

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Victoria Zal

in re Account of Haja Schiff

Claim Number: 501031/SJ¹

Award Amount: 41,668.75 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Haja Schiff (the “Account Owner”) at the Zurich 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal great-aunt, Haja Schiff, née Scuja, who was born on 30 June 1886 in Kruspils, Latvia. The Claimant indicated that his great-aunt (the sister of his paternal grandmother), who was Jewish, lived at Brivibas 54/56, #4 in Riga, Latvia, during most of the 1930s. The Claimant indicated that he did not know the name of his aunt’s husband, but indicated that they had four children: [REDACTED], [REDACTED], [REDACTED], and [REDACTED], née [REDACTED]. The Claimant stated that his great-aunt died in Latvia sometime after 1941, as did her children. The Claimant further indicated that his grandmother, [REDACTED], née [REDACTED], was executed in approximately 1941 in the Zeleny Yar Ghetto. The Claimant added that he and his mother were released from the Ghetto in 1944, but that his father also had perished by then. The Claimant indicated that most of his family died in Latvia in the early 1940s. Finally, the Claimant indicated that his mother died in 1981, that his uncle died in 2000 in the United States, and that he is his great-aunt’s only surviving heir. The Claimant submitted a photograph of Haja

¹ The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 218966 and 218977, respectively. An award was previously issued to the Claimant for the account of [REDACTED] and [REDACTED]. See *In re Account of [REDACTED] and [REDACTED]*, which was approved by the Court on 31 December 2002.

Schiff, and the birth certificate of his uncle, indicating that his mother was [REDACTED], née [REDACTED].

The Claimant indicated that he was born on 17 May 1937 in Odessa, the Ukraine.

Information Available in the Bank's Records

The Bank's records consist of documents relating to the survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a Federal decree in 1962 (the "1962 Survey"), a list of accounts prepared by the Bank in connection with its internal survey of dormant accounts in 1959 (the "1959 Survey"), and a printout from the Bank's database. According to these records, the Account Owner was *Frau* (Mrs.) Haja Schiff who resided at Freiheitsstrasse 54/56, W4 in Riga, Latvia. The Bank's records indicate that the Account Owner held a numbered demand deposit account, registered under the number 3384, and that the account had a value of 2,358.50 Swiss Francs ("SF") in 1959. The Bank's records indicate that the Account Owner contacted the Bank for the last time in 1936. The Bank's records further indicate that the account was considered for registration in the 1962 Survey, but was eventually not registered.

The Bank's records do not show when the account at issue was closed. 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 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 her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's paternal great-aunt's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant also identified the Account Owner's street address, which matches unpublished information about the Account Owner contained in the Bank's records.²

² The CRT notes that the Claimant indicated that his relative resided at Brivibas 54/56 #4, while the Bank's records indicate that the Account Owner resided at Freiheitsstrasse 54/56, W4. The CRT notes that the Latvian word "Brivibas" translates into the German word "Freiheit" (freedom), and therefore concludes that the addresses provided by the Claimant and contained in the Bank's records are one and the same.

The CRT notes that the name Haja Schiff appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT notes that there are no other claims to this account.

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 and that she and her children perished in Nazi-occupied Latvia sometime after 1941. The Claimant further stated that the other members of her family were forced into the Zeleny Yar Ghetto, where most of them perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's great-aunt. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. The CRT further notes that the Claimant submitted a copy of a photograph of Haja Schiff. The CRT notes that it is plausible that this is a document which most likely only a family member would possess. 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 this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in Latvia during the Second World War; that the Account Owner's account was included in the 1959 Survey and considered for registration in the 1962 Survey; that there is no record of the payment of the Account Owner's account to her, nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her account 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 or her 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 his great-aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a numbered demand deposit account. The Bank's records indicate that the value of the account in 1959 was SF 2,358.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 975.00, which reflects numbered account and standardized bank fees charged to the demand deposit account between 1945 and 1959. Consequently, the adjusted balance of the account at issue is SF 3,333.50. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 41,668.75.

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 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

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

Claims Resolution Tribunal
12 May 2005