

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by Alexandre Ducat and Bettina Ducat

## **in re Accounts of Gaston Scheyen**

Claim Number: 501503/RS<sup>1</sup>

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”), to the unpublished account of Gaston Scheyen (the “Account Owner”), over which [REDACTED] and [REDACTED] held power of attorney (the “Power of Attorney Holders”), at the Basel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 relative of the claimant other than the account owner, and the bank have been redacted.

## **Procedural History**

On 31 March 2005, the Court approved an Award to the Claimant for two accounts belonging to the Account Owner (the “March 2005 Award”). Since the March 2005 Award, the CRT has received from the Bank additional information regarding the Account Owner’s assets. In this Award, the CRT awards an additional account evidenced by the new record obtained from the Bank.

## **Information Provided by the Claimant**

As detailed in the March 2005 Award, the Claimant submitted a Claim Form identifying the Account Owner as her father-in-law, Gaston Scheyen, who was born on 16 November 1882 in Obernai, France. The Claimant stated that her father-in-law, who was Jewish, resided in Strasbourg, France until 1940, and in Clermont Ferrand, France, from 1940 to 1943. The Claimant explained that Gaston Scheyen and his wife [REDACTED] had one child,

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<sup>1</sup> On 31 March 2005, the Court approved an award to [REDACTED] (the “Claimant”) for two other accounts belonging to Gaston Scheyen (the “March 2005 Award”) See *In re Accounts of Gaston Scheyen*.

[REDACTED] (the Claimant's late husband). The Claimant stated that Gaston Scheyen was deported in October 1943 to Auschwitz, where he perished.

The Claimant indicated that she was born on 4 June 1929 in Strasbourg.

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

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank ("Voluntary Assistance") to obtain additional information about the Account Owner's accounts. The Bank provided the CRT with an additional document, which consists of a safe deposit box account power of attorney form.

According to that record, Gaston Scheyer, who resided in Strasbourg, France, opened a safe deposit box numbered 37243-II on 8 August 1932. The record further indicates that [REDACTED], who resided in Strasbourg, and [REDACTED], who resided in Zurich, held power of attorney over that account.

The record does not indicate the contents or value of the account, nor does it indicate the date on which the account was closed. There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holders, or their heirs closed the account and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

As indicated in the March 2005 Award, the Claimant has plausibly identified the Account Owner.

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

As indicated in the March 2005 Award, 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, and that he resided in France until 1943, when he was deported to Auschwitz, where he perished.

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

As indicated in the March 2005 Award, the Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her father-in-law.

### The Issue of Who Received the Proceeds

With regard to the safe deposit box account evidenced by the additional record received from the Bank, given that the Account Owner perished in Auschwitz in 1943; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner's 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) 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, the Power of Attorney Holders, 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. First, the Claimant's claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that she is the Account Owner's daughter-in-law, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that the Account Owner, the Power of Attorney Holders, and their heirs did not receive the proceeds of the safe deposit box account.

### Amount of the Award

In this case, the Account Owner held one safe deposit box 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 pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a safe deposit box account was SF 1,240.00. 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 15,500.00.

### **Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
21 December 2009