

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award upon Request for Reconsideration**

to the Estate of Claimant [REDACTED]<sup>1</sup>  
represented by Denis Delcros

**in re Account of Ruggero Schiff**

Claim Number: 221980/NB<sup>2</sup>

Award Amount: 162,500.00 Swiss Francs

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

### **Procedural History**

In a decision dated 11 November 2008, the Claimant’s claim to the account of Ruggero Schiff was deemed inadmissible for lack of information or documentation regarding the Account Owner and/or the Claimant’s relationship to the Account Owner.

In a letter dated 12 February 2009, a representative of the Claimant’s estate requested reconsideration of the Inadmissibility Decision. The representative of the Claimant’s estate submitted several new documents in support of the Request for Reconsideration, as further described below.

Based upon his appeal, the CRT has reviewed the information originally provided by the Claimant in his claim form, as detailed below. Based upon this review, the CRT has determined that the original Inadmissibility Decision was issued in error. As detailed below, it is clear that the Claimant’s original claim form contained sufficient information regarding the Account

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<sup>1</sup> In an email to the CRT dated 10 February 2009, [REDACTED], the son of Claimant [REDACTED] (the “Claimant”), informed the CRT that the Claimant passed away on 26 January 2004.

<sup>2</sup> The Claimant submitted one additional Claim Form, which is registered under the Claim Number 221981. In a separate decision, the CRT awarded the account of Delia Schiff-Giorgini to the Claimant. See *In re Account of Delia Schiff-Giorgini* (approved on 15 September 2003).

Owner and/or the Claimant's relationship to the Account Owner to be considered admissible under the Rules Governing the Claims Resolution Process, as amended (the "Rules").

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his paternal uncle, Ruggero Schiff, who was born in Italy, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that his uncle, who was Jewish, never married and had no children. The Claimant explained that his father, [REDACTED], was Ruggero Schiff's brother. According to the Claimant, Ruggero Schiff survived the Second World War in hiding, and he died in Rome after the War. According to documents submitted by the Claimant, his uncle died on 28 July 1949.

In support of his claim, the Claimant submitted several documents, including: (1) a copy of an excerpt from the Directory of Parisian Society of 1934, indicating that [REDACTED] was married to [REDACTED], and that he resided at 85 Rue Henri-Martin in Paris, France; (2) an excerpt from a biographical dictionary, indicating that [REDACTED] was born on 14 January 1895 in Pisa, Italy; and (3) a family tree, indicating that the Claimant's father, [REDACTED], was the brother of Ruggero Schiff, and that they were the sons of [REDACTED] and [REDACTED].

In support of his Request for Reconsideration, the Claimant submitted the following documents:

- (1) his paternal uncle's birth certificate, issued by the municipality of Montignoso, Italy, indicating that Giovanni Battista Claudio Ruggero Schiff Giorgini was born on 11 October 1882 in Montignoso to [REDACTED] and [REDACTED];
- (2) an excerpt from a family history book, indicating that [REDACTED] was the son of [REDACTED];
- (3) an article, indicating that Ruggero and [REDACTED] were the sons of [REDACTED];
- (4) a handwritten manuscript, indicating that Ruggero Giorgini was born on 11 October 1882 in Montignoso, Italy, to [REDACTED] and Professor [REDACTED], that Ruggero Giorgini was the brother of [REDACTED], who was born on 14 January 1895 and was married to [REDACTED] in Paris, France on 19 March 1929, and that Ruggero Giorgini died on 28 July 1949 in Italy;
- (5) an excerpt from the "Archives of Italian Personalities," indicating that [REDACTED] and Ruggero were the sons of [REDACTED]; and

- (6) an excerpt from a history of the Schiff Giorgini's villa in Montignoso, indicating that the villa was abandoned by the family during the Second World War.

The Claimant indicated that he was born on 17 December 1931 in Paris, France.

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

The Bank's records consist of a list of accounts held by account owners who were domiciled in France from 1933 to 1935, a list of accounts prepared by the Bank in 1959 in connection with an internal Bank survey of dormant accounts, and printouts from the Bank's database.

According to these records, the Account Owner was Dr. Ruggero Schiff, who resided at 85 Avenue Henri Martin in Paris, France. The Bank's records indicate that the Account Owner held a custody account, numbered 61002, which between 1933 and 1935 held securities with a face value of 3,800.00 Pound Sterling ("£"), 5,000.00 United States Dollars ("US \$") and 200,000.00 French Francs ("FF"). The Bank's records do not contain the names of the securities, their market value, or the later contents of the account. According to the Bank's records, the Bank's last contact with the Account Owner was in 1939. The Bank's records indicate that as of 7 September 1959, the account was valued at 1.00 Swiss Franc ("SF"), although 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") reported that this figure may reflect the lack of information regarding the value of the securities in the account, rather than the actual value of the account.

The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed.

There is no evidence in the Bank's records that the Account Owner or his 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 uncle's name matches the published name of the Account Owner. The Claimant indicated the Account Owner's brother's street address in Paris, which matches the unpublished street address of the Account Owner contained in the Bank's records.

In support of the Request for Reconsideration, the Claimant submitted documents, including Ruggero Schiff Giorgini's birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

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, that he resided in Nazi-allied Italy, and that he survived the War in hiding.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, indicating that the Account Owner was the Claimant's paternal uncle. These documents include an excerpt from a family history book, indicating that [REDACTED] was the son of [REDACTED], and an article indicating that Ruggero and [REDACTED] were the sons of [REDACTED].

The CRT notes that the Claimant indicated that he has other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

#### The Issue of Who Received the Proceeds

Given that the Account Owner died on 28 July 1949; that the account was included in a 1959 survey of the Bank's dormant accounts, ten years after the death of the Account Owner; 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 and his heirs would not have been able to obtain information about the 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 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 his paternal uncle, 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 a custody account, numbered 61002. The Bank's records list the nominal values of securities held in the account between 1933 and 1935, but do not indicate the names of the securities, their market value, or the later contents of the custody account. The records also indicate that as of 7 September 1959, the account was valued at SF 1.00. As noted above, the ICEP auditors indicated that this figure may reflect the lack of information regarding the value of the securities in the account, rather than the actual value of the account. Given these facts, the CRT considers the account to be of unknown value.

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 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.

### **Certification of the Award**

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

Claims Resolution Tribunal  
29 September 2009