrasse in Vienna XIII and that they vacationed in Switzerland. Claimant [REDACTED 4] indicated that her father, who was a gynecologist, was not permitted to practice medicine after the incorporation of Austria into the Reich in March 1938 (the "Anschluss"), and that the family fled to England in March 1939, where her sister died the same year. Claimant [REDACTED 4] indicated that her sister [REDACTED] had a son, [REDACTED]. Claimant [REDACTED 4] further indicated that her father died in London, England in 1954 and that her mother died in London on 26 March 1976. In support of her claim, Claimant [REDACTED 4] submitted documents, including: (1) her birth certificate, indicating that her parents were Frieda and [REDACTED]; (2) census declarations from the Austrian State Archive completed by Frieda and [REDACTED] in 1939 (described in more detail below); and (3) Frieda Burger's death certificate, indicating that she died in London on 26 March 1976, and indicating that Claimant [REDACTED 4] is Frieda Burger's daughter. Claimant [REDACTED 4] indicated that she was born on 13 August 1921 in Vienna.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an ATAG Ernst & Young claim form in 1998, an IQ in 1999, and a Claim Form in 2001, identifying the Account Owner as her mother, Frieda Burger, who was born on 9 January 1910 in Antwerp, Belgium, and was married to businessman [REDACTED]. Claimant [REDACTED 2] indicated that her parents, who were Jewish, had four

⁹ As noted above, the CRT did not locate an account belonging to Ignacz Burger or Sandor Burger in the AHD.

children: [REDACTED] (born 1934), twins [REDACTED] and [REDACTED] (born 1935), and [REDACTED 2] (Claimant [REDACTED 2]) (born 1937). Claimant [REDACTED 2] indicated that after the Nazis invaded Belgium her parents sent her to Villers, Belgium, to live with a Catholic family. According to a typed statement from her father which Claimant [REDACTED 2] submitted with her claim, on the night of 3 or 4 September 1943 her mother, brother, and sisters were taken from their home in Antwerp by the Gestapo and deported, never to be heard from again. Claimant [REDACTED 2] indicated that her father died in 1995.

In support of her claim, Claimant [REDACTED 2] submitted documents, including: (1) Frieda Burger's identification card, issued in Antwerp in 1942, indicating that she resided in Antwerp and that she was Jewish; (2) certificates of Belgian nationality, dated in August 1943 in Antwerp, for [REDACTED] and [REDACTED], indicating that Frieda Burger was their mother; (3) Frieda Burger's registration card from the transit camp in Mechelen, Belgium, indicating that she was born on 9 January 1910 in Antwerp, and that she was married to [REDACTED]; (4) registration cards from the Mechelen transit camp for [REDACTED], [REDACTED], and [REDACTED], indicating that their mother was Frieda Burger; (5) cards from the archives at Auschwitz, indicating that Frieda Burger was taken there; (6) an identity card issued to political prisoners and their beneficiaries, dated in 1952 in Antwerp, indicating that [REDACTED 2]'s mother was Frieda Burger; and (7) Claimant [REDACTED 2]'s certificate of Belgian nationality, dated in 1995, indicating that her mother was Frieda Burger.

Claimant [REDACTED 2] indicated that she was born on 28 July 1937 in Antwerp.

Information Available in the Bank's Records

The Bank's records consist of a printout from the Bank's database and a report from 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"). According to these records, the Account Owner was F. Burger. There is no information in the Bank's records regarding the Account Owner's complete first name or domicile.

The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records further indicate that the account was suspended, but the date of suspension is not indicated. According to these records, the account had a balance of 23.15 Swiss Francs ("SF") on 19 August 1975. The account remains suspended today.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance) there are documents concerning the assets of Frieda Burger, numbered 2990, and her husband, [REDACTED], numbered 8194.

These records indicate that Frieda Burger, née Kohn, who was born on 20 February 1873, was married to [REDACTED], and that they resided at Alserstrasse 21 in Vienna XIII. Correspondence in the file indicates that on 9 December 1939 the flight tax authorities (*Reichsfluchtsteuerstelle*) assessed [REDACTED] and Frieda Burger flight tax (*Reichsfluchtsteuer*) of 36,884.00 Reichsmark (“RM”) based on estimated assets totaling RM 147,537.00. These records make no mention of assets held in a Swiss bank account.

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 eight claims of the Claimants in one proceeding.

Identification of the Account Owner

The first initial and last name of Claimant [REDACTED 1]’s paternal grandmother, Claimant [REDACTED 3]’s paternal grandmother, Claimant [REDACTED 4]’s mother, and Claimant [REDACTED 2]’s mother each match the unpublished first initial and last 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 the first initial and last name.

In support of her claim, Claimant [REDACTED 4] submitted: (1) her birth certificate, (2) census forms from the Austrian State Archive, and (3) Frieda Burger’s death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same first initial and last name recorded in the Bank’s records as the first initial and last name of the Account Owner.

In support of her claim, Claimant [REDACTED 2] submitted: (1) Frieda Burger’s identification card, (2) certificates of Belgian nationality for Renee and [REDACTED], (3) Frieda Burger’s registration card from the transit camp in Mechelen, (4) registration cards from the Mechelen transit camp for [REDACTED], [REDACTED], and [REDACTED], (5) cards from the archives at Auschwitz, (6) an identity card issued to political prisoners and their beneficiaries, and (7) Claimant [REDACTED 2]’s certificate of Belgian nationality. These documents provide independent verification that the person who is claimed to be the Account Owner had the same first initial and last name recorded in the Bank’s records as the first initial and last name 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 [REDACTED] regarding [REDACTED], [REDACTED], and [REDACTED], and their mother, Frida (Frieda) Zucker, née Burger, which indicates that the latter was born on 9 January 1910 in Antwerp. The information in the page of

testimony matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial in Israel.

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 3]'s relative, Claimant [REDACTED 4]'s relative, and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1]

Claimant [REDACTED 1] indicated that the Account Owner's family was Jewish and that she resided in Hungary, but he did not provide any further details about his grandmother's life. However, the CRT notes that while the Account Owner may have died before the Nazi invasion of Hungary and therefore may not have been a Victim of Nazi Persecution, the Account Owner's son and immediate heir was a Victim of Nazi Persecution. Claimant [REDACTED 1] submitted an affidavit and a certificate from the Hungarian Antifascist Committee, indicating that [REDACTED] was deported to a labor camp in Komarom and subsequently to Dachau, where he perished in 1944.

Claimant [REDACTED 3]

The CRT notes that Claimant [REDACTED 3] indicated that the Account Owner passed away in 1926. The CRT further notes that while the Account Owner was not a Victim of Nazi Persecution, the Account Owner's son and immediate heir to the claimed account was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner's family was Jewish, that her son resided in Nazi-occupied Hungary during the Second World War, that her son tried to flee Hungary for Switzerland but was denied entry, and that he was deported to Auschwitz, where he perished.

Claimant [REDACTED 4]

Claimant [REDACTED 4] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 4] stated that the Account Owner was Jewish, that she lived in Austria under the Nazi regime, and that she fled Austria to escape Nazi persecution. As discussed above, the Austrian State Archives contain records regarding Frieda Burger, indicating that she was required to register her assets pursuant to the 1938 Census.

Claimant [REDACTED 2]

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] indicated that the Account Owner, who was Jewish, and three of her four children were deported from Antwerp in 1943, and that they were never heard from again. Additionally, Claimant [REDACTED 2] submitted her mother's identification card from Nazi-occupied Antwerp, registration cards from the transit camp in Mechelen for her mother and her siblings, and cards from the archives at Auschwitz, which indicate that her mother and her siblings were Victims of Nazi Persecution. As noted above, a person named Frida Burger was included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s paternal grandmother. Claimant [REDACTED 1] submitted an affidavit and a certificate from the Hungarian Antifascism Committee, and Claimant [REDACTED 1]'s widow provided Claimant [REDACTED 1]'s death certificate, showing that Claimant [REDACTED 1]'s paternal relatives bore the same family name as the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 3]

Claimant [REDACTED 3] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 3]'s paternal grandmother. The CRT notes that Claimant [REDACTED 3] submitted his own birth certificate, indicating that Claimant [REDACTED 3]'s paternal relatives had the same last name as the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 4]

Claimant [REDACTED 4] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, her own birth certificate, and her mother's death certificate, demonstrating that the Account Owner was Claimant [REDACTED 4]'s mother. The CRT notes that the information provided by Claimant [REDACTED 4] indicates that the Account Owner may have other surviving relatives. However, because they are not represented in Claimant [REDACTED 4]'s claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

Claimant [REDACTED 2]

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, a certificate of Belgian nationality, and an identity card issued to political prisoners and their beneficiaries, indicating that Frieda Burger was her mother.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains suspended today.

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, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s paternal grandmother, Claimant [REDACTED 3]'s paternal grandmother, Claimant [REDACTED 4]'s mother, and Claimant [REDACTED 2]'s mother, and those relationships justify 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 Auditors' Reports indicate that the value of the account was SF 23.15 on 19 August 1975. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 465.00, which reflects standardized bank fees charged to the account between 1945 and 19 August 1975. Consequently, the adjusted balance of the account at issue is SF 488.15. 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.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 3], Claimant [REDACTED 4], and Claimant [REDACTED 2] are each entitled to one-fourth of the 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).

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