

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Karolyne Feher

in re Account of Berta Huber

Claim Number: 728604/HB¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Karolyne (Berta) Feher, née Huber (the “Claimant”) to the account of Margit Huber.² This Award is to the published account of Berta Huber (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).³

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 (“IQ”) identifying the Account Owner as herself, Karolyne Berta Feher, née Huber, who was born on 18 June 1922 in Galanta, Czechoslovakia (now Slovakia). In a telephone conversation with the CRT, the Claimant stated that she is Jewish, and that she resided together with her parents and seven siblings in Galanta until summer 1943, when she fled to Budapest, Hungary, due to Nazi persecution. According to

¹ Karolyne (Berta) Feher, née Huber, (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HUN-0014151, 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 728604.

² The CRT did not locate an account belonging to Margit Huber 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”).

³ The name of the account owner addressed in the current decision appears on the February 2001 published list 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 notes that the name Bertha Huber also appears on the List of Account Owners Published in 2005 (the “2005 List”). Upon careful review, the CRT has determined that account owner Bertha Huber whose name appears on the 2005 List is not the same person addressed in the current decision and, consequently, the Claimant did not identify this other account owner as herself.

the Claimant, she performed slave labor in the Jewish hospital of Budapest at Szabolcs utca 33. The Claimant stated that her mother perished in Galanta, that her father was deported from Galanta to Auschwitz, where he perished, and that the only survivors from her family are herself, and her sister, [REDACTED].

The Claimant indicated that she was born on 18 June 1922.

Information Available in the Bank's Record

The Bank's record consists of an extract from a suspense account ledger. According to this record, the Account Owner was *Mlle.* ("Miss") Berta Huber. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account, the type of which is not indicated, that was inactive and was transferred to a suspense account by 15 February 1954. The amount in the account on 15 February 1954 was 21.80 Swiss Francs ("SF").

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 the Bank's record that the Account Owner closed the account and received the proceeds herself.

The CRT's Analysis

Identification of the Account Owner

The Claimant's name matches the published name of the Account Owner. The CRT notes that the Claimant stated that her maiden name was Huber, which is consistent with the form of address used for the Account Owner in the Bank's record (*Mlle.* or Miss). The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name and the form of address. The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Margit Huber and identifying herself as Karolyne Berta Feher, née Huber, 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 Claimant has based her 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 her name, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that someone in her family owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT further notes that the other claim to this account was disconfirmed because that claimant provided a birth date which is inconsistent with the age of the Account Owner. Taking all of

these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner as herself.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that she was a Victim of Nazi Persecution. The Claimant stated that she is Jewish, that she performed slave labor in the Jewish hospital of Budapest during the Second World War, and that most of her family perished in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is the Account Owner by submitting specific biographical information. The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the Account Owner as herself, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner is the Claimant, and all of this information supports the plausibility that the Claimant herself is the Account Owner.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account by 15 February 1954, and the auditors presumed that it had been closed. Given that there is no record of the payment of the Account Owner's account to her, nor any record of a date of closure of the account; that the Account Owner would not have been able to obtain information about her 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) 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. 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 claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that she is the Account Owner. Finally, the CRT has determined that the Account Owner did not receive the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account, the type of which is not indicated. The Bank's record indicates that the value of the account as of 15 February 1954 was SF 21.80. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 150.00, which reflects standardized bank fees charged to the account between 1945 and 1954.

Consequently, the adjusted balance of the account at issue is SF 171.80. According to Article 29 of the Rules, if the amount in an account was less than 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 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
19 December 2007