

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Jakob Steinberg

Claim Numbers: 300150/WI; 300151/WI; 300152/WI; 300153/WI; 300154/WI

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of Herscu Schuller, Carol Calman Steinberg, Elvira Gisela Max and Iakob Steinberg.¹ This Award is to the published account of Jakob Steinberg (the “Account Owner”) at the Zurich 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 paternal great-uncle Iakob Steinberg (Steimberg), who was born on 16 March 1862 in Murgeni, Romania, and was married to [REDACTED] on 27 March in Leova, Romania. The Claimant indicated that his great-uncle, who was Jewish, resided at M. Eminescu 9 Street in Chisinau, Romania (now Moldova) prior to the Second World War. The Claimant explained that his great-uncle was a successful businessman who owned numerous properties and assets. According to the Claimant, after the Nazi invasion of Moldova his great-uncle was deported to a ghetto in Chisinau and subsequently to a concentration camp in Transnistria, Romania, where he perished in 1942.

The Claimant submitted copies of: (1) his own birth certificate, indicating that [REDACTED] was born on 11 July 1929 in Husi, Romania, and that his parents were [REDACTED] and

¹ The CRT will treat the claim to the account of Herscu Schuller in a separate determination. The CRT did not locate an account belonging to Carol Calman Steinberg 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”). In a separate decision, the CRT awarded the account of Elvira G. Max to the Claimant. See *In re Account of Elvira G. Max* (approved on 23 March 2007).

[REDACTED]; (2) a legalization certificate, issued on 6 June 1939 by a Legal Division of the Jewish Community of Husi (*Comunitatea Evreilor Husi Judetul Falcu*), indicating that Iakob Steimberg was born on 16 March 1862 in Murgeni to [REDACTED] and [REDACTED] and that he was married to [REDACTED] on 27 March 1919, and that [REDACTED] was born on 2 February 1866 in Murgeni to [REDACTED] and [REDACTED] and that he was married to [REDACTED] in 1901 in Husi; (3) his great-uncle last will and assets' declaration, dated 15 April 1939, indicating that Iakob Steimberg co-owned a company [REDACTED] located in Chisinau, and naming [REDACTED] his legal successor; (4) his father's birth certificate, indicating that [REDACTED] was born on 27 March 1903 and that his parents were [REDACTED] and [REDACTED]; (5) his father's death certificate, indicating that [REDACTED] died in 1983 in Husi; (6) his mother's death certificate, indicating that [REDACTED] died on 7 April 1991 in Husi; (7) his parents' marriage certificate, indicating that [REDACTED] was married to [REDACTED] on 13 September 1927 in Husi; (8) two letters from his great-uncle to his parents, dated 18 May 1939 and November 1942, mentioning assets "deposited in a safe place"; and (9) a detailed family tree.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 and ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Iakob Steinberg.

The Claimant indicated that he was born on 11 July 1929 in Husi.

Information Available in the Bank's Records

The CRT notes that 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 report an account belonging to Jakob Steinberg during their investigation of the Bank. The documents evidencing an account belonging to Jakob Steinberg were obtained from the Swiss Federal Archive and are further described below.

Information Available from the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the "1962 Survey").

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the registration of assets belonging to Jakob Steinberg, numbered 218. These records indicate that the Account Owner was Jakob Steinberg who resided at Tiginha-Duca 20 Street and then at Eminescu 9 Street in Chisinau, Romania (now Moldova).

According to these records, the Account Owner held a *Depositenkonto* (a time deposit account), numbered 19133, which was opened on 22 November 1931, and had a value of 3,625.80 Swiss Francs ("SF") as of 27 February 1964. These records further indicate that the last contact with the Account Owner occurred prior to the end of the Second World War. According to a document, dated 7 October 1965, the Registration Office for Assets of Missing Foreigners (the "Registration Office") ("*Meldestelle für Vermögen verschwundener Ausländer*") requested that the Guardianship Authorities of the city of Zurich ("*Vormundschaftsbehörde der Stadt Zürich*") entrust the assets to a custodian, as prescribed by the 1962 Federal decree. The records indicate that such a custodian was appointed in 1966. The records from the Swiss Federal Archive do not refer to the ultimate disposition of the assets. There is no evidence in the Swiss Federal Archive that the Account Owner or his heirs closed the account and received the proceeds themselves.

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 five claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-uncle's name matches the published name of the Account Owner.² The Claimant identified the Account Owner's country and city of residence and the exact street address, which match unpublished information about the Account Owner contained in the records of the Swiss Federal Archive.

In support of his claim, the Claimant submitted documents, including a legalization certificate and his great-uncle declaration of assets and the last will providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Swiss Federal Archive's records as the name and city of residence of the Account Owner.

The CRT notes that the name Jakob Steinberg appears only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Iakob Steimberg, prior to the publication of the 2005 List. This indicates that the

² The CRT notes that "Iakob" is an alternative Romanian spelling for Jakob. The CRT further notes that the documents submitted by the Claimant include various spellings of the Claimant family's last name. However, given that these documents include legalization certificates and that the names are very similar, and given the identification by the Claimant of the Account Owner's unpublished street address, the CRT concludes that these documents refer to the same persons.

Claimant has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided different cities of residence and different countries, than the city and country of residence, of 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, that he was deported to a ghetto in Kishniev, and that he perished in a concentration camp in Transnistria.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's paternal great-uncle. These documents include: (1) a legalization certificate, indicating that Jakob Steimberg's and [REDACTED]'s parents were [REDACTED] and [REDACTED]; (2) his father's birth certificate, indicating that [REDACTED]'s father was [REDACTED]; and (3) his own birth certificate, indicating that [REDACTED]'s father was [REDACTED].

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-occupied part of Romania; that he was deported and perished in a concentration camp; that the account was reported in the 1962 Survey, which indicates that it existed until at least that time; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h), (i) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his paternal great-uncle, and that relationship justifies an Award. Third, 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 one account known as a *Depositenkonto*, a time deposit account, which the CRT treats as an account of unknown type. The records of Swiss Federal Archives indicate that the value of the account as of 27 February 1964 was SF 3,625.80. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 3,925.80. 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.

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 his claims 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
30 May 2008