

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by [REDACTED 2]

to Claimants [REDACTED 2]

and [REDACTED 3]

in re Account of Marie Fischer

Claim Numbers: 201223/AX; 202050/AX; 222875/AX

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of [REDACTED],¹ and the claim of [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of [REDACTED].² This Award is to the published account of Marie Fischer (the “Account Owner”) at the Biel 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimants [REDACTED 1] and [REDACTED 2]

Claimant [REDACTED 1], who is Claimant [REDACTED 2]’s mother, submitted a Claim Form identifying the Account Owner as her deceased husband’s mother, Maria Fischer, née Weisz.

¹ The CRT will treat the claims to this account in a separate decision.

² The CRT did not locate an account belonging to Claimant [REDACTED 3]’s relative, [REDACTED], in the Account History Database 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). Claimant [REDACTED 3] should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by Claimant [REDACTED 3] or upon information from other sources.

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his paternal grandmother, Maria Fischer, née Weisz. Claimants [REDACTED 1] and [REDACTED 2] indicated that Maria Fischer was married to [REDACTED], and further indicated that the couple had one child, [REDACTED], Claimant [REDACTED 1]'s late husband and Claimant [REDACTED 2]'s father. According to the Claimants, Maria Fischer, who was Jewish, resided in Budapest, Hungary, prior to the Second World War. Claimants [REDACTED 1] and [REDACTED 2] indicated that Maria Fischer was confined in the Ghetto in Budapest, and was subsequently deported to the concentration camp in Mauthausen. Claimants [REDACTED 1] and [REDACTED 2] indicated that Maria Fischer died in 1966 in Budapest. In support of their claims, Claimants [REDACTED 1] and [REDACTED 2] submitted Claimant [REDACTED 1]'s marriage certificate, indicating that she was married to [REDACTED], and that [REDACTED]'s mother was Maria Fischer, née Weisz; and [REDACTED]'s death certificate, indicating that his mother was Marie Fischer, and that he was from Budapest. Claimant [REDACTED 2] submitted his Hungarian identity card, indicating that his mother is Claimant [REDACTED 1]. Claimant [REDACTED 1] indicated that she was born on 26 February 1926 in Baja, Hungary. Claimant [REDACTED 2] indicated that he was born on 6 May 1955 in Budapest.

Claimants [REDACTED 1] and [REDACTED 2] previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting their entitlement to a Swiss bank account owned by [REDACTED].

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her mother, Maria Keszler, née Fischer, who was born in 1905, and was married to [REDACTED] in 1925 in Budapest. According to Claimant [REDACTED 3], her mother died in 1941. Claimant [REDACTED 3] further indicated that her father was deported to the concentration camp in Birkenau in 1944. According to Claimant [REDACTED], her father was shot by the Nazis while being forcibly marched from Birkenau to Hirsberg. In support of her claim, Claimant [REDACTED 3] submitted the death certificate of her mother, indicating her name was Maria Keszler, née Fischer, and that she was from Budapest; a life insurance policy for [REDACTED], indicating that the beneficiary was his wife, Maria Keszler, née Fischer; and a list of [REDACTED]'s assets that he was required to compile by the Nazis. Claimant [REDACTED 3] indicated that she was born on 17 January 1927 in Budapest, Hungary.

Claimant [REDACTED 3] previously submitted an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of a list of dormant accounts and printouts from the Bank's database. According to these records, the Account Owner was Marie Fischer, who resided in Budapest, Hungary. The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 5634. The Bank's records further indicate that there had been no contact with the Account Owner since 1932. According to the Bank's records the balance of the account on 21

April 1943 was 14.55 Swiss Francs (“SF”). The Bank’s records indicate that the account was transferred to a suspense account for dormant assets on 30 April 1977. The amount in the account on the date of its transfer was SF 21.25. The account remains in the Bank's suspense 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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1]’s mother-in-law and Claimant [REDACTED 2]’s grandmother’s name substantially match the published name of the Account Owner.³ Claimant [REDACTED 1]’s mother-in-law and Claimant [REDACTED 2]’s grandmother’s city and country of residence match the published city and country of residence of the Account Owner. In support of their claims, Claimant [REDACTED 1] and Claimant [REDACTED 2] submitted documents, including Claimant [REDACTED 1]’s marriage certificate, indicating that [REDACTED]’s mother was Maria Fischer, née Weisz, and [REDACTED]’s death certificate, indicating that his mother was Maria Fischer and that he was from Budapest, providing independent verification that the person who is claimed to be the Account Owner had the same name and had a family connection to the same city recorded in the Bank’s records as the name and city of residence of the Account Owner.

The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2] filed an IQ with the Court in 1999, asserting their entitlement to a Swiss bank account owned by [REDACTED], and indicating that his mother was Maria Fischer, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant [REDACTED 1] and Claimant [REDACTED 2] have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] and Claimant [REDACTED 2] had reason to believe that their 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 [REDACTED 1] and Claimant [REDACTED 2].

³ The CRT notes that Maria is a common variation of the name Marie.

Claimant [REDACTED 3]

Claimant [REDACTED 3]'s mother's name substantially matches the published name of the Account Owner.⁴ Claimant [REDACTED 3]'s city and country of residence match the published city and country of residence of the Account Owner. In support of her claim, Claimant [REDACTED 3] submitted the death certificate of her mother, indicating her name was Maria Keszler, née Fischer, and that she was from Budapest; and a life insurance policy for [REDACTED], indicating that the beneficiary was his wife, Maria Keszler, née Fischer, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2]'s relative, and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information 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 the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1] and Claimant [REDACTED 2] have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] and Claimant [REDACTED 2] stated that the Account Owner was Jewish, and that she was confined in the Ghetto in Budapest and subsequently deported to the concentration camp in Mauthausen.

Claimant [REDACTED 3]

The CRT notes that according to Claimant [REDACTED 3], the Account Owner died in 1941. The CRT further notes that while the Account Owner may not have been a Victim of Nazi Persecution, the Account Owner's husband was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner's husband was Jewish, that he was deported to the concentration camp in Birkenau in 1944, and shot by the Nazis while being forcibly marched from Birkenau to Hirsberg.

⁴ As indicated above, the CRT notes that Maria is a common variation of the name Marie.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother-in-law, and Claimant [REDACTED 2]'s grandmother. The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2] submitted Claimant [REDACTED 1]'s marriage certificate, indicating that she was married to [REDACTED], and that [REDACTED]'s mother was Maria Fischer; and that Claimant [REDACTED 2] submitted his identity card, indicating that Claimant [REDACTED 1] is his mother. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 3]

Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 3]'s mother. These documents include the death certificate of her mother, indicating her name was Maria Keszler, née Fischer, and that she was from Budapest; an insurance policy for [REDACTED], indicating that the beneficiary was his wife, Maria Keszler, née Fischer. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. 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 Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] is related to the Account Owner, as she has asserted in her Claim Form. 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 remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her mother-in-law, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his grandmother; and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her 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 one savings/passbook account. The Bank's records

indicate that the value of the savings/passbook account as of 1943 was SF 14.55. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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. Consequently, the total award amount in this case is SF 10,375.00.

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] and Claimant [REDACTED 2] are collectively entitled to one-half of the Award amount, and Claimant [REDACTED 3] is entitled to one-half of the Award amount.

Furthermore, 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 the present case, Claimant [REDACTED 2] is the grandson of the Account Owner, while Claimant [REDACTED 1] is only related to the Account Owner through marriage. Accordingly, Claimant [REDACTED 2] is entitled to the total share of the award amount for Claimant [REDACTED 1] and Claimant [REDACTED 2].

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
24 December 2004