

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
and
Claimant [REDACTED 2]

**in re Accounts of Anna Stein
and
Account of Hanna Stein
and
Account of Wilhelm Stein
(Power of Attorney Holder Anna Stein)¹**

Claim Number: 003174/AH; 710903/AH^{2, 3, 4}

This Certified Denial is based on the claim of [REDACTED 1], also known as [REDACTED], (“Claimant [REDACTED 1]”) to the accounts of Anna Hanna Hershko (or Hershko), née Stein, and the claim of Claimant [REDACTED 1] and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”), to the accounts of Datzi Stein.⁵ The CRT did not locate an account belonging to Anna Hanna Hershko or Hershko or Datzi Stein in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published accounts of Anna Stein (“Account

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² Claimant [REDACTED 1] submitted two additional claims to the accounts of his relatives, Menachem (also known as Ferenc, Francois or Franz) Mandel Stein and Hermann Stein also known as Tzvi Stein, which are registered under the Claim Number 003175 and 003176, respectively. The CRT will treat the claims to these accounts in separate decisions.

³ According to Article 37 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 Claimants in one proceeding.

⁴ The Claimants jointly submitted three Initial Questionnaires with the Court in 1999 and Claimant [REDACTED 1] submitted three Claim Forms to the CRT. The CRT is treating two of the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers 003174 and 003176. The third Initial Questionnaire was forwarded to the CRT and has been assigned claim number 710903.

⁵ In one of their Initial Questionnaires, the Claimants also claimed the accounts of Hermann Stein also known as Tzvi Stein. As indicated in footnote 2 above, the CRT will treat the claim to this account in a separate decision.

Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Hanna Stein (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the published account of Wilhelm Stein (“Account Owner 3”) at the [REDACTED] (“Bank 3”).

All denials 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 Claimants

Claimant [REDACTED 1] submitted a Claim Form asserting that his mother, Anna Hanna Hershko (or Hersko), née Stein, owned a Swiss bank account. Claimant [REDACTED 1] indicated that his mother was born in Vásárosnamény, Hungary, and was married to Dr. [REDACTED] (or [REDACTED]) in 1940 in Budapest, Hungary and had two children, the Claimants. According to Claimant [REDACTED 1], his mother lived in Vásárosnamény and in Kiszvárd, Hungary, and from 1936 to 1949, in Budapest. Claimant [REDACTED 1] further indicated that his mother, who was Jewish, went into hiding in Budapest from the end of 1944 until March 1945, and died in 1997 in Jerusalem, Israel. Claimant [REDACTED 1] stated that he was born on 21 July 1946 in Budapest.

The Claimants previously submitted three Initial Questionnaires with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by Datzi Stein and Hermann Stein, also known as Tzvi Stein.

Information Available in the Bank’s Records

The CRT notes that Claimant [REDACTED 1] submitted a claim to an account belonging to his mother, Anna Hanna Hershko (or Hersko), née Stein. The auditors who carried out the ICEP Investigation reported four accounts whose owners’ or power of attorney holders’ names that match or are substantially similar to that provided by Claimant [REDACTED 1]. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Accounts 1014000 and 1014001

Bank 1’s records indicate that Account Owner 1 was Anna Stein, who resided in Austria. Bank 1’s records also indicate Account Owner 1’s city of residence. Furthermore, Bank 1’s records indicate the dates of opening and closing of the accounts at issue.

Account 2015897

Bank 2’s records indicate that Account Owner 2 was Hanna Stein, who resided in Karlsruhe, Germany.

Account 5024809

Bank 3's records indicate that Account Owner 3 was Wilhelm Stein, who resided in Prague, Czechoslovakia, and that the Power of Attorney Holders were Anna Stein-Schiffler, Friedrich (Fritz) Stein, and a third person. Bank 3's records also indicate Account Owner 3's street addresses, title, profession, marital status and his dates and places of birth and death. Bank 3's records also indicate the street address, title and date of birth of the Power of Attorney Holder Friedrich (Fritz) Stein and the names, dates of birth and places of birth of his wife and children, as well as an indication of the times of their deaths. Bank 3's records also indicate the name, address and the profession of the third power of attorney holder and the relationship between Account Owner 3 and the Power of Attorney Holders. In addition, Bank 3's records indicate the country of residence and maiden name of Power of Attorney Holder Anna Stein. Furthermore, Bank 3's records indicate the date of closing of the account at issue. Finally, Bank 3's records contain the signatures of Account Owner 3, Power of Attorney Holder Friedrich (Fritz) Stein, and the third power of attorney holder.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for Accounts 1014000 and 1014001, the CRT concludes that Claimant [REDACTED 1] has not identified Account Owner 1 as his relative. Although his mother's maiden name matches the published name of Account Owner 1, the information provided by Claimant [REDACTED 1] differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, Claimant [REDACTED 1] stated that his mother lived in Hungary. In contrast, Bank 1's records show that Account Owner 1 resided in Austria, a country to which the Claimants did not establish a connection. Consequently, the CRT is unable to conclude that Account Owner 1 and Claimant [REDACTED 1]'s mother are the same person.

As for Account 2015897, the CRT concludes that Claimant [REDACTED 1] has not identified Account Owner 2 as his relative. Although the maiden name of his mother matches the published name of Account Owner 2, the information provided by Claimant [REDACTED 1] differs materially from the published information about Account Owner 2 available in Bank 2's records. Specifically, Claimant [REDACTED 1] stated that his mother lived in Hungary. In contrast, Bank 2's records show that Account Owner 2 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 2 and Claimant [REDACTED 1]'s mother are the same person.

As for Account 5024809, the CRT concludes that Claimant [REDACTED 1] has not identified Power of Attorney Holder Anna Stein as his relative. Although the maiden name of his mother matches the published name of Power of Attorney Holder Anna Stein, the information provided

by Claimant [REDACTED 1] differs materially from the published and unpublished information about Power of Attorney Holder Anna Stein available in Bank 3's records. Specifically, Claimant [REDACTED 1] stated that Stein was his mother's maiden name, whereas Bank 3's records show that Power of Attorney Holder Anna Stein had a different maiden name. Furthermore, Claimant [REDACTED 1] stated that his mother lived in Hungary. In contrast, Bank 3's records show that Power of Attorney Holder Anna Stein resided in a different country. The CRT also notes that Claimant [REDACTED 1] did not identify the other power of attorney holders. Consequently, the CRT is unable to conclude that Power of Attorney Holder Anna Stein and Claimant [REDACTED 1]'s mother are the same person.

The CRT also notes that Claimant [REDACTED 1] did not identify Account Owner 3 and that, under Swiss law, a power of attorney holder is not considered to be the owner of an account. After a power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if Claimant [REDACTED 1] had identified the Power of Attorney Holder, but not Account Owner 3, as his relative, Claimant [REDACTED 1] would not have been entitled to the account unless there was evidence in the Bank 3's records that the Power of Attorney Holder and Account Owner 3 were related.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimants should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimants should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
13 October 2004