

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Michael Schapiro**

Claim Number: 220083/MC

Award Amount: 23,284.63 Swiss Francs

This Certified Award is based upon the Claim of [REDACTED] (the “Claimant”) to the account of Michael Schapiro (the “Account Owner”) at the [REDACTED] (“the Bank”).

All awards are published, but where the 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 Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his great-uncle. According to the Claimant, his maternal grandfather was [REDACTED], who was born on 21 July 1876, in Minsk, Belarus, and was married to [REDACTED] in 1899. The Claimant stated that the Account Owner was [REDACTED]’s brother, Moisha (Michael) Shapiro (Schapiro).

According to the Claimant, his grandparents, [REDACTED] and [REDACTED], who were Jewish, were confined to the Minsk ghetto by the Nazis and then murdered in 1941. The Claimant stated that because he was quite young at the time of the Second World War, he could not state with certainty what happened to Moisha Shapiro, who was also Jewish. However, because he was never heard from following the Second World War, he was presumed to have perished at the hands of the Nazis.

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

The bank records consist of excerpts from the Bank’s ledger books. According to these records, the sole Account Owner was Michael Schapiro. The bank records indicate that the Account Owner held a demand deposit account at the Geneva branch of the Bank. The records do not provide an opening date for the account, nor do they provide information regarding the nationality or address of the Account Owner. According to the

bank records, the assets in the account were transferred to a collective account on or before 12 May 1951. The amount in the account on the date of the transfer was 1,744.75 Swiss Francs.

## **Tribunal's Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owner. His great-uncle's name matches the published name of the Account Owner. The Tribunal notes that the bank records do not provide any substantial identifying information about the Account Owner, other than his name. Thus, the biographical details provided by the Claimant about his relative cannot be compared with any details in the bank documents. However, the biographical information provided by the Claimant about his relative is not inconsistent with the minimal details contained in the bank records.

### 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 has stated that his maternal grandparents were Jewish and lived in Minsk. They were confined to the Minsk ghetto and murdered by the Nazis in 1941. Although the Claimant cannot state with certainty what happened to his great-uncle who was also Jewish, at a minimum, the Claimant's relative was a target of Nazi Persecution. Further, based upon the information provided by the Claimant, it is reasonable to presume that his great-uncle perished during the Holocaust.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by providing biographical details and documents about himself and his family. There is no information to indicate that the Account Owner has other surviving heirs. The credibility of other information provided by the Claimant gives the Tribunal no basis to question the veracity of this information concerning his relationship to the Account Owner.

### The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the account at issue was paid to the Account Owner or his heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the Independent Committee of Eminent Persons during its investigation of Swiss banks (the "ICEP Investigation") demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell

into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, if the funds were not in fact paid to the account owners or their family, as is apparently the case here as described below, there is a substantial likelihood that the funds in this case went to the Swiss bank.

In this case, on or before 12 May 1951, the Bank transferred the account at issue to a collective/suspense account, which is a grouping of open and dormant accounts. Therefore, it is clear that the Account Owner or his heirs did not receive the proceeds of the account.

#### Basis for the Award

The Tribunal has determined that an Award may be made in favor of the Claimant. First, the claimed account belonged to a Victim of Nazi Persecution. Second, the Claimant has plausibly demonstrated that the Account Owner was his great-uncle and that relationship justifies an Award. Finally, the Tribunal has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

The Bank records indicate that the value of the account as of 12 May 1951 was 1,744.75 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 280.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 12 May 1951. Consequently, the adjusted balance of the account at issue is 2,024.75 Swiss Francs. The present value of the amount of the award is determined by multiplying the adjusted balance by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 23,284.63 Swiss Francs.

In cases where the value of an account is based on the presumptions of Article 35 of the Rules, or where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. In this case, there is the possibility of other competing claims. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this case, 35% of the total award amount is 8,149.62 Swiss Francs.

#### **Scope of the Award**


The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal 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**

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a plausible case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same account will be forthcoming. The Special Masters appointed by the Court to supervise the Claims Resolution Process for Deposited Assets Claims have stressed the importance of moving ahead quickly to begin to make awards to Holocaust victim claimants or their heirs. They have therefore instructed the Tribunal that in particular cases where the Tribunal is satisfied that the currently identified claimant has a plausible claim and that the risk of future competing claims is low, the Tribunal shall prepare an award to that claimant and submit it to the Court for approval. This is such a case.

In this case, the Tribunal is of the opinion that the Claimant has presented a plausible claim to the account at issue, thus reducing the likelihood of competing claims. On this basis, and taking into account the instructions of the Special Masters, the Tribunal recommends approval by the Court of the present Award for payment by the Special Masters in accordance with Article 37(3) of the Rules.

27 February 2002  
Date

  
Jason Scott Palmer  
Resident Claims Judge