

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Berl Sternberg

Claim Number: 204818/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Berl Sternberg (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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his maternal uncle, Berl Sternberg, who was born in Cernauti, Romania, and was married to Karoline Sternberg in Romania. The Claimant explained that Berl Sternberg was the brother of the Claimant’s mother, [REDACTED]. In a telephone conversation with the CRT on 11 May 2004, the Claimant stated that Berl Sternberg was the Jewish or Hebrew name for his uncle, [REDACTED]. The Claimant indicated that his uncle, who was Jewish, lived in Romania, and then moved to Milan, Italy, where he owned a clothing store and a shoe store. The Claimant stated that Berl Sternberg was sent to a concentration camp, but survived the Holocaust and returned to Romania. According to the Claimant, his uncle died in Italy on an unknown date. The Claimant further stated that Karoline Sternberg perished in the Holocaust. In support of his claim, the Claimant submitted the death certificate of his brother, [REDACTED], indicating that his mother’s maiden name was [REDACTED]. The Claimant stated that he was born on 15 September 1924 in Luceava, Romania.

The Claimant previously submitted an Initial Questionnaire (IQ) with the Court in 1999, asserting his entitlement to a Swiss Bank account owned by his father, [REDACTED], and his uncle, [REDACTED], of Cernauti.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form and printouts from the Bank's database. According to these records, the Account Owner was Berl Sternberg, who resided at Stefan cel Mare 2 in Cernauti, Romania. The Bank's records indicate that the Power of Attorney Holder was Karoline Sternberg, the Account Owner's spouse, who resided at Bucurestilor 12 in Cernauti. According to the Bank's records, the Account Owner held one account, the type of which is not indicated. The Bank's records indicate that the account was opened on or prior to 25 August 1930, the date of the power of attorney form.

The Bank's records show that the account was closed, but the date of closure is not recorded. The balance of the account is not known. 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") 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

Identification of the Account Owner

The Claimant uncle's name and city of residence match the published name and city of residence of the Account Owner. The Claimant indicated that Berl Sternberg was married to Karoline Sternberg, which matches unpublished information about the Account Owner's relationship to the Power of Attorney Holder contained in the Bank's records.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his uncle, [REDACTED]¹ from Cernauti, 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 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 and city 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 further notes that a database containing the names of victims of Nazi persecution includes a person named Karoline Sternberg, who was from Czernowitz (Cernauti), Romania and was married, which substantially matches the information about the Power of Attorney Holder provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

¹ The CRT notes that the Claimant subsequently stated that his uncle's Jewish or Hebrew name was Berl Sternberg.

Finally, the CRT notes that the other claim to this account was disconfirmed because that claimant did not identify the Power of Attorney Holder who was related to 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 interned in a concentration camp during the Holocaust. The Claimant also stated that Karoline Sternberg perished in a concentration camp during the Holocaust. As noted above, a person named Karoline Sternberg 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 information and documents, demonstrating that the Account Owner was the Claimant's maternal uncle. These documents include his brother's death certificate, showing that his mother's maiden name was Sternberg, which provides independent verification that the Claimant's relatives bore the family name of the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

Who Received the Proceeds

The CRT concludes that, in the absence of evidence to the contrary and based on its inclusion in the ICEP List, the Account Owner's account, extant in 1930, remained open in the Relevant Period. Given that there is no record of the payment of the Account Owner's account to him or his heirs, nor any record of a date of closure of the account; that the Account Owner lived in Romania and Italy at unknown dates both before and after the Second World War; 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 (i), (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, 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 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 uncle, 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 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 ICEP Investigation, in 1945 the average value of an account of unknown type was SF 3,950.00. The current value of these amounts is calculated by multiplying them 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 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