

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Bertha Siegal

Claim Number: 219373/ES

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Berta Siegel (the “Account Owner”) at the Locarno 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 a Claim Form identifying the Account Owner as his mother, Berta [REDACTED], née Siegel, who was born in 1906 in Volochisk, Ukraine and was married to [REDACTED] in 1930 in Vinitza, Ukraine. The Claimant stated that his mother worked in her parents’ store until 1928, when she began studying at the *Vinnitski Pedagogique Technikum*, where she was a student until 1932. The Claimant mentioned that during the 1920s his mother lived in Switzerland for a short period of time. The Claimant stated that his mother was a school professor in Odessa, Ukraine until 1941. The Claimant stated that in the summer of 1941, when the Nazis invaded the Ukraine, he, his mother and his sister tried to escape, but were seized in Imerinka and were transferred to the Stanislavchik Ghetto, where his mother was detained until 1945. The Claimant stated that after the War his mother continued to live in Imerinka Vinitzkaja and that she died in 28 May 1957 in Vinitza. In support of his claim, the Claimant submitted his own birth certificate, demonstrating that his mother is Berta Siegel, and his mother’s death certificate. The Claimant indicated that he was born on 1 March 1939 in Odessa.

Information Available in the Bank Records

The bank records consist of extracts from the bank ledger as well as internal bank correspondence dated 19 February 1964 regarding accounts with low values. According to these records, the Account Owner was Berta (Bertha) Siegel who resided in Acquarossa Terme,

Switzerland. The bank records indicate that the Account Owner held an account of unknown type.

The internal bank correspondence is a memorandum addressed to the Bank's Legal Department and is dated 19 February 1964. The memorandum refers to the Swiss Federal decree that required Swiss banks to register dormant assets held by foreigners who were known or presumed to have fallen victim to religious, racial, or political persecution. The memorandum references a telephone conversation held that day with the Legal Department about this topic and encloses a list of accounts held at the Bank which had balances under 100.00 Swiss Francs. The memorandum "requests [the Legal Department] to inform them which of the persons listed could be considered to be a Jew, so that we, in such cases, can close those accounts off the books" (*"mit der höflichen Bitte, uns mitzuteilen, welche der darin enthaltenen Personen als Jude betrachtet werden können, damit wir, gegebenenfalls, die betreffenden Konti ausbuchen können"*).

The records indicate that the account was transferred to a suspense account on or before 20 December 1948 and was closed by fees and charges on 19 February 1964. The amount in the account on 9 May 1945 was 6.50 Swiss Francs. 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") indicated that the account has been dormant for at least ten years during some period since 1945.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name matches the published name of the Account Owner. The Claimant indicated that his mother lived in Switzerland, which matches unpublished information about the Account Owner contained in the bank records. In support of his claim, the Claimant submitted documents, including his birth certificate, demonstrating that his mother is Berta Siegel, and his mother's death certificate.

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 she was detained in the Stanislavchik Ghetto for four years.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting his birth certificate and his mother's death certificate, demonstrating that Berta Siegel was his mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a suspense account on or before 20 December 1948 and was closed by fees and charges on 19 February 1964.

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 23 of the Rules Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was his mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the unknown account as of 9 May 1945 was 6.50 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 15.50 Swiss Francs, which reflects standardized bank fees charged to the unknown account between January 1945 and 9 May 1945. Consequently, the adjusted balance of the account at issue is 22.00 Swiss Francs. According to Article 35 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Initial Payment

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 65% of the total award amount is 30,810.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

December 31, 2002