

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Account of Eugen Sattler

Claim Number: 201546/SH¹, 223123/SH

Award Amount: 156,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Eugen Sattler (the “Account Owner”) at the Zurich 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] submitted a Claim Form identifying the Account Owner as her paternal uncle, Eugen Sattler, who was born on 5 July 1892 in Torzsa, Yugoslavia. Claimant [REDACTED 1] stated that Eugen Sattler was married to Sari Sattler, née [REDACTED], and that Sari and Eugen Sattler, who were Jewish, had two children: [REDACTED], who was born on 13 May 1925, and [REDACTED], who was born in the early 1930s. Claimant [REDACTED 1] indicated that both children were born in Novi Sad, Yugoslavia. According to Claimant [REDACTED 1], her uncle was a businessman who lived in Novi Sad until 28 April 1944, when he and the rest of the family were deported to a ghetto in Baja, Hungary. Claimant [REDACTED 1] stated that one month later, her uncle’s family was transported to Auschwitz–Birkenau, where Eugen, Sari and [REDACTED] were killed.

In support of her claim, Claimant [REDACTED 1] submitted her uncle’s birth and death certificates. Claimant [REDACTED 1] indicated that she was born on 11 August 1929 in Novi Sad.

¹ Claimant [REDACTED 1] submitted an additional claim to the account of [REDACTED], which is registered under the claim number 202142. The CRT will treat the claims to this account in a separate decision.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her maternal grandmother, [REDACTED], née [REDACTED].

Claimant [REDACTED 2] submitted a claim form identifying the Account Owner as his paternal grandfather, who was married to [REDACTED]. Claimant [REDACTED 2] stated that his grandfather, who was Jewish, owned of a silk fabric workshop. Claimant [REDACTED 2] further stated that his father, [REDACTED], lived with his parents and his sister, [REDACTED], in Novi Sad, Yugoslavia, and that in 1941 he was expelled from school for being Jewish and was prohibited from continuing his education. Claimant [REDACTED 2] explained that his father's family was deported to Auschwitz, and that his father was the only family member to survive the Second World War. Claimant [REDACTED 2] submitted information demonstrating that his father lived in Yugoslavia after the Second World War until his death in 1996.

In support of his claim, Claimant [REDACTED 2] submitted various documents including his own birth certificate, indicating his father was [REDACTED] ([REDACTED]); his father's birth and death certificates, indicating [REDACTED]'s parents were Eugen Sattler (Satler) and Sari Sattler, née [REDACTED]; documents from the Jewish History Museum in Belgrade, Yugoslavia, indicating that Eugen Sattler, Sari Sattler and [REDACTED] were killed in Auschwitz; and a blank invoice from Eugen Sattler's company in Novi Sad. Claimant [REDACTED 2] indicated that he was born on 10 November 1949 in Sarajevo.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form, signed on 7 February 1930 in Novi Sad, and printouts from the Bank's database. The Bank's records indicate that the Account Owner was Eugen Sattler and the Power of Attorney Holder was Sari Sattler, both of Novi Sad. The Bank's records indicate that the Account Owner held a custody account.² The records do not indicate when the account was closed or to whom it was paid, nor do they indicate the value of the 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 the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

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

² The Bank's records contain a power of attorney form that references a "*Titeldepot*," a type of custody account.

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 Claimants have plausibly identified the Account Owner as Claimant [REDACTED 1]'s uncle and Claimant [REDACTED 2]'s grandfather, Eugen Sattler. The names and city of residence of their relative and his wife match the published names and city of residence of the Account Owner and the Power of Attorney Holder. Moreover, Claimant [REDACTED 2] provided his birth certificate and his father's birth and death certificates, indicating that Claimant [REDACTED 2]'s paternal grandfather was Eugen Sattler, who resided in Novi Sad, Yugoslavia.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], whom Claimant [REDACTED 1] identified as her father and the brother of Eugen Sattler, and indicates that his place of birth was Torzsa, Yugoslavia, which matches the place of birth of the Account Owner as provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the other claim to this account was disconfirmed because the other claimant provided a different spouse's name and country of residence than the spouse's name and country of residence of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish and lived in Yugoslavia during the Second World War, and that he, his wife and their daughter perished in Auschwitz.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner. Claimant [REDACTED 1] submitted documents demonstrating that the Account Owner is her uncle, and Claimant [REDACTED 2] submitted documents showing the Account Owner is his grandfather.

The Issue of Who Received the Proceeds

Given the death of the Account Owner, his wife and his daughter in Auschwitz-Birkenau and the application of Presumptions (h), (i) 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, the Power of Attorney Holder or their 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.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their relative, and that

relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a custody account. 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 present 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. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31 of the Rules, to produce a total award amount of 156,000.00 Swiss Francs.

Division of the Award

According to Article 23(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. According to the rules, descendants of the Account Owner have a better entitlement to an account than descendants of the Account Owner's parents. In this case, Claimant [REDACTED 1] is the Account Owner's niece, while Claimant [REDACTED 2] is the Account Owner's grandson. Accordingly, Claimant [REDACTED 2], as the Account Owner's grandson and direct descendant, is entitled to 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
June 23, 2003