

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Ruth Shrem  
also acting on behalf of Ariel Stiebel  
represented by Irit Kohn-Segen and Oren Shadmy

## **in re Accounts of Dr. Samuel Stiebel**

Claim Number: 220748/MG

Award Amount: 56,930.88 Swiss Francs

This Certified Award is based upon the claim of Ruth Shrem, née Stiebel, (the “Claimant”) to the accounts of Dr. Samuel Stiebel (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 father, Dr. Samuel Stiebel, who was born on 15 May 1879 in Langenschwarz, Germany, and was married to Sophie Stiebel, née Saul, in approximately 1915 in Berlin, Germany, with whom he had two children: Ariel Isaak and the Claimant. The Claimant stated that her father was a physician, who resided until 1933 at Parkallee 6-8 in Hamburg, Germany. According to the information provided by the Claimant, her father, who was Jewish, was informed by the Nazis in 1933 that he would be arrested if he continued to treat communists and Jews. The Claimant further stated that her father was forced to leave Germany in 1933, at which time he and his family fled to Switzerland, where he unsuccessfully attempted to withdraw money from a bank account, which he had previously opened from Hamburg. According to the information provided by the Claimant, her father was told by an employee of the Bank that the only way for the Claimant’s father to withdraw money from his account was from Germany. The Claimant stated that her father and his family stayed in Zurich, Switzerland, and Lugano, Switzerland, for several months, before fleeing to Palestine where they arrived in 1933. According to the information provided by the Claimant, her mother remained in Switzerland for several more months, and continued to negotiate unsuccessfully with the Bank about accessing the account in Switzerland, before joining her family in Palestine later that year. The Claimant stated that her mother died on 17 March 1935 in Tel-Aviv, Palestine. The Claimant further stated that her father married Rosa Stiebel, née Frustig, in approximately 1938 in Tel-Aviv, with whom he had no children. The

Claimant indicated that her father died on 25 December 1943 in Herzelia, Palestine, and that her stepmother died on 4 August 1952 in Israel.

In support of her claim, the Claimant submitted her father's Palestinian certificate of naturalization, dated 20 September 1936, her father's immigration identification card, issued by the Commissioner for Palestine in Jerusalem on 4 October 1936, identifying the Claimant and her brother as his children, his occupation, professional title, and marital status as a widower. Finally, the Claimant submitted her father's certificate of succession issued by the District Court in Tel Aviv on 17 April 1944, identifying the Claimant and her brother as his children. The Claimant stated that she was born on 28 January 1923 in Hamburg. The Claimant is representing Ariel Isaak Stiebel, her brother, who was born on 19 November 1919 in Hamburg.

### **Information Available in the Bank's Records**

The Bank's records consist of a customer card, lists of account owners, an account statement, an excerpt from a list of accounts that were reported to the Swiss Clearing Office in 1945 and printouts from the Bank's database. The Bank's records also contain excerpts from the transcript of the interrogation of a Bank employee, August Dörflinger, conducted by the State Prosecutor of Basel on 2 December 1942, and a letter dated 15 February 1950 to the Bank written by August Dörflinger while he was in prison.

According to the Bank's records, the Account Owner was Dr. Samuel Stiebel, who resided at Parkallee 6, in Hamburg 27, German, and left Germany, along with his family, for Palestine on 25 October 1935. The Bank's records indicate that the Account Owner held three demand deposit accounts and one savings account.

The Bank's records further indicate that the Account Owner held a second demand deposit account in Chilean Pesos, which was worth 1,380.00 Chilean Pesos as of 31 December 1934. The Bank's records do not show when this account was closed, or to whom it was paid. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors 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 or his heirs closed the account and received the proceeds themselves.

Finally, the Bank's records indicate that the Account Owner held a third demand deposit account in Swiss Francs, numbered 477.000, which was opened on 23 December 1932 and had a balance of 385.00 Swiss Francs as of 31 December 1973. The Bank's records indicate that this account was transferred to the Bank's suspense account for dormant assets on 18 December 1974, on which date it had a balance of 325.00 Swiss Francs. The account remains open in the Bank's suspense account.

The transcript of the Dörflinger interrogation indicates that August Dörflinger, a convicted German spy, reported two of the Account Owner's accounts to the Nazi authorities. This document shows that as of 2 December 1942, the Account Owner held a demand deposit account

with a balance of 1,240.00 Swiss Francs, and a savings account, numbered 50352, with a balance of 734.00 Swiss Francs, and that the Account Owner's accounts were not closed after having been reported to the Nazis. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") determined that these accounts had been paid to the Nazi authorities as they had been reported to the Nazis by an employee of the Bank.

According to the transcript excerpts, the Account Owner was among 85 account owners who were reported by August Dörflinger, a Nazi spy working at the Bank, to the Nazi authorities. So far, in its work, the CRT has identified two other Account Owners<sup>1</sup> of the eighty-five Account Owners with accounts at Swiss banks who were "fingering" to the Nazis by Dörflinger. As noted in a Department of State Report, "as U.S. officials received reports that in the early 1930s the Germans had placed French-speaking Nazis in leading Swiss banks, they grew increasingly concerned that Nazi elements may have infiltrated the Swiss banking system."<sup>2</sup> The Nazi Germans were even so brazen as to take out newspaper ads offering rewards to those who came forward with information on Jewish depositors.

However, the CRT has not been successful in obtaining the full text of the Dörflinger interrogation or the list of the other 82 Account Owners who apparently incurred the same deposit confiscations as suffered by the Account Owner in this case as a result of the information provided to Nazi authorities by Dörflinger. A full accounting by the banks of the role played by spies, the names of the persons who they identified, and their impact on the accounts of Nazi victims, would be of very substantial value to the CRT in fulfilling its mandate to return the deposits in Swiss banks to these victims or their heirs.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner. The Claimant identified her father's city of residence as Hamburg, Germany, which matches the published city of residence of the Account Owner. The Claimant identified her father's professional title as that of "Dr.," which matches unpublished information about the Account Owner contained in the Bank's records. Additionally, the Claimant identified her father's street address in Hamburg as Parkallee 6-8, which matches unpublished information about the Account Owner contained in the Bank's records. Finally, the Claimant stated that her father fled Nazi Germany for Palestine, which matches unpublished

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<sup>1</sup> In re Accounts of Marcus Manasse (approved on October 24, 2002), and In re Account of Richard Emrich (approved on May 15, 2003).

<sup>2</sup> U.S. and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During World War II, Preliminary Study 5 (coordinated by Stuart E. Eizenstat, Under Secretary of Commerce for International Trade, Special Envoy of the Department of State on Property Restitution in Central and Eastern Europe; prepared by William Z. Slany, the Historian, Department of State) (May 1997). The Report cites a Letter from Harold Glasser, Assistant Director, Monetary Research, U.S. Treasury Department, to James Mann, U.S. Treasury Representative, U.S. Consulate General, Zurich, May 28, 1945; U.S. Treasury Document.

information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her father's immigration identification card, identifying the Claimant as his daughter; and her father's certificate of inheritance, also identifying the Claimant as his daughter. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of 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, that he was threatened with arrest by the Nazis, and that he fled Nazi Germany in 1933.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that he was her father. These documents include her father's immigration identification card, identifying the Claimant as his daughter; and her father's certificate of inheritance, also identifying the Claimant as his daughter.

#### The Issue of Who Received the Proceeds

With regard to the demand deposit account, numbered 477.000, the Bank's records indicate that on 18 December 1974 it was transferred to the Bank's suspense account for dormant assets, where it remains open.

With regard to the demand deposit account and the savings account, numbered 50352, which were reported to the Nazis, and the demand deposit account in Chilean Pesos, given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that two of the accounts were reported by an employee of the Bank to the Nazi authorities; that the ICEP auditors determined that these two reported accounts had been paid to the Nazi authorities; that there is no record of the payment of the accounts to the Account Owner or his heirs, and one of the Account Owner's accounts was transferred to the Bank's suspense account; that the Account Owner or 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 inquires by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (f), (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 accounts 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 father, and that relationship justifies an Award. Finally, 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 three demand deposit accounts and one savings account. With regard to the demand deposit account and savings account reported to the Nazi authorities, according to the records of the interrogation of August Dörflinger by the State Prosecutor of Basel, the amounts in the demand deposit account and the savings account were 1,240.00 Swiss Francs and 734.00 Swiss Francs, respectively, as of 2 December 1942. According to Article 29 of the Rules, in the absence of plausible evidence to the contrary, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, the amount in the account shall be determined to be 2,140.00 Swiss Francs. Likewise, if the amount in a savings account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the savings account shall be determined to be 830.00 Swiss Francs. In this case, the amounts in the accounts were recorded by the State Prosecutor of Basel, thus there is evidence before the CRT that the amounts in both the savings account and the demand deposit account were less than the presumptive values set forth in Article 29 of the Rules. Consequently, the total historic value of these accounts was 1,974.00 Swiss Francs. The current value of this amount is determined by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules to produce an amount of 24,675.00 Swiss Francs.

With regard to the demand deposit account in Chilean Pesos, the Bank's records indicate that as of 31 December 1934 the amount in the account was 1,380.00 Chilean Pesos, which was the equivalent of 440.47 Swiss Francs.<sup>3</sup> The current value of this amount is determined by multiplying the balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of 5,505.88 Swiss Francs.

With regard to the demand deposit account, numbered 477.000, the Bank's records indicate that the amount in this account was 385.00 Swiss Francs as of 31 December 1973. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of this amount is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of 26,750.00 Swiss Francs.

Consequently, the total award amount for these four accounts is 56,930.88 Swiss Francs.

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<sup>3</sup> The Central Bank of Chile provided the CRT with a copy of the "*Boletín Mensual del Banco Central de Chile Año VIII N°86 Mayo de 1935, página 109*" (Monthly Bulletin of the Central Bank of Chile, vol. 8, No. 86, May 1935, p. 109), in which the exchange rate from Chilean Pesos to Swiss Francs was noted to be 3.133 to 1, respectively, on 31 December 1934.

### Division of the Award

The Claimant submitted her father's certificate of inheritance indicating that the Claimant and her brother are each entitled to a three-eighths (3/8) portion of their father's Estate, and that her father's second wife is entitled to a two-eighths (2/8) portion of the Claimant's father's Estate. According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, the Claimant is representing her brother, Ariel Stiebel. Accordingly, the Claimant and her brother 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 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  
8 April 2004