

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

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

## **in re Account of Irma Fischel**

Claim Numbers: 201291/MW;<sup>1</sup> 211210/MW

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of [REDACTED],<sup>2</sup> and the claim of [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts [REDACTED]<sup>3</sup> and Irma Fischel. This Award is to the published account of Irma Fischel (the “Account Owner”) at the Berne 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**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her mother, Irma Stein, née Fischl, who was born on 1 October 1899, and was married to

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<sup>1</sup> Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 201291 and 210037. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 201291.

<sup>2</sup> The CRT did not locate an account belonging to Claimant [REDACTED 1]’s relative, [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”). Claimant [REDACTED 1] 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 Claimant [REDACTED 1] or upon information from other sources.

<sup>3</sup> The CRT will treat the claim to this account in a separate decision.

[REDACTED] on 25 August 1921 in Prague, Czechoslovakia (now Czech Republic). Claimant [REDACTED 1] indicated that her parents, who were Jewish, resided in Ceradice, Czechoslovakia (now Czech Republic) until 1939, and then in Prague from 1939 to 1941. Claimant [REDACTED 1] explained that in 1941 her parents were arrested and deported to the Lodz ghetto in Poland, where her father died on 16 March 1943. Claimant [REDACTED 1] further indicated that her mother perished on 20 April 1945 in the Bergen Belsen concentration camp. Claimant [REDACTED 1] indicated that she was born on 1 July 1923.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED].

#### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her maternal aunt, Irma Fischel (Fischl), née Schnüdreherová, who was born on 15 December 1897 in Ceske Budejovice, then Austria-Hungary (today Czech Republic), and was married to [REDACTED] on 26 June 1927 in Ceske Budejovice. Claimant [REDACTED 2] indicated that her aunt and uncle resided in Prague, Czechoslovakia (now Czech Republic) until 1941. Claimant [REDACTED 2] explained that her aunt was Jewish, and that she was transported to Theresienstadt on 10 December 1941, and subsequently perished in Auschwitz in 1944. In support of her claim, Claimant [REDACTED 2] submitted Irma Schnüdreherova's birth certificate, indicating that her parents were [REDACTED] and [REDACTED]; her aunt's marriage certificate indicating that [REDACTED] and Irma Fischl, née Schnüdreherova, were married in Prague on 26 June 1927, and that Irma Fischl's parents were [REDACTED] and [REDACTED]; her aunt's deportation card, indicating that Irma Fischlova was deported to Auschwitz on 6 October 1944; the death certificate of the Claimant's mother, [REDACTED], indicating that her parents were [REDACTED] and [REDACTED]; and the Claimant's marriage certificate, indicating that her mother was Greta Schnüdreherova. Claimant [REDACTED 2] indicated that she was born on 24 September 1939 in Prague. Claimant [REDACTED 2] is representing her sister, [REDACTED 3], who was born on 21 December 1947 in Prague.

Claimant [REDACTED 2] previously submitted an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Irma Fischel.

#### **Information Available in the Bank's Records**

The Bank's records consist of documents relating to the survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a Federal decree in 1962 (the “1962 Survey”). According to these records, the Account Owner was Irma Fischel. 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, the type of which is unknown. According to Bank's records, the account had a balance of 103.30 Swiss Francs (“SF”) as of 1962. The Bank's records further indicate that the account was not registered in the 1962 Survey

as it contained a small balance. The records indicate that the account remains in the Bank's suspense account for dormant assets.

## **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 Claimants in one proceeding.

### Identification of the Account Owner

The names of Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s aunt both match the published name of the Account Owner.<sup>4</sup> The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. In support of her claim, Claimant [REDACTED 2] submitted documents, including her aunt's birth and marriage certificates and deportation card, which 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.

The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2] both filed IQs with the Court in 1999, asserting their entitlement to a Swiss bank account owned by [REDACTED], who was the husband of Irma Fischl, and Irma Fischl, respectively, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on direct family relationships that were known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT further notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative 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 this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

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<sup>4</sup> The CRT notes that Claimant [REDACTED 1] stated that her mother's name was Irma Fischl, and that Claimant [REDACTED 2] submitted documents indicating that her aunt's name was Irma Fischl, while the Bank's records show that the Account Owner's name was Irma Fischel. The CRT finds that this discrepancy is immaterial and does not affect the Claimants' identification of the Account Owner.

### Status of the Account Owner as a Victim of Nazi Persecution

Each of the Claimants has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that she perished in the Bergen Belsen concentration camp on 20 April 1945. Claimant [REDACTED 2] stated that the Account Owner was Jewish, and that she perished in Auschwitz in 1944.

### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific documents and information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s aunt. Claimant [REDACTED 2] submitted the Account Owner's birth and marriage certificates, indicating that her parents were [REDACTED] and [REDACTED]; the death certificate of her mother, [REDACTED], indicating her parents were [REDACTED] and [REDACTED], and her own marriage certificate, indicating that her mother was [REDACTED].

The CRT notes that on the website of the Yad Vashem Memorial of Israel,<sup>5</sup> there is a Page of Testimony submitted by Claimant [REDACTED 1] in 1988 in memory of the Account Owner, Irma Stein, née Fischl, indicating that Claimant [REDACTED 1] was the Account Owner's daughter.

### 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 the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s aunt, and those relationships justify 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 an account of unknown type. The Bank's records indicate that the value of the account as of 1962 was SF 103.30. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 270.00, which reflects standardized bank fees charged to the account between 1945 and 1962. Consequently, the adjusted balance of the account at issue is SF 373.30. According to Article 29 of the Rules, if the amount in an unknown

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<sup>5</sup> See <http://www.yadvashem.org>.

account 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.

#### 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.

Further, Claimant [REDACTED 2] is representing her sister, [REDACTED 3]. According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the total award amount, and Claimant [REDACTED 2] and [REDACTED 3], as siblings, are each entitled to one-quarter 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