

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant Lisl Jeffrey¹

in re Accounts of Adolf Fischer

Claim Number: 215859/BE

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Lisl Jeffrey, née Stein, (the “Claimant”) to the accounts of Richard Stein.² This Award is to the published accounts of Adolf Fischer (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal aunt’s husband, Adolf Fischer, who was married to Hermine Fischer, née Stein (the Claimant’s father’s sister). The Claimant stated that Adolf Fischer, who was Jewish, and his wife resided in Czechoslovakia prior to the Second World War. According to the Claimant, most of her family, including some of her father’s siblings, resided in Teplice Šanov, Czechoslovakia (today, the Czech Republic). The Claimant explained that a year before the outbreak of the Second World War, she and her family moved to Prague, where she remained until the summer of 1939, when she fled to England. The Claimant stated that several members of her family perished in the Holocaust, including her father and his two brothers. The Claimant submitted a copy of a detailed family tree, indicating that Adolf Fischer was the husband of Hermine Stein, who was the sister of Ludwig Stein, the Claimant’s father.

The Claimant indicated that she was born on 30 April 1926 in Teprice Šanov.

The Claimant previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ernst Stein.³

¹ The CRT notes that in a letter dated 21 March 2007, the husband of Claimant Lisl Jeffrey (the “Claimant”), Professor Alan Jeffrey, informed the CRT of her death on 27 June 2005, and provided the Claimant’s death certificate and will.

² In a separate decision, the CRT treated the Claimant’s claim to the accounts of Richard Stein and Ernst Stein.

³ In a separate decision, the CRT treated the Claimant’s claim to the accounts of Richard Stein and Ernst Stein.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Adolf Fischer who resided in Prague, Czechoslovakia, and in Amsterdam, the Netherlands. The Bank's record indicates that the Account Owner held a demand deposit account and a custody account.

The Bank's record indicates that the demand deposit account was closed on 2 May 1939 and that the custody account was closed on 26 June 1939. The amount in the accounts on the date of their closure is unknown.

There is no evidence in the Bank's record 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's aunt's husband's name and country of residence match the published name and country of residence of the Account Owner. The Claimant indicated that her family and her father's family resided in Teplice Šanov, Czechoslovakia, which is approximately 90 kilometers from Prague, the Account Owner's city of residence, and that the family resided in Prague from 1938 to 1939. The CRT notes that the Claimant provided a detailed family tree, which included her uncle's name, even though she had not claimed his name from the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution and published in February 2001 (the "ICEP List"). This indicates that the Claimant has based her 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 as her relative, but rather on a direct family relationship that was known to her.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes several persons named Adolf Fischer, and indicates that they resided in Czechoslovakia, which matches the information about the Account Owner 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 Claimant did not identify the Account Owner's other city and country of residence, Amsterdam, the Netherlands. However, the CRT notes that the Claimant was a young child when she fled Prague to England, and may not be aware of her uncle's fate or later residences.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different countries of residence than the countries of residence of 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 her family was Jewish, and resided in Nazi-occupied Czechoslovakia during the Second World War. The Claimant indicated that members of her family perished in the Holocaust, including her father and his two brothers.

As noted above, persons named Adolf Fischer were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's aunt's husband. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant submitted a detailed family tree, indicating that Adolf Fischer was the husband of Hermine Stein, the sister of the Claimant's father. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information 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

Given that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his accounts 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), (i) 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 aunt's husband, 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 accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. 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 by the Independent Committee of Eminent Persons (the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”), and the average value of a custody account was SF 13,000.00. Thus, the combined 1945 average value for the two accounts at issue is SF 15,140.00. 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 189,250.00.

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
19 December 2007