

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Berthold Spiegel**

Claim Number: 203323/MO<sup>1</sup>

Award Amount: 156,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Berthold Spiegel (the “Account Owner”) at 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 her father, Berthold Spiegel, who was born on 17 July 1871 in Gleiwitz, Germany (now Gliwice, Poland), and was married to [REDACTED], née [REDACTED], in October 1916. The Claimant indicated that her father was the son of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant identified her father as an executive with the firm *Oberschlesische Braunkohlen AG*, who resided at Levetzowstrasse 12a, Berlin, and later from 1940, at Holsteinerufer 3, Berlin. The Claimant indicated that her paternal uncle, [REDACTED] (her father’s older brother), who resided in Wiesbaden, Germany, traveled regularly to Switzerland on business, and that her father accompanied him on these trips. The Claimant further stated that her parents, who were Jewish, were forced to move from their apartment and later in March 1943, were deported by the Nazis and were never seen again, most likely killed by the Nazis. In support of her claim, the Claimant submitted copies of her birth certificate and her marriage certificate and copies of messages sent by her father to relatives in Palestine in 1942. The Claimant indicated that she was born on 3 July 1919 in Berlin, and that she was the only child of her parents.

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<sup>1</sup> The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 203323 and 219310. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 203323. The Claimant submitted additional claims to the accounts of her mother, [REDACTED], and her uncle, [REDACTED], which are registered under the Claim Numbers 207242, 219328 and 500027. The CRT will treat the claims to these accounts in separate decisions.

## **Information Available in the Bank Record**

The Bank's record consists of a customer card. According to these records, the Account Owner was Berthold Spiegel, who gave Wiesbaden, Germany, as his address. The Bank's record indicates that the Account Owner held a custody account, numbered L1072, which was closed on 18 April 1933. The Bank's record does not show when the account at issue was opened, or to whom it was paid, nor does this record indicate the value of this account. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Berthold Spiegel, and indicates that his date of birth was 17 July 1871 and place of birth was Gleiwitz, Germany, 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. Furthermore, the CRT notes that there are no other claims filed to this account, and that the CRT previously awarded the Claimant an account owned by Berthold and [REDACTED], where the Claimant also matched unpublished information contained in the Bank's records concerning the Account Owner.

### 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 was deported by the Nazis and killed in March 1943. As noted above, a person named Berthold Spiegel was included in the CRT's database of victims.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is his daughter. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

Given that in 1933, the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures

including confiscation of assets held in Swiss banks; the Account Owner remained in Germany and was deported by the Nazis in March 1943, never to be seen again; and the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”) (see Appendix A) and Appendix C,<sup>2</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

### 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. Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case the Account Owner held a custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 156,000.00 Swiss Francs.

### **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 her claim to determine whether there are additional Swiss bank accounts to which she 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  
June 3, 2003

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<sup>2</sup> Appendix C appears on the CRT II website -- [www.crt.ii.org](http://www.crt.ii.org).