

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
represented by Erez Bernstein

in re Account of Alexander Sporer, Klara Sporer, and Johann Sperling

Claim Number: 501707/CN

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (formerly [REDACTED 1]) (the “Claimant”) to the published account of Alexander Sporer (“Account Owner Alexander Sporer”), Klara Sporer (“Account Owner Klara Sporer”), and Johann Sperling (“Account Owner Sperling”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).¹

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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Klara Sporer as his maternal aunt, Klara Sporer, née Hollander (Holander), and Account Owner Alexander Sporer as her spouse, Alexander (Aleksandar) Sporer, who was born on 30 December 1883 in Veliki Beckerek, Yugoslavia (now Zrenjanin, Serbia and Montenegro). The Claimant indicated that prior to the Second World War, his aunt and uncle, who were Jewish, resided in Subotica (Szabadka), Yugoslavia (now Hungary), Novi Sad, Yugoslavia (now Serbia and Montenegro), and Zagreb, Yugoslavia (now Croatia). The Claimant indicated that Alexander Sporer possessed Yugoslavian citizenship, and was deported to Auschwitz, where he perished. The Claimant indicated that Klara Sporer survived the Second World War and passed away in 1985 in Jerusalem, Israel.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Alexander Sporer, Klara Sporer, and Johann Sperling are each indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of only one account, which was jointly held by Alexander Sporer, Klara Sporer, and Johann Sperling.

The Claimant submitted documents, including copies of (1) the will of Klara Sporer, naming [REDACTED 2] and [REDACTED 1] as beneficiaries, and indicating that they each were entitled to one half of her foreign currency held in banks; (2) a page from a book containing names of Jews who lived in Subotica and who died in the Holocaust, which lists Aleksandar Sporer and indicates that he perished at Auschwitz; (3) a 1992 letter from the Hungarian Antifascist Resistance Community (*Magyar Ellenállók és Antifasiszták Szövetsége*), stating that [REDACTED 1] was born [REDACTED 1] on 20 August 1927, that he was forced to wear the Jewish star as of 30 May 1944, that he was forced to perform slave labor at Jolsva, Hungary, and later Pélmonostor, Croatia, that he was deported to Fehring, Austria in December 1944, and that he was liberated in April 1945 in Jennersdorf, Austria; (4) the Claimant's birth certificate, indicating that his parents were Dr. [REDACTED] and Dr. [REDACTED]; (5) documents relating to life insurance policies owned by Aleksandar Sporer, issued by *Assicurazioni Generali*, containing the name of Klari Sporer, née Hollander, and indicating that Aleksandar Sporer and Klari Sporer resided in Subotica and Novi Sad; and (6) the birth certificate of represented party [REDACTED 2], indicating that her parents were [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that he was born on 20 August 1927 in Miskolc, Hungary. The Claimant is representing his cousin, [REDACTED 2], née [REDACTED], who was born on 25 August 1923 in Subotica.

The Claimant previously submitted two Initial Questionnaires to the Court in 1999, asserting his entitlement to Swiss bank accounts owned by himself and [REDACTED].²

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, Account Owner Alexander Sporer was Alexander Sporer, who was a Yugoslavian national and resided in Yugoslavia, Account Owner Klara Sporer was *Frau* (Mrs.) Klara Sporer, who resided in Yugoslavia, and Account Owner Sperling was Johann Sperling, who resided in Yugoslavia. The Bank's record indicates that the Account Owners jointly held a numbered account under the designation Cque 3788, but does not indicate its type. The Bank's record indicates that the account was closed some time between July 1945 and November 1949. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified Account Owner Alexander Sporer and Account Owner Klara Sporer. The Claimant's aunt's and uncle's names and country of residence match the published names and country of residence of Account Owner Alexander Sporer and Account Owner Klara Sporer. The Claimant identified Account Owner Alexander Sporer's nationality,

² The CRT will treat the claims to these accounts in separate determinations.

which matches unpublished information about Account Owner Alexander Sporer contained in the Bank's record. In support of his claim, the Claimant submitted documents, including documents relating to life insurance policies owned by Aleksandar Sporer, containing the name of Klari Sporer, née Hollander, and indicating that they resided in Yugoslavia, providing independent verification that the persons who are claimed to be Account Owner Alexander Sporer and Account Owner Klara Sporer had the same names and resided in the same country recorded in the Bank's record as the names and country of residence of Account Owner Alexander Sporer and Account Owner Klara Sporer.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Aleksandar Sporer, and indicates that his place of residence was Subotica, which matches the information about Account Owner Alexander Sporer provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the names Alexander Sporer and Klara Sporer appear only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). The CRT notes that there are no other claims to this account.³

Status of Account Owner Alexander Sporer and Account Owner Klara Sporer as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Alexander Sporer and Account Owner Klara Sporer were Victims of Nazi Persecution. The Claimant stated that Account Owner Alexander Sporer and Account Owner Klara Sporer were Jewish, that they resided in Yugoslavia until the onset of Second World War, and that Account Owner Alexander Sporer was deported to Auschwitz, where he perished. The Claimant also submitted a page from a book containing names of Jews who lived in Subotica who died in the Holocaust, which lists Aleksandar Sporer, and indicates that he perished at Auschwitz. As noted above, a person named Aleksandar Sporer was included in the CRT's database of victims. The CRT notes that the Claimant did not provide information regarding Account Owner Spierling.

The Claimant's Relationship to Account Owner Alexander Sporer and Account Owner Klara Sporer

The Claimant has plausibly demonstrated that he is related to Account Owner Alexander Sporer and Account Owner Klara Sporer by submitting specific biographical information, demonstrating that the Account Owner Alexander Sporer was the Claimant's uncle and Account Owner Klara Sporer was the Claimant's aunt. The CRT notes that the Claimant identified unpublished information about Account Owner Alexander Sporer as contained in the Bank's record; and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of

³ The CRT notes that the Claimant did not identify Account Owner Spierling. The CRT further notes that Account Owner Spierling had a different last name than Account Owner Alexander Sporer and Account Owner Klara Sporer, and that there is no indication in the Bank's record that the Account Owners were related. The CRT therefore concludes that the failure to identify Account Owner Spierling does not affect the plausibility of the Claimant's identification of Account Owner Alexander Sporer and Account Owner Klara Sporer.

documents relating to life insurance policies owned by Alexander Sporer. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Alexander Sporer and Account Owner Klara Sporer were known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to Account Owner Alexander Sporer and Account Owner Klara Sporer, as he has asserted in his Claim Form. There is no information to indicate that Account Owner Alexander Sporer and Account Owner Klara Sporer have other surviving heirs other than the party whom the Claimant is representing. As noted above, the Claimant did not provide any information about Account Owner Spierling.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed some time between July 1945 and November 1949. Given that there is no record of the payment of the Account Owners' account to them; that Account Owner Alexander Sporer perished in Auschwitz; that the Account Owners and their heirs would not have been able to obtain information about their 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 Owners 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 and represented party [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Alexander Sporer and Account Owner Klara Sporer were his uncle and aunt, and those relationships justify 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 account.

Amount of the Award

In this case, the Account Owners 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 (the "ICEP Investigation"), 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.

Division of the Award

According to Article 25(2) of the Rules, in cases where a Joint Account is claimed by relatives of only one or some of the Joint Account Owners, it shall be presumed that the account was owned as a whole in equal shares by the Account Owners whose shares of the Account have been claimed. In this case, the Claimant has plausibly identified Account Owner Alexander Sporer and Account Owner Klara Sporer, but has not identified Account Owner Sperling. Accordingly, it shall be presumed that the account was owned as a whole by Account Owner Alexander Sporer and Account Owner Klara Sporer.

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his cousin, [REDACTED 2], and they are the grandchildren of Account Owner Klara Sporer's parents. Accordingly, the Claimant and represented party [REDACTED 2] are each entitled to one-half of the total award amount.

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
20 October 2006