

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
also acting on behalf of [REDACTED] and [REDACTED]

### **in re Accounts of David Steindecker and Charles Steindecker**

Claim Numbers: 213601/AY, 213602/AY<sup>1</sup>

Award Amount: 351,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of David Steindecker (“Account Owner David Steindecker”) and Charles Steindecker (“Account Owner Charles Steindecker”) (together the “Account Owners”) at the [REDACTED I] (“Bank I”) and the [REDACTED II] (“Bank II”) (together the “Banks”).

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 two Claim Forms identifying the Account Owners as his grandfather, David Steindecker, and his father, Charles Leopold Steindecker. According to the Claimant, his grandfather, who was Jewish, was born to [REDACTED] and [REDACTED] on 15 April 1859 in Frankfurt, Germany, and was married to [REDACTED], née [REDACTED], on 7 November 1889 in Frankfurt. The Claimant indicated that the couple had two children: Charles and [REDACTED]. The Claimant stated that his grandfather was a banker and the General Manager of *Banque Steindecker*. The Claimant added that his grandfather resided at Boulevard Hausmann in Paris, France, from 1889 until 1923, at 3 Rue de la Bourse in Paris from 1923 until 1929, and at 78 Avenue Malakoff in Paris, until he died on 25 February 1936.

The Claimant stated that his father, Charles Steindecker, was born on 16 September 1903 in Paris, and was married to [REDACTED], née [REDACTED], on 12 September 1932 in Amsterdam, The Netherlands, with whom he had three children: [REDACTED], [REDACTED] and the Claimant. The Claimant indicated that from 1932 to 1940 his father worked as a banker at the banking company *Steindecker et Cie.* or *Steindecker Frères*, which was located at 6 Rue Halevy in Paris. The Claimant stated that his father

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<sup>1</sup> The Claimant submitted two other claim forms, which were registered under the Claim Numbers 213603 and 213604. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 213602.

resided at 78 Avenue Malakoff in Paris from 1929 to 1932, and at 4, Square Thiers in Paris. Furthermore the Claimant stated that his father, who was Jewish, was forced to flee Paris with his family in 1940 in order to escape Nazi persecution and arrived in the United States on 2 July 1941, where he lived until 25 April 1990, when he passed away. In support of his claim, the Claimant submitted numerous documents, including his father's birth and death certificates indicating that his father was the son of David Steindecker, his grandfather's family book, his father's family book indicating his address in Paris and indicating the Claimant and the represented parties as his children, his father's French army book, his father's will, his parents' marriage certificate, and his father's identity card, all indicating the names of the Claimant's relatives, their relations and their addresses. Finally, the Claimant submitted a sample of his father's signature.

The Claimant indicated that he was born on 10 October 1936 in Paris. The Claimant is representing [REDACTED], née [REDACTED], his sister, who was born on 21 September 1933 in Paris, and [REDACTED], his brother, who was born on 30 January 1940 in Paris.

### **Information Available in the Banks' Records**

#### Bank I

Bank I's records consist of a joint account opening contract dated 9 July 1935 in Bern, Switzerland. According to this record, the Account Owners were David Steindecker, who resided at 78, avenue Malakoff in Paris, France, and his son, Charles Steindecker, who resided at 4, square Thiers in Paris. Bank I's record indicates that the Account Owners held a custody account. Bank I's record does not show when the account at issue was closed, or to whom it was paid, nor do these records 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 Bank I's record that the Account Owners or their heirs closed the account and received the proceeds themselves.

#### Bank II

Bank II's records consist of a customer card, a list of the customers of Bank II, and a printout from Bank II's database. According to these records, the Account Owner was David Steindecker who resided at 78, avenue Malakoff in Paris, France. Bank II's records indicate that Bank II was instructed to hold all correspondence. Bank II's records further indicate that Account Owner David Steindecker held a custody account numbered 30861, and a demand deposit account. According to Bank II's records, the accounts were frozen on 6 July 1940 by virtue of a Swiss Federal Decree. Regarding the custody account, Bank II's records indicate that the Account Owner owned Hungarian securities with a face-value of 23,800.00 Crowns, and that Bank II discarded these securities on 17 October 1949, a date upon which Bank II considered the securities to be valueless. Bank

II's records indicate that the custody account was closed on 17 October 1949 and that the demand deposit account was closed on 25 October 1949, both to Bank II's profit and loss account. The demand deposit account had a debit balance of 40.15 Swiss Francs as of 13 October 1949.

## **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 two claims of the Claimant in one proceeding.

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His grandfather's and father's names match the published names of the Account Owners. The Claimant identified his grandfather's and father's places of residence, including their street addresses, which matches unpublished information about the Account Owners contained in the Banks' records. In support of his Claim, the Claimant submitted numerous documents including his father's birth and death certificates, indicating that he was the son of David Steindecker, his grandfather's family book, his father's family book indicating his address in Paris and indicating the Claimant and the represented parties as his children, his father's French army book, his father's will, his parents' marriage certificate, and his father's identity card, all indicating the names of the Claimant's relatives, their relations and their addresses. Finally, the Claimant submitted a sample of his father's signature, which matches the signature sample of Account Owner Charles Steindecker contained in Bank I's record. Furthermore, the CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT has concluded that the Claimant has plausibly identified the Account Owners.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Charles Steindecker was a Victim of Nazi Persecution. The Claimant stated that Account Owner Charles Steindecker was Jewish, and that he was forced to flee Nazi-occupied France during the Second World War. The CRT notes that Account Owner Charles Steindecker was the heir to Account Owner David Steindecker.

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

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting documents, including his father's will, demonstrating that the Claimant is Account Owner Charles Steindecker's son and Account Owner David Steindecker's grandson.

### The Issue of Who Received the Proceeds

Regarding the custody account at Bank I, given that although Account Owner Charles Steindecker fled France in 1940, there is no record of the payment of the Account Owners' account to them nor any record of a date of closure of the account; that the Account Owner's accounts at Bank II were not paid to the Account Owner; that the Account Owners and their heirs would not have been able to obtain information about his accounts 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 the application of Presumptions (f), (h) and (j), as provided in Article 28 of 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.

With respect to the accounts at Bank II, Bank II's records indicate that the accounts were closed by Bank II to its profit and loss account.

### 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 Owners were his grandfather and father, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that the Account Owners or their heirs did not receive the proceeds of the their accounts.

### Amount of the Award

In this case, at Bank I Account Owner Charles Steindecker held one custody account jointly with Account Owner David Steindecker. 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. Consequently, the total 1945 average value of the custody account at Bank I was 13,000.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of 162,500.00 Swiss Francs.

At Bank II Account Owner David Steindecker held one demand deposit account and one custody account. Regarding the demand deposit account at Bank II, its records indicate that the demand deposit account as of 13 October 1949 had a debit balance of 40.15 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. 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 amount of 26,750.00 Swiss Francs.

Regarding the custody account at the Bank II, 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. Consequently, the total 1945 average value of the custody account was 13,000.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of 162,500.00 Swiss Francs.

Consequentially, the total award amount is 351,750.00 Swiss Francs.

#### Division of the Award

According to Article 23(1)(c) of the Rules, in absence of the Account Owner's will, 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. The Claimant is representing his siblings, [REDACTED] and [REDACTED]. Accordingly, the Claimant and his two siblings are each entitled to one third of the total award amount.

#### **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 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  
6 February 2004