

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Friedrich Steiner

Claim Number: 203161/AZ

Award Amount: 42,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Friedrich Steiner (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).^{1,2}

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 a Claim Form identifying the Account Owner as his father, Dr. Friedrich Steiner, who was born on 8 June 1880 in Vienna, Austria, and was married to [REDACTED], in 1911. The Claimant indicated that his parents, who were Jewish, had two children, the Claimant and his brother [REDACTED], who were born on 2 July 1912 and 1 September 1920, respectively, both in Ivancice, Czechoslovakia (now the Czech Republic), and that they resided at Neulinggasse 16 and Esslinggasse in Vienna. The Claimant stated that his father was an executive of the *Österreichische Bundesbahnen* (Austrian railway) until the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), when he was forced to retire. According to the Claimant, his parents’ assets in Austria were looted by the Nazis in November 1941, and his parents were deported to Minsk, USSR (now Belarus), where they perished. The Claimant further stated that his brother [REDACTED] perished in a camp in Zasavica, Yugoslavia (now Serbia and Montenegro) on 21 October 1941. Finally, the Claimant indicated

¹ In a separate decision, the CRT awarded the account of Nelly Steiner, over which Friedrich Steiner held power of attorney, to the Claimant. See *In re Account of Nelly Steiner* (approved on 29 March 2002).

² The CRT notes that 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 name Friedrich Steiner appears twice. Upon careful review, the CRT has determined that the second Friedrich Steiner is not the same person addressed in the aforementioned decision and, consequently, the Claimant did not identify this other account owner as his relative.

that he was imprisoned in Dachau from 1938 to 1939, that he fled to Shanghai, China in 1939, and that he emigrated to the United States in 1940.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Friedrich Steiner.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a registry card. According to these records, the Account Owner was Dr. Friedrich Steiner, who resided in Vienna, Austria. The Bank's records indicate that the Account Owner held a safe deposit box, numbered 667, which was opened on 5 August 1933, and a demand deposit account in United States Dollars, which was opened on 20 June 1935. The Bank's records indicate that the safe deposit account was closed on 12 November 1938 and that the demand deposit account was closed on 10 April 1939. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Friedrich Steiner, numbered 25780. These documents indicate that Friedrich Steiner, who was Jewish, was born on 8 June 1880 and was married to [REDACTED]. The 1938 Census records further indicate that Friedrich Steiner resided at Neulinggasse 16 in Vienna III, that he had a weekend house in Brno, Czechoslovakia (now the Czech Republic),³ and that he was a former executive of the national railway. According to these records, Friedrich Steiner paid atonement tax (*Judenvermögensabgabe*) in an unspecified amount. These records make no mention of assets held in a Swiss bank account.

The CRT notes that the 1938 Census also contains documents concerning the assets of Friedrich Steiner's wife, [REDACTED], numbered 33250. These records indicate that [REDACTED] inherited property from her brother in Brno, and that she financed her son's flight to Shanghai in 1939. These records further indicate that [REDACTED] also paid atonement tax and that she was forced to sell property to an aryan buyer. These records also make no mention of assets held in a Swiss bank account.

³ The CRT notes that Ivancice, the birthplace of the Claimant and his late brother, and Brno are approximately 15 kilometers apart.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner's title, which matches unpublished information about the Account Owner contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Siegfried Steiner, and indicates that his date of birth was 8 June 1880; that he resided at Esslinggasse in Vienna; that he was deported to Minsk in November 1941; and that [REDACTED], who resided at the same address, was included on the same transport, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the Claimant filed his Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by the Account Owner, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative 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 notes that the other claims to these accounts were disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. 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 Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he was deported in November 1941 to Minsk, where he perished. The Claimant stated that his mother, the Account Owner's wife, also perished in Minsk, and that his brother, the Account Owner's son, was killed in a camp in Zasavica, Yugoslavia (now Serbia and Montenegro) on 21 October 1941. The CRT further notes that the Account Owner and his wife were required to register their assets pursuant to the 1938 Census. As noted above, persons named Siegfried and [REDACTED] were included in the CRT's database of victims. The CRT further notes that a person named [REDACTED], corresponding to the Account Owner's child and the Claimant's brother, was also included in the database.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's father. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem records and 1938 Census records. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant 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 other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the safe deposit account was closed on 12 November 1938 and that the demand deposit account was closed on 10 April 1939.

Given that the Account Owner resided in Nazi-controlled Austria when the accounts were closed, and that he was later deported to Minsk, where he perished; that the Account Owner and his spouse registered their assets in the 1938 Census; that the Account Owner's spouse's account, over which the Account Owner held power of attorney, was likely paid to the Nazi regime;⁴ that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner's heirs would not have been able to obtain information about his accounts 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 (a), (f), (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 or his 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 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 the Account Owner was his father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

⁴ See *In re Account of Nelly Steiner* (approved on 29 March 2002).

Amount of the Award

In this case, the Account Owner held one safe deposit account and one demand deposit 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 current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP (the “ICEP Investigation”), in 1945 the average value of safe deposit account was 1,240.00 Swiss Francs (“SF”) and the average value of a demand deposit account was SF 2,140.00. Thus the combined 1945 average value for the two accounts at issue is SF 3,380.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 42,250.00.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
23 April 2007