

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Berthe Steiger and Bertha Steiger

Claim Number: 777257/SB¹

Award Amount: 59,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of [REDACTED], [REDACTED],² and Bertha Steiger. This Award is to the unpublished account of Berthe Steiger and to the published account of Bertha Steiger (the “Account Owner”) at the Murten and Weinfeldten branches, respectively, of the [REDACTED] (the “Bank ”).³

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 maternal grandmother, Bertha (Betty) Steiger, née Back, who was born on 8 September 1866 in Prossnitz (Prostejov), Czechoslovakia. The Claimant stated that her grandmother, who was Jewish, had five children: Rosa, (the Claimant’s mother), Paula, Camilla, Martha and Siegfried.

¹ The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered 0279 123, 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 Initial Questionnaires 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 777257.

² The CRT did not locate an account belonging to the Claimant’s relatives, [REDACTED] and [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”). The Claimant 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 the Claimant or upon information from other sources.

³ The CRT has determined that, for purposes of this Award, these accounts shall be treated as having been held by the same person, although the information in the Banks’ records is so limited that a definite determination is impossible.

The Claimant further stated that her grandmother resided for some years in Vienna, Austria, before returning to Prossnitz. The Claimant continued that her grandmother was murdered by the Nazis in Auschwitz. The Claimant submitted an extract from the Vienna Magistrate's register for Betti Steiger, which indicates her date and place of birth, and maiden name; a letter, dated 16 September 1970, from the International Red Cross to the Claimant regarding the Claimant's inquiries as to the fate of several of the Claimant's family members in the Second World War, including Bertha Steiger; and the Claimant's Austrian identity card, dated 28 June 1939, which indicates her date and place of birth. The Claimant indicated that she was born on 27 August 1927 in Vienna.

Information Available in the Bank's Records

Murten Branch of the Bank

The Bank's records at the Murten branch of the Bank consist of a list of inactive savings accounts, dated 9 November 1942, and a printout from the Bank's database. According to these records, the Account Owner was Berthe Steiger. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held a savings account, numbered 2831, and that the last activity on the account took place on 1 April 1931. The Bank's records further indicate that the balance of the account on 9 November 1942 was 3.85 Swiss Francs ("SF"). According to the Bank's records the balance of the account was transferred to a suspense account for dormant assets on 27 October 1961. The account remains in the Bank's suspense account.

Weinfelden Branch of the Bank

The Bank's record at the Weinfelden branch of the Bank consists of a printout from the Bank's database. According to this record, the Account Owner was Bertha Steiger. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account, numbered 2034, but it does not indicate the type of the account. The Bank's record further indicates that the account was considered dormant by the Bank and that it was transferred to a suspense account for dormant assets on 18 October 1961. The balance of the account on the date of the transfer was SF 1.00. The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's name matches the published and unpublished name of the Account Owner.⁴ The CRT notes that the Bank's records do not contain any specific information

⁴ The CRT notes that the Claimant's grandmother's name was spelt "Bertha" but that the Bank's records indicate that the Account Owner's name for one of the accounts at issue was spelt "Berthe." The CRT finds that this discrepancy is immaterial and does not affect the Claimant's identification of the Account Owner.

about the Account Owner other than her name. In support of her claim, the Claimant submitted documents, including a letter from the International Red Cross to the Claimant regarding the fate of the Claimant's family members, including Bertha Steiger, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Bertha Steiger, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also 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.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Bertha Steiger, 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.

The CRT further notes that the name Bertha Steiger appears only once on the ICEP List, and 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 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 murdered in Auschwitz. As noted above, a person named Bertha Steiger 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 specific information and documents, demonstrating that the Account Owner was the Claimant's grandmother. The CRT 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 submitted a copy of an extract from the Vienna Magistrate's register for Betti Steiger, and a letter from the International Red Cross to the Claimant regarding Bertha Steiger, which the CRT notes is plausible are documents which most likely only a family member would possess, which together, support the plausibility that the Claimant is related to the Account Owner, as the Claimant 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 accounts remain in the Bank's suspense 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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her grandmother, 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 one savings account and one account of unknown type.

With regard to the savings account, the Bank's records indicate that the balance of the account as of 9 November 1942 was SF 3.85. 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, to produce an award amount of SF 10,375.00.

With regard to the account of unknown type, the Bank's records indicate that the value of the account as of 18 October 1961 was SF 1.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 255.00, which reflects standardized bank fees charged to the account between 1945 and 1961. Consequently, the adjusted balance of the account is SF 256.00. 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 an award amount of SF 49,375.00.

Consequently, the total award amount is SF 59,750.00

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 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
12 May 2005