

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Karl Schick

Claim Number: 501613/AX¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Karl Schick (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her mother’s cousin, Karl Schick, who was born in approximately 1905, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that her mother’s cousin, who was Jewish, lived in Vienna III, Austria, and was likely a photographer. In a telephone conversation with the CRT on 3 January 2006, the Claimant indicated that her relative could have been born in Prague, Czechoslovakia (today the Czech Republic). According to the Claimant, her relative’s family was in the leather business in Vienna. Moreover, the Claimant indicated that Karl Schick spent time in Paris, France. The Claimant was unable to provide any additional information regarding her relative.

In support of her claim, the Claimant submitted a document issued by Nazi authorities to Dr. Wilhem Marno, an attorney, on 27 January 1940 in Vienna, indicating that Karl Schick, a

¹ The Claimant submitted an additional claim to the account of Wilhelm Gewitsch, which is registered under the Claim Number 213292. In a separate decision, the CRT awarded the account of Wilhelm Gewitsch to the Claimant. See *In re Account of Wilhelm Gewitsch* (approved on 28 May 2004).

² The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), there is a second account owner named Karl Schick. Upon careful review, the CRT has determined that this second individual named Karl Schick is not the same person as the account owner addressed in this decision and, consequently, the Claimant did not identify this other account owner as her relative.

photographer who previously resided at Ziehrerplatz 9 in Vienna III, sold his property, which was located at Perntergasse 11-13 in Vienna. The document also indicates that Karl Schick was living in Paris at the time the letter was issued. The Claimant indicated that she was born on 13 January 1946 in London, the United Kingdom.

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her mother, [REDACTED]. In this IQ, the Claimant indicated that her mother, who was born on 18 January 1908, resided at Invalidenstrasse 5 in Vienna III before the Second World War. In addition, in her claim to the account of Wilhelm Gewitsch, her maternal great-grandfather, the Claimant submitted documents demonstrating that several members of the Claimant's mother's family fled from Austria to France during the late 1930s. In addition, in support of that claim, the Claimant submitted a copy of [REDACTED]'s marriage certificate, identifying her as the daughter of [REDACTED], and indicating that she was married in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Karl Schick, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held one custody account, numbered 8177. The Bank's record further indicates that the account was opened on 28 January 1929 and closed on 5 April 1939. The Bank's record does not indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Karl Schick, numbered 9479. These records indicate that Karl Schick was born on 6 April 1905 in Prague, that he was a photographer, and that he was not married. The records also indicate that Karl Schick owned property located at Perntergasse 11 in Vienna and include the official aryanization sale permission for this property dated 18 July 1938. These records further indicate that Karl Schick resided at Ziehrerplatz 9 in Vienna III, and that, as of 1 March 1938, he resided in France, first at 43 rue de la Ferme in Neuilly, and later in Paris. According to these records, Nazi authorities assessed flight tax (*Reichsfluchtsteuer*) of 15,533.00 Reichsmark ("RM") on Karl Schick and on 24 October 1939 confiscated his domestically-held assets for non-payment of this tax. The records indicate that the Gestapo issued a further confiscation order for his remaining assets on 19 August 1941. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's cousin's name and city and country of residence match the published name and city and country of residence of the Account Owner.

In support of her claim, the Claimant submitted a document regarding the sale of Karl Schick's property in Vienna, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her mother, [REDACTED], prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant had reason to believe, prior to the publication of the ICEP List, that her relative's family members owned a Swiss bank account. This supports the credibility of the information provided by the Claimant. In addition, the CRT notes that there are no other claims to this account. 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 information before the CRT plausibly demonstrates that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish. In addition, correspondence included in the Account Owner's 1938 Census file indicates that Nazi authorities assessed flight tax on the Account Owner and issued a confiscation order for the Account Owner's domestically-held assets for non-payment of the tax. The records further indicate that the Gestapo seized his remaining assets on 19 August 1941.

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 mother's cousin.

The CRT notes that the Claimant submitted a document indicating that the real property of Karl Schick, a photographer from Vienna, was sold in an aryanization proceeding in 1940. Moreover, in her claim to the account of Wilhelm Gewitsch, her maternal great-grandfather, the Claimant submitted documents demonstrating that several members of the Claimant's mother's family fled from Austria to France during the late 1930s. In addition, the Claimant submitted an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her mother, [REDACTED]. In this IQ, the Claimant indicated that her mother, who was born on 18 January 1908, resided in Vienna III before the Second World War. All of this information matches, or is consistent with, information in the file relating to the 1938 Census declaration submitted by Karl Schick, which indicates that he was a photographer, resided in Vienna III, and subsequently fled

to France. Moreover, in support of her claim to the account of Wilhelm Gewitsch, the Claimant submitted a copy of [REDACTED]'s marriage certificate, identifying her as the daughter of [REDACTED], and indicating that she was married in Vienna. The CRT notes that, in conjunction with the Claimant's identification, in her IQ, of [REDACTED] as her mother, this document provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Vienna. 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. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that the account was closed on 5 April 1939, at which time, according to information in the 1938 Census records, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the account was closed; that the Account Owner fled his country of origin to avoid Nazi persecution; that the Account Owner registered his assets in the 1938 Census, and that his assets were subsequently seized by the Nazis; that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 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 mother's cousin, 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 account.

Amount of the Award

In this case, the Account Owner held 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 pursuant to the instructions of ICEP, in 1945 the

average value of a custody account was 13,000.00 Swiss Francs (“SF”). 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 162,500.00.

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
29 March 2006