

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Jakob Schiff

Claim Number: 222940/MBC

Award Amount: 156,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the accounts of Jakob Schiff (the “Account Owner”) at the [REDACTED] (the “Bank”). On 28 August, 2002, the Court approved the Award of the Account Owner's two safe deposit boxes at the Bank closed in 1936.¹ The CRT did not reach a decision regarding the Account Owner's custody account, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of that account. This Award is the result of the further investigation of whether the Account Owner received the proceeds of the custody account.

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 paternal uncle, Jakob Schiff. The Claimant stated that her uncle was Jewish and that he lived in Speyer, Germany, where he also owned a men’s clothing store together with his brother [REDACTED], (the Claimant’s father). The Claimant stated that her father conducted a significant amount of business in Switzerland. The Claimant stated that she attended school in Lausanne, Switzerland. Jakob Schiff passed away in Germany shortly before the start of the Second World War. [REDACTED] perished in the Gurs concentration camp in France, on 12 January 1942. The Claimant’s mother [REDACTED] perished in Auschwitz on 31 August 1942. The Claimant indicated that she was born on 7 December 1912 in Germany.

¹ See In re Account of Jacob Schiff (approved on August 28, 2002).

Information Available in the Bank Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Jakob Schiff who resided in Speyer, Germany. The Bank's record indicates that the Account Owner held a custody account that was closed on 27 June 1933. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves. The Bank's record does not show to whom the account was paid, nor does this record indicate the value of the account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's name matches the published name of the Account Owner. The Claimant stated that her uncle resided in Speyer, Germany, which matches unpublished information about the Account Owner contained in the Bank's records. 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 he lived in Germany under the Nazi regime until his death, which was shortly before the outbreak of the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents including her family tree, which indicates that the Account Owner was the brother of the Claimant's father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In evaluating whether the Account Owner or his heirs received the proceeds of the demand deposit, the CRT took into account the facts of the opening of the Account Owner's demand deposit on an unknown date and its closing in 1933, and considered that: the Nazis had embarked on a campaign in 1933 to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks, the Account Owner remained in Germany until his death shortly before the start of the Second World War and thus would not have been able to repatriate his account to Germany without its confiscation, and the Account Owner lived in Germany under the Nazi regime until his death. Based on these factors, indicating a practical inability to receive the proceeds of his demand deposit during the period in which the Account Owner lived and died

in Germany, and the application of relevant Presumptions (a) and (j),² which assume such a result in this context, 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 uncle, and that relationship justifies an Award. Finally, 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 a custody account.³ 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 "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs. The current value of these amounts are calculated by multiplying them by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 156,000.00 Swiss Francs.

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
June 3, 2003

² These Presumptions are provided for in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), as set forth in the attached Appendix A and in Appendix C to the Rules. Appendix C appears on the CRT II website -- www.crt-ii.org.

³ As stated above, the Court approved the Award of two safe deposit boxes at the Bank on 28 August 2002.