

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

## **in re Account of Wigdor Bychowski**

Claim Numbers: 208567/GO; 775014/GO<sup>1</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) and [REDACTED 1] (“Claimant [REDACTED 1]”) (together the “Claimants”) to the published account of Wigdor Bychowski (the “Account Owner”) at the Basel 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 Claimants**

### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her late husband’s maternal grandfather, Wigdor Bychowski, who was born in 1870 in Poland. Claimant [REDACTED 2] indicated that her husband’s grandfather, who was Jewish, was a businessman and owned several houses in Warsaw, Poland. Claimant [REDACTED 2] stated that her husband’s grandfather had three children: [REDACTED], [REDACTED], and [REDACTED], who was also Claimant [REDACTED 2]’s mother-in-law. Claimant [REDACTED 2] indicated that her husband’s grandfather resided at Nowy Swiat 2 in Warsaw until 1937, when he

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<sup>1</sup> [REDACTED 1] (“Claimant [REDACTED 1]”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-018160, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 775014.

emigrated to Palestine (today Israel), where he died in 1940. Claimant [REDACTED 2] further indicated that her husband died in 1985 and that she is her husband's grandfather's only heir.

In support of her claim, Claimant [REDACTED 2] submitted copies of documents, including: (1) her own marriage certificate, indicating that [REDACTED] and [REDACTED 1] were married on 14 August 1951 in Jerusalem, Israel;<sup>2</sup> (2) her husband's temporary identity card, issued on 25 July 1977 by the Brazilian Consulate in Tel Aviv, Israel, indicating that [REDACTED] was born on 18 October 1926 in Warsaw and that [REDACTED] and [REDACTED] were his parents; (3) her husband's last will, issued on 22 February 1985 in Jerusalem, indicating that [REDACTED] was married to [REDACTED 1], and that [REDACTED], [REDACTED] and [REDACTED] were their children; and (4) a letter, dated 10 March 1998, issued by the Polish Ministry of Finance ("*Ministerstwo Finansow*"), responding to [REDACTED 2]'s inquiry about the Wigdor Bychowski's bank account, and indicating that Wigdor Bychowski held a Swiss account, and the proceeds of that account which amounted to 368.00 Swiss Francs ("SF") were transferred to the Polish Government.

Claimant [REDACTED 2] indicated that she was born on 28 July 1926 in Lviv, Poland (today the Ukraine).

Claimant [REDACTED 2] previously submitted an Initial Questionnaire ("IQ") to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Wigdor Bychowski.

#### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an IQ identifying the Account Owner as his maternal uncle, Wigdor Bychowski, who was married to [REDACTED], who was the sister of the Claimant's father, [REDACTED]. In a telephone conversation with the CRT on 2 August 2007, the Claimant stated that his uncle, who was Jewish, resided in Warsaw, that he had two children: [REDACTED] and [REDACTED], and that he was not heard from after the Second World War.

Claimant [REDACTED 1] indicated that he was born on 27 March 1922.

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

The CRT notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not report an account belonging to Wigdor Bychowski during their investigation of the Bank. The documents evidencing accounts belonging to Wigdor Bychowski were obtained from the Swiss Federal Archive in Bern, Switzerland, and from the Press Office of the Polish Ministry of Finance, and are further described below.

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<sup>2</sup> The CRT notes, that [REDACTED] is a regional spelling variation of the name [REDACTED].

## **Information Available in the Swiss Federal Archive**

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the “1962 Survey”). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Wigdor Bychowski, numbered 418.

According to these records, the Account Owner was Wigdor Bychowski, who resided at Nowy Swiat 2 in Warsaw, Poland. The Swiss Federal Archive records indicated that the Account Owner held a demand deposit account, which held a balance of SF 469.00 as of 28 February 1964. These records further indicate that the last activity on the account occurred in 1931.

These records indicate that the Bank applied to the relevant custodial authority (*Vormundschaftsbehörde*) to appoint a custodian for that account, and that such custodian was appointed in 1967. The records do not contain information about the disposition of this account.

## **Information Published by the Press Office of the Polish Ministry of Finance**

In the publication entitled *Nasze finanse*, published by the Press Office of the Polish Ministry of Finance, number 25, dated February 1998, there is information concerning the assets of Wigdor Bychowski, who resided at Nowy Swiat 2 in Warsaw, Poland.

According to these records, Wigdor Bychowski held a demand deposit account, which held a balance of SF 469.00 as of 28 February 1964. These records further indicate that the last activity on the account occurred in 1931. These records further indicate that the account had a balance of SF 368.00 on 15 August 1975, when it was transferred to the Polish National Bank.

## **The CRT’s Analysis**

### Joinder of Claims

According to Article 37(1) 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.

### Identification of the Account Owner

Claimant [REDACTED 2]’s husband’s grandfather and Claimant [REDACTED 1]’s uncle’s name matches the published name of the Account Owner. The Claimants each identified the Account Owner’s city and country of residence, which matches unpublished information about the Account Owner contained in the Swiss Federal Archive’s records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Wigdor Bychowski, and indicates that he resided in Warsaw, Poland, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Wigdor Bychowski appears only once on the List of Account Owners Published in 2005 (the “2005 List”).

The CRT notes that the Claimants each filed an IQ with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Wigdor Bychowski, prior to the publication of the 2005 List. This indicates that the Claimants have based their present claims not simply on the fact that an individual identified on the 2005 List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the 2005 List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimants.

The CRT notes that Claimant [REDACTED 2]’s relative and Claimant [REDACTED 1]’s relative are not the same person. However, given that the Claimants have identified all published and unpublished information about the Account Owner that is available in the records of the Swiss Federal Archive; that the information provided by each Claimant supports and in no way contradicts any information available in the records of the Swiss Federal Archive; that there is no additional information in the records of the Swiss Federal Archive which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to that account, the CRT finds that Claimant [REDACTED 2] and Claimant [REDACTED 1] have each plausibly identified the Account Owner.

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

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants each stated that the Account Owner was Jewish. Claimant [REDACTED 2] further stated that the Account Owner left Poland in 1937 for Palestine, and that his family resided in Nazi-occupied Poland, and Claimant [REDACTED 1] further stated that the Account Owner resided in Nazi-occupied Poland, and that he was not heard from again after the Second World War.

As noted above, a person named Wigdor Bychowski was included in the CRT’s database of victims.

#### The Claimants’ Relationship to the Account Owner

The Claimants have each plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the grandfather of Claimant [REDACTED 2]’s late husband and Claimant [REDACTED 1]’s uncle. The CRT notes that Claimant [REDACTED 2] indicated that she has other surviving relatives,

but that because they are not represented in Claimant [REDACTED 2]'s claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The CRT further notes that the Claimants each identified unpublished information about the Account Owner as contained in the records of the Swiss Federal Archive; that the Claimants each filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimants, prior to the publication in January 2005 of the 2005 List; and that the Claimants each also identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 2] submitted a copy of her husband's identity card, which provides independent verification that the Claimant [REDACTED 2]'s relatives bore the same family name as the Account Owner and that they resided in Warsaw. 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

#### The Issue of Who Received the Proceeds

The records of the Press Office of the Polish Ministry of Finance indicate that the account was paid to the Polish National Bank on 15 August 1975.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 2]'s husband's grandfather and Claimant [REDACTED 1]'s uncle, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account. The records of the Press Office of the Polish Ministry of Finance indicate that the value of the demand deposit account as of 28 February 1964 was SF 469.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 769.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award 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 a total award amount of SF 26,750.00.

### Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 2] is entitled to one-half of the Award amount, or SF 13,375.00, and Claimant [REDACTED 1] is entitled to one-half of the Award amount, or SF 13,375.00.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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  
15 November 2007