

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹

in re Accounts of Anna Swoboda and Rudolf Grimm

Claim Number: 210391/PY

Award Amount: 1,680,026.20 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Anna Swoboda. This Award is to the published accounts of Anna Swoboda (“Account Owner Swoboda”) and Rudolf Grimm (“Account Owner Grimm”) (together the “Account Owners”) 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 Account Owner Swoboda her maternal aunt, Anna Swoboda (also spelled Svoboda), who was born on 4 May 1904 and was never married. According to the Claimant, her aunt was a Jehovah’s Witness and resided in Brno, Czechoslovakia. The Claimant stated that prior to the Second World War, her aunt made frequent trips to Turkey, Austria, Germany and Switzerland with her father, [REDACTED], who lived in Zurich, Switzerland, for a short period of time. The Claimant stated that in 1939 her aunt worked in Vienna, Austria, where she resided at Brünnerstrasse 84. The Claimant indicated that her aunt returned to Brno in 1940. The Claimant stated that both her aunt and her mother were forced to perform slave labor at Zbrojovka-Kurim in Czechoslovakia from 1944 to 1945. The Claimant stated that the Nazis looted her aunt’s home in Brno at Jeronymora 23. Finally, the Claimant stated that her aunt survived the Second World War and resided in Brno until her death in 1970. In support of her claim, the Claimant submitted her birth and marriage certificates, indicating that her parents were [REDACTED] and [REDACTED]. The Claimant indicated that she was born on 11 February 1925 in Brno.

¹ In a telephone conversation with the CRT on 23 April 2004, the Claimant’s son, [REDACTED], indicated that the Claimant had passed away.

Information Available in the Bank's Records

The Bank's records consist of a list of closed custody accounts of Austrian customers, a register of closed accounts, internal bank correspondence, and printouts from the Bank's database. According to these records, the Account Owners were *Frau* (Mrs.) Anna Swoboda and Rudolf Grimm. The Bank's records indicate that Account Owner Swoboda resided in Vienna, Austria, at Stallbinggasse 4 and that Account Owner Grimm resided in Vienna II at Reisnerstrasse 36. The Bank's records indicate that the Account Owners held a custody account and a demand deposit account, both numbered 60204.

According to the internal bank correspondence, dated 17 March 1938, the Bank was completing a list of over 1,000 custody accounts belonging to Austrian citizens, pursuant to Austrian legislation of 23 March 1938 regarding foreign-held assets. The Bank's records indicate that, pursuant to this legislation, the custody account and the demand deposit account were transferred to and put at the disposal of the *Oesterreichische Industriekredit-A.G.* in Vienna ("*der Oesterr. Industriekredit-A.G., Wien, zur Verfügung gestellt*") on 2 April 1938. The amount in the custody account on the date of its transfer was 121,891.00 Swiss Francs ("SF") and the amount in the demand deposit account was SF 12,511.10.

The CRT's Analysis

Identification of the Account Owners

The Claimant's aunt's name matches the published name of Account Owner Swoboda. The Claimant also indicated that her aunt resided in Vienna prior to the Second World War, which matches published information about Account Owner Swoboda contained in the Bank's records. The Claimant indicated that his aunt's father resided in Zurich at one point, which is consistent with unpublished information about the location of the branch at which the accounts were held. The CRT notes that the Bank's records refer to the Account Owner as *Frau*, but that the Claimant stated that her aunt was never married. The CRT further notes, however, that the Claimant's aunt was 34 years of age in 1938, and that it is therefore plausible that the Bank would have addressed her as *Frau* regardless of her marital status.

The CRT notes that the name Anna Swoboda appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT further notes that the Claimant did not identify Account Owner Grimm. The CRT notes, however, that Account Owner Grimm had a different last name and resided at a different address than Account Owner Swoboda. The CRT therefore concludes that Account Owner Grimm was probably not closely related to Account Owner Swoboda, and as such may not have been known to the Claimant.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than that of the Account Owners. Taking all of these

factors into account, the CRT finds that the Claimant has plausibly identified Account Owner Anna Swoboda.

Status of the Account Owner Swoboda as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Swoboda was a Victim of Nazi Persecution. The Claimant stated that Account Owner Swoboda was a Jehovah's Witness, and that she was forced to perform slave labor between 1944 and 1945.

The Claimant's Relationship to Account Owner Swoboda

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's aunt. The CRT notes that the Claimant submitted her birth and marriage certificates, indicating that her mother's name was [REDACTED], which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner, which supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the custody and demand deposit accounts, which were both numbered 60204, were transferred to the Nazi authorities via the *Oesterreichische Industriekreditanstalt-A.G.* in Vienna on 2 April 1938.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held a custody account and a demand deposit account. The Bank's records indicate that the value of the custody account as of 2 April 1938 was SF 121,891.00 and that the value of the demand deposit account as of the same date was SF 12,511.10. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 1,680,026.20.

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
10 December 2004