

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Robert Stern**

Claim Numbers: 201046/BW; 601467/BW<sup>1</sup>

Award Amount: 111,715.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of Robert Stern, Heinrich Stern, and Rudolf Stern.<sup>2</sup> This Award is to the published account of Robert Stern (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>3</sup>

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 and a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his paternal uncle, Robert Stern, who was born on

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<sup>1</sup> The Claimant submitted a claim, numbered B-01712, on 8 February 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601467.

<sup>2</sup> In a separate decision, the CRT awarded the Claimant unpublished accounts belonging to Robert Stern from the Total Accounts Database. See *In re Accounts of Robert Stern* (approved on 8 June 2004). In a separate determination, the CRT treated the Claimant’s claims to the published accounts of Robert Stern, Heinrich Stern, Erna Stern (Power of Attorney Holders Robert Stern and Heinrich Stern), Rudolf Stern, and Rudolph Stern. See *In re Accounts of Robert Stern and Accounts of Heinrich Stern and Account of Erna Stern (Power of Attorney Holders Robert Stern and Heinrich Stern) and Accounts of Rudolf Stern and Account of Rudolph Stern* (approved on 30 November 2005).

<sup>3</sup> The CRT notes that in a previous award, the CRT indicated that it was “likely that the accounts of Robert Stern frozen in the 1945 Freeze,” which were awarded in the previous award, and the “assets of Robert Stern reported in the 1962 Survey,” which are being treated in this decision, were “the same assets held by the same account owner.” See *In re Accounts of Robert Stern* (approved on 8 June 2004). Since that time, the full records relating to the accounts reported in the 1962 Survey were made available to the CRT by the Swiss Federal Archive. Upon close examination of these documents and the documents relating to the accounts previously awarded, the CRT determines that the documents refer to separate accounts. In particular, the CRT notes that the accounts awarded in June 2004 were held at a different bank than the account dealt with in the present award.

23 May 1891 in Brno, Czechoslovakia, as one of four sons of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant identified two of Robert Stern's siblings as [REDACTED], the Claimant's father, and [REDACTED], both born approximately in 1888 in Brno. The Claimant indicated that his uncle, who was Jewish, resided in Brno during the late 1930s, and that he was never married. The Claimant further indicated that his uncle was a dentist, and that he resided in Brno at Koblizna ulice until 1938, and at Na Nadrazi after that date. The Claimant also indicated that his uncle was deported to Izbica, Poland, where he perished on 11 March 1942. In support of his claim, the Claimant submitted his own birth certificate, identifying his father as [REDACTED], born on 25 November 1888 in Brno, and his grandparents as [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that he was born on 4 September 1920 in Brno.

The Claimant previously submitted an HCPO claim form in 1999, asserting his entitlement to Swiss bank accounts owned by Robert Stern and Heinrich Stern. The Claimant also previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to Swiss bank accounts owned by his father, Emil Stern.<sup>4</sup>

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

The CRT notes that 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 report an account belonging to Robert Stern during their investigation of the Bank. The existence of an account at the Bank is evidenced by documents from the Swiss Federal Archive in Bern, Switzerland.

### **Information Available in the Swiss Federal Archive**

By Federal Decree of 20 December 1962 ("the Registration Decree of 1962"), the Swiss Federal Council obliged all natural and judicial persons, commercial companies, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey").

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the registration of assets belonging to Robert Stern, numbered 833. These records indicate that the Account Owner was Robert Stern, who resided at Krapfengasse 31, in Brünn (Brno), Czechoslovakia. According to these records, the Account Owner held an account, the type of which is not indicated, with a balance of 8,652.20 Swiss Francs ("SF") on 1 September 1963.

The records indicate that the last contact with the Account Owner occurred when he made a deposit on 30 October 1937, and further indicate that the account had been dormant since the

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<sup>4</sup> The CRT will treat the claim to the accounts of Emil Stern in a separate decision.

annexation of Czechoslovakia by the Reich. These records do not contain any information about the disposition of the 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 two claims of the Claimant in one proceeding.

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's uncle's name and city and country of residence match the name and city and country of residence of the Account Owner.<sup>5</sup> The CRT notes that the Claimant stated that Robert Stern worked in an office located on Koblizna ulice in Brno, while the records from the Swiss Federal Archive indicate that the Account Owner resided on Krapfengasse. However, the CRT further notes that between 1918 and 1939, Krapfengasse was used as the German language version of the original Czech name, ulice Koblizna. The information provided by the Claimant therefore matches the Account Owner's unpublished street address contained in the records of the Swiss Federal Archive.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Robert Stern, and indicates that his date of birth was 23 May 1891, 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 further notes that there are no other claims to these accounts.

### 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, that he lived in Nazi-occupied Czechoslovakia, and that he was deported to Izbica, where he perished in 1942. As noted above, a person named Robert Stern was included in the CRT's database of victims.

### 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 uncle. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Swiss Federal Archive records, and that the Claimant also identified information which matches information contained in the Yad Vashem records. The

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<sup>5</sup> The CRT notes that Brünn is the German language version of the original Czech city name Brno.

CRT further notes that the Claimant submitted a copy of his birth certificate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Brno. 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 Forms. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The records of the Swiss Federal Archive do not indicate the ultimate disposition of the account.

Given that the Account Owner resided in Nazi-occupied Czechoslovakia until he was deported to Izbica, where he perished; that the Swiss Federal Archive records indicate that there was no contact between the Bank and the Account Owner after the Nazi occupation of Czechoslovakia; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his 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 Presumption (h), 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 claims are 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 uncle, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one account of unknown type. The records of the Swiss Federal Archive indicate that the value of the account as of 1 September 1963 was SF 8,652.20 Swiss Francs ("SF"). In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 8,937.20. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 111,715.00.

### **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 claims 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  
27 February 2007