

# 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 Siegfried Stern**

Claim Number: 782012/ TW<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Siegfried Stern (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).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 Claimant**

The Claimant submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as her father, Siegfried Stern, who was born on 10 June 1898 in Vienna, Austria to [REDACTED] and [REDACTED], née [REDACTED]. According to the Claimant, her father, who was Jewish, was an Austrian national who lived in Prague, Czechoslovakia. From 1934, the family lived in Prague II at Panska 14, in 1937 they moved to Veverkova 6 in Prague VII and subsequently to Hermanova 39 in Prague VII. The Claimant’s father worked for the *OPTIMIT* rubber goods company in Odry in the Sudetenland, from which, being a Jew, he was dismissed when the Sudetenland was annexed by the Germans in 1938. With the Germans gaining control over other portions of Czechoslovakia in March 1939, the Claimant’s family was forced to move from place to place. The Claimant further stated that her father devoted much of his time to smuggling Jews out of Poland and Austria and that the the family itself obtained a permit to emigrate to Palestine in December 1939 where they struggled to rebuild their lives. The Claimant indicated that her father died in July 1981 in Jerusalem, Israel.

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<sup>1</sup> The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG 0468, 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 782012.

In support of her claim, the Claimant submitted her birth certificate showing that she was born to Siegfried Stern and [REDACTED], née [REDACTED], on 26 August 1930 in Prague, and that her father, Siegfried Stern, was a businessman in Prague; her father's birth certificate certifying that he was born to [REDACTED] and [REDACTED], née [REDACTED], on 10 June 1898 in Vienna; her parents' marriage certificate stating that they were married on 29 March 1927 in Vienna; and a certificate from the Directorate of Police in Prague, dated 16 September 1939, certifying that Siegfried Stern, born on 10 June 1898, a resident of Prague, had not committed any offences.

The Claimant stated that she was born on 26 August 1930 in Prague.

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

The Bank's records consist of two signature sample cards. According to these records, the Account Owner was Siegfried Stern who resided in Prague, Czechoslovakia, but held a temporary address in Zurich, Switzerland as of 20 December 1938. The Bank's records further indicate that an individual by the name of [REDACTED] was also a signatory to the account. The Bank's records do not indicate the type of account held by the Account Owner.

The Bank's records indicate that the account was opened by 20 December 1938. The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records 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 or his heirs closed the accounts and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name, city and country of residence match the unpublished name, city and country of residence of the Account Owner.

In support of her claim, the Claimant submitted her birth certificate, showing that her father was Siegfried Stern, and a certificate from the Directorate of Police in Prague, dated 16 September 1939, stating that Siegfried Stern did not have any previous criminal convictions, providing

independent verification that the person who is claimed to be the Account Owner resided in the same city recorded in the Bank's records as the city of residence of the Account Owner.

The CRT notes that there are no other claims to this account.

#### 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 his family fled Czechoslovakia to Palestine in 1939.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was her father. These documents include her birth certificate showing that she was born to Siegfried Stern and [REDACTED], née [REDACTED], on 26 August 1930, in Prague.

There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

Given that the Account Owner fled Czechoslovakia for Palestine; 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 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, 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 her 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 account.

#### Amount of the Award

In this case, the Account Owner held one account of unknown type. 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, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs ("SF"). 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 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  
24 December 2004