

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Steiner

Claim Number: 735734/WI^{1,2}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Joseph Steiner.³ This Award is to the unpublished account of Steiner (the “Account Owner”) at the [REDACTED] (the “Bank”).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 an Initial Questionnaire identifying the Account Owner as *Fabrique de Broses* (brush factory) *STEINER*, located at Lange Altaarstraat 33 in Antwerp, Belgium. In a telephone conversation with the CRT on 18 July 2007, the Claimant stated that the factory was owned by her father, [REDACTED], who was born on 5 January 1899 in Beresna, Russia (now the Ukraine), and was married to [REDACTED] in 1931. The Claimant further stated that her father, who was Jewish, fled Russia for Belgium after the Revolution of 1917, and that he was a businessman. The Claimant indicated that her parents resided at Lange Altaarstraat 33 in Antwerp prior to the Second World War. The Claimant further indicated that during the Second World War, her father was imprisoned by the Nazis and subsequently deported to a camp in Bologna, Italy, where he perished at the age of 42. Finally, the Claimant indicated that during

¹ Claimant [REDACTED] (the “Claimant”) submitted two additional claims, which are registered under the Claim Numbers 208683 and 736072. The CRT will treat these claims in separate determinations.

² The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered POR-0002117, 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 735734.

³ The CRT will treat the claim to this account in a separate determination.

the Second World War, she was separated from her mother, lived in hiding with a non-Jewish couple, and was then placed in an orphanage for Jewish children.⁴

The Claimant submitted copies of: (1) an excerpt from a birth registry in Antwerp, indicating that [REDACTED] was born on 2 September 1938 in Antwerp to [REDACTED], a commercial representative born in Beresna, Russia and [REDACTED], born in Podgorze, Poland and that the parents resided at Lange Altaarstraat 33 in Antwerp; (2) her mother's political prisoner's beneficiary identification card, issued in 1930 by the Belgian Ministry of Reconstruction, indicating that [REDACTED], born on 24 September 1901 in Podgorze was granted a political prisoner's beneficiary's status after [REDACTED]; (3) her own Victim Status identification card, indicating that [REDACTED] was born on 2 September 1938, and that her father, [REDACTED] was a deportee to a concentration camp; (4) a document issued by the Belgian Ministry of Social Affairs, indicating that [REDACTED], born on 2 September 1938 and residing at Lange Altaarstraat 33 in Antwerp, was placed in *Kinderheim de Lasne* as of 2 November 1943 due to Nazi persecutions; (4) pages from the book "*Ils n'ont pas eu les gosses*" ("The Nazis did not catch those children") by Sylvain Brachfeld, which indicates that during the Second World War, [REDACTED] was placed in orphanages for Jewish children in Antwerp and in Lasne; and (5) a blank invoice for the *Fabrique de Brosses STEINER*, indicating that the factory was located at Lange Altaarstraat 33 in Antwerp.

The Claimant indicated that she was born on 2 September 1938 in Antwerp.

Information Available in the Bank's Record

The Bank's record consists of a report from 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"). According to this report, the Account Owner was Steiner. The auditor's report does not indicate the Account Owner's domicile, nor does it indicate whether the Account Owner was a natural person or a legal entity. The auditors' report indicates that the Account Owner held an account, the type of which is not indicated. The auditors' report indicates that the account was transferred to a suspense account on an unknown date, when it had a balance of 33.00 Swiss Francs ("SF"). The account remains suspended.

⁴ The CRT notes that after the Nazis closed the Jewish orphanage of Antwerp and that city was declared "Judenrein" in November of 1943, the Jewish children between the ages of 2 and 16 who had been staying there were moved to orphanages in the Belgian countryside (Lasne, Linkebeek and Wezembeek.). These orphanages were under the control of Nazi authorities, who regularly inspected them. These orphanages were used by the Nazis to sequester parentless Jewish children before shipping them to the death camps in the East. Such a modus operandi was not unusual during the Holocaust: the same thing happened with the Jewish orphanage in Berlin, as well as in the case of the famous Janusz Korczak orphanage in Warsaw, which managed to survive until mid-1942 before being liquidated. With regard to the Belgian orphanages, in August 1944, two weeks before the liberation of Brussels, these orphanages were warned by the AJB ("Association of Belgian Jews") and the resistance that the Nazis intended to liquidate them and send the children East. According to a survivor who lived in the Lasne orphanage, upon hearing this news the orphanages sent the Jewish children to hide in nearby convents as well as in the homes of gentile families, thus saving them. In this regard, the Belgian Jewish survivor, author Sylvain Brachfeld, is quoted as saying: "they didn't get the kids." See <http://42mazures44.over-blog.com/3-categorie-982218.html>, a website officially connected with the *Fondation pour la Memoire de la Shoah*.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's factory's name matches the unpublished name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than its name. The CRT notes that the Bank's record does not indicate whether the account owner was an individual or a legal entity. Given the lack of a first name in the Bank's record, and with no information to the contrary, the CRT considers it plausible in this case that the account belonged to a legal entity.

In support of her claim, the Claimant submitted documents, including copies of a blank invoice with the head of the *Fabrique de Brosses STEINER*, indicating that the factory was located at Lange Altaarstraat 33 in Antwerp and an excerpt from a birth registry in Antwerp, indicating that [REDACTED] was a commercial representative and that he resided at Lange Altaarstraat 33 in Antwerp.

The CRT notes 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 owner of the Account Owner was a Victim of Nazi Persecution. The Claimant stated that her father was Jewish, that he resided in Nazi-occupied Belgium, and that he was deported to a concentration camp, where he perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the owner of the Account Owner by submitting specific information and documents, demonstrating that the owner of the Account Owner was the Claimant's father. These documents include a copy of an excerpt form a birth registry in Antwerp, indicating that [REDACTED]'s father was [REDACTED].

The Issue of Who Received the Proceeds

The auditor's report indicates that the account was suspended by the Bank on an unknown date, and that it remains suspended.

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 (the "Rules"). Second, the Claimant has plausibly demonstrated that the owner of the Account Owner was her father, and that relationship justifies an Award. Third, the CRT has determined that neither the owner of the Account Owner, nor its owner, nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The auditors' report indicates that the value of the account on an unknown date was SF 33.00. 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. Consequently, the total award amount in this case is 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 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
20 December 2007