

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]¹

to Claimant [REDACTED 3]²
also acting on behalf of [REDACTED 4]

to Claimant [REDACTED 4]³

and to Claimant [REDACTED 5]⁴
represented by [REDACTED]

in re Account of Hermann Steiner

Claim Numbers: 001412/AX; 001421/AX; 004653/AX;
220268/AX; 211519/AX; 219486/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“[REDACTED 1]”) to the published account of [REDACTED],⁵ the claim of [REDACTED 2] (“[REDACTED 2]”) to the published account of Hermann Steiner, the claim of [REDACTED 3] (“Claimant [REDACTED

¹ Claimant Feldman submitted an additional claim to the account of Berta Steiner, which is registered under the Claim Number 211519. The CRT will treat the claim to this account in a separate decision.

² The CRT has issued an award to a separate account of Hermann Steiner to Claimant Lisa Steiner. *See In re Accounts of Hermann Steiner and Paul Eichenwald*, which was approved by the Court on 25 July 2003.

³ Claimant Eliezer Streicher submitted additional claims to the accounts of Salomon Steiner, Helene Steiner, Lina Steiner, Jehuda (Vilmosh) Steiner and Hedy Steiner, which are registered under the same Claim Number, namely 004653. The CRT will treat the claims to the accounts of Lina Steiner, Jehuda (Vilmosh) Steiner and Hedy Steiner in separate decisions. The CRT has awarded the accounts of Salomon Steiner and Helene Steiner to Claimant Streicher. *See In re Account of Salomon Steiner and Helene Steiner*, which was approved by the Court on 25 October 2002. Additionally, the Claimant submitted a Claim Form, which was registered under the Claim Number 100054. The CRT has determined that this claim is a duplicate claim of Claim Number 004653, and is treating it under the consolidated Claim Number 004653.

⁴ Claimant Lajos Steiner submitted an additional claim to the accounts of Roza Steiner, which is registered under Claim Number 220267, and three additional claims to the accounts of Ernst Steiner, which are registered under claim numbers 211511, 211512 and 211513. The CRT has awarded the account of Ernst Steiner to Claimant Lajos Steiner. *See In re Account of Ernst Steiner*, which was approved by the Court on 25 October 2002. The CRT will treat the claims to the accounts of Roza Steiner in a separate decision.

⁵ The CRT will treat the claim to this account in a separate decision.

3]) to the published account of Hermann Steiner, the claim of [REDACTED 4] (“Claimant [REDACTED 5]”) to the published account of [REDACTED], and the claim of [REDACTED 5] (“Claimant [REDACTED 5]”) (together, the “Claimants”) to the published account of Hermann Steiner. This Award is to the published account of Hermann Steiner (the “Account Owner”) at the Biel 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 Claimants

[REDACTED 1]

[REDACTED 1] submitted a Claim Form identifying the Account Owner as his mother’s cousin, Hermann Steiner, who was married to [REDACTED]. [REDACTED 1] indicated that Hermann Steiner, who was Jewish, lived with his family in Vienna, Austria, before the Second World War. [REDACTED 1] indicated that Hermann Steiner and [REDACTED] were deported to a concentration camp in France where they were killed. In support of his claim, [REDACTED 1] submitted his parents’ marriage certificate, indicating that Hermann Steiner was one of the witnesses to [REDACTED 1]’ parents’ marriage. [REDACTED 1] indicated that he was born on 27 March 1930 in Plovdiv, Bulgaria. [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Hermann Steiner.

[REDACTED 2]

[REDACTED 2] submitted two Claim Forms identifying the Account Owner as her father, Hermann (Chaim Zvi) Steiner, who was born in 1900 in Kosow, Poland, and was married to [REDACTED], née [REDACTED], in Kosow. [REDACTED 2] indicated that her father, who was Jewish, was a certified accountant, but that he worked as a carpet trader in Kosow. [REDACTED 2] further indicated that her father lived in Kosow prior to the Second World War, and that he escaped to Hungary when the Nazis invaded Poland. According to [REDACTED 2], her father was caught in Hungary by the Nazis and deported to Auschwitz, where he perished in 1942. In support of her claim, [REDACTED 2] submitted her Israeli identity card, indicating that her father was [REDACTED]. [REDACTED 2] indicated that she was born on 10 May 1928 in Kosow. [REDACTED 2] previously submitted IQs and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Hermann Steiner.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her father, Hermann Steiner, who was born on 25 December 1889 in Kutý, Slovakia, and was married to [REDACTED], née [REDACTED], on 2 March 1926 in Vienna. Claimant [REDACTED 3] stated that her father, who was Jewish and who held Czechoslovakian citizenship, originally lived and worked in Vienna for *Österreichische Tabakregie*. Claimant [REDACTED 3] indicated

that her father was then transferred to Sofia, Bulgaria, in 1932, and returned to Vienna in 1933. Claimant [REDACTED 3] stated that in 1935 or 1936, her father lost his job and that, because he could no longer keep his flat in Vienna, he moved to Bratislava, Czechoslovakia (today, Slovakia). According to Claimant [REDACTED 3], Hermann Steiner and his family fled from Bratislava to Paris, France in May 1938 after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”) and remained there until fleeing for the United States in March 1940. Claimant [REDACTED 3] indicated that her parents divorced in 1940 or 1941. Claimant [REDACTED 3] also stated that her father died in Paris on 20 May 1955. In support of her claim, Claimant [REDACTED 3] submitted her parents’ marriage certificate, which indicates that her father was Hermann Steiner, as well as her birth certificate and the birth certificate of her brother, [REDACTED 4], whom she represents, indicating that their father was Hermann Steiner. Claimant [REDACTED 3] indicated that she was born on 12 May 1933 in Vienna and that her brother was born on 24 January 1924, also in Vienna.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as his grandfather, Herman (Hermann) Steiner, who was born in Hungary, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 5] indicated that Herman Steiner and [REDACTED] had one child, [REDACTED]. According to Claimant [REDACTED 5], Herman Steiner, who was Jewish, owned a wine and spirit factory named *Steiner-Lazar und Söhne* which was located in Gyomere, Hungary. Claimant [REDACTED 5] further indicated that Herman Steiner died in Hungary on 8 July 1940. According to Claimant [REDACTED 5], his father, [REDACTED], who was Hermann Steiner’s son and who was Jewish, was deported to the concentration camp at Mauthausen, where he perished on 19 July 1944. Claimant [REDACTED 5] further indicated that all of [REDACTED]’s children, except for Claimant [REDACTED 5], perished in the Holocaust. In support of his claim, Claimant [REDACTED 5] submitted documents, including the birth and death certificates of Herman Steiner; the birth certificate of [REDACTED], indicating that his father was Herman Steiner; [REDACTED]’s identification card, likewise indicating that [REDACTED]’s father was Herman Steiner; and a notarized protocol of an inheritance proceeding in Hungary, indicating that [REDACTED] perished in the Holocaust, and that Claimant [REDACTED 5] is the son of [REDACTED]. Claimant [REDACTED 5] indicated that he was born on 2, February 1924, in Gyor, Hungary.

Claimant [REDACTED 5]

Claimant [REDACTED 5], who is related to Claimant [REDACTED 5], submitted a Claim Form identifying the Account Owner as his paternal great-uncle, Hermann Steiner, who was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 5] indicated that his grandfather, [REDACTED], and Herman Steiner were brothers. Claimant [REDACTED 5] further indicated that Hermann Steiner’s son, [REDACTED], who was Jewish, had five children, including Claimant [REDACTED 5]. According to Claimant [REDACTED 5], [REDACTED] was killed in the Holocaust. In support of his claim, Claimant [REDACTED 5] submitted a notarized protocol of an inheritance proceeding in Hungary, indicating that [REDACTED], who perished in the Holocaust, is the heir of [REDACTED], and that Claimant [REDACTED 5] is [REDACTED]’s son; and a letter from the Swiss Department of Justice, indicating that

[REDACTED] perished in the Holocaust. Claimant [REDACTED 5] indicated that he was born on 5 November 1938 in Jerusalem, Palestine (today, Israel) and that, after the Second World War, he and his relatives unsuccessfully attempted to reclaim the family's assets, including those deposited in Swiss banks.

Information Available in the Bank's Records

The Bank's records consist of a printout from the Bank's database and a list of accounts. According to these records, the Account Owner was Hermann Steiner. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, numbered 23981, the type of which is not indicated. According to the Bank's records, the account had been dormant since 28 June 1932 and was transferred to a suspense account on 28 February 1977. The amount in the account on the date of its transfer was 4.50 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

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 Claimants in one proceeding.

Identification of the Account Owner

[REDACTED 1]' cousin's name, [REDACTED 2]'s father's name, Claimant [REDACTED 3]'s father name, Claimant [REDACTED 5]'s grandfather's name and Claimant [REDACTED 5]'s great-uncle's name all match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of their claims, [REDACTED 1] submitted documents, including his parents' marriage certificate, indicating that Hermann Steiner was one of the witnesses to [REDACTED 1]' parents' wedding; Claimant [REDACTED 3] submitted her parents' marriage certificate, which indicates that her father was Hermann Steiner, as well as her birth certificate and the birth certificate of her brother, [REDACTED 4], indicating that their father was Hermann Steiner; Claimant [REDACTED 5] submitted Herman Steiner's birth and death certificates; his father's birth certificate, indicating that Herman Steiner was the father of [REDACTED]; and [REDACTED]'s Hungarian identification card, likewise indicating that [REDACTED]'s father was Herman Steiner. These documents provide 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

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hermann Steiner, and indicates that he was from Kosow which matches

the information about the Account Owner provided by [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that [REDACTED 1]'s relative, [REDACTED 2]'s relative, Claimant [REDACTED 3]'s relative and the relative of Claimant [REDACTED 5] and Claimant [REDACTED 5] are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to these accounts, the CRT finds that [REDACTED 1], [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 5] and Claimant [REDACTED 5] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

[REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. [REDACTED 1] stated that the Account Owner was Jewish, and that he was deported to a concentration camp in France where he was killed.

[REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. [REDACTED 2] indicated that the Account Owner was Jewish, and that he escaped to Hungary during the Second World War, but was caught in Hungary by the Nazis and deported to Auschwitz where he perished in 1942. As noted above, a person named Hermann Steiner from Kosow was included in the CRT's database of victims.

Claimant [REDACTED 3] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, and fled to Paris, France, in May 1938 before leaving for the United States in March 1940.

The CRT notes that while Claimant [REDACTED 5]'s and Claimant [REDACTED 5]'s relative was not a Victim of Nazi Persecution, the Account Owner's son and grandchildren were Victims of Nazi Persecution. Claimant [REDACTED 5] stated that the Account Owner's son and grandchildren, who were Jewish, perished in the Holocaust.

The Claimants' Relationships to the Account Owner

[REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was [REDACTED 1]' cousin. The CRT notes that [REDACTED 1] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and [REDACTED 1], prior to the publication in February 2001 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"). The CRT further notes that [REDACTED 1] submitted a copy of his parents' marriage certificate, indicating that Hermann Steiner was one of the witnesses to [REDACTED 1]' parents' marriage. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the

type that family members would possess and indicates that the Account Owner was well known to [REDACTED 1] as a family member, and all of this information supports the plausibility that [REDACTED 1] is related to the Account Owner, as he has asserted in his Claim Form.

[REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was [REDACTED 2]'s father. The CRT notes that [REDACTED 2] submitted an ATAG Ernst & Young claim form and IQs, identifying the relationship between the Account Owner and [REDACTED 2], prior to the publication in February 2001 of the ICEP List, and that [REDACTED 2] also identified information which matches information contained in the Yad Vashem records, which supports the plausibility that she is related to the Account Owner, as she has asserted in her Claim Form.

Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 3]'s father. These documents include her birth certificate indicating that her father was Hermann Steiner.

Claimant [REDACTED 5] and Claimant [REDACTED 5] have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 5]'s grandfather and Claimant [REDACTED 5]'s great-uncle. These documents include the birth certificate of Claimant [REDACTED 5]'s father, [REDACTED], indicating that his father was Herman Steiner, and a notarized protocol of an inheritance proceeding, indicating that Claimant [REDACTED 5] is the son of [REDACTED]. The CRT notes that the information and documents submitted by Claimant [REDACTED 5], a relative of Claimant [REDACTED 5], are similar to those provided by Claimant [REDACTED 5], which supports the plausibility that Claimant [REDACTED 5] is related to the Account Owner, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has additional surviving heirs other than the party whom Claimant [REDACTED 3] is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of [REDACTED 1], [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 5]. First, their claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, [REDACTED 1] has plausibly demonstrated that the Account Owner was his cousin, [REDACTED 2] and Claimant [REDACTED 3] have each plausibly demonstrated that the Account Owner was their father, and Claimant [REDACTED 5] has plausibly demonstrated that the Account Owner was his grandfather, and those relationships justify an award. Third, the CRT

has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

With respect to Claimant [REDACTED 5]'s and Claimant [REDACTED 5]'s relative, the CRT notes that Claimant [REDACTED 5], as the Account Owner's grandson, has a better entitlement to the account than Claimant [REDACTED 5], the Account Owner's great-nephew.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of on 28 February 1977 was SF 4.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the account between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 499.50. 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 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, [REDACTED 1], [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 5] are each entitled to one-quarter of the total award amount.

With respect to Claimant [REDACTED 3]'s portion of the Award, according to Article 23(1)(c) of the Rules, 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. In this case, Claimant [REDACTED 3] is representing her brother, [REDACTED 4]. Accordingly, Claimant [REDACTED 3] and her brother are each entitled to one-eighth of the total Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
13 May 2005