

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Ilka Schimek

Claim Number: 213241/MBC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of Ilka Schimek (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 her mother-in-law, Ilka Schimek, who was Jewish and was born on 24 September 1894 in Berlin, Germany, and was married to Paul Schimek on 6 July 1922 in Germany. According to the Claimant, Ilka and Paul Schimek had one child, the Claimant’s late husband, [REDACTED] who was born on 21 September 1924 in Berlin and died on 17 January 1993 in San Luis Obispo, California, the United States. The Claimant explained that her mother-in-law lived in Berlin until approximately 1938, when she and her husband and child fled Germany to the United States, where she lived until her death in San Francisco, California on 22 January 1968. In support of her claim, the Claimant submitted documents, including her own marriage certificate, indicating her husband was [REDACTED]; her late husband’s death certificate; indicating his mother was Ilka Schimek; her late husband’s will; and Ilka Schimek’s marriage and death certificates and passport. The Claimant indicated that she was born on 28 July 1930 in Demorest, Georgia, the United States.

Information Available in the Bank’s Records

The Bank’s records consist of an account registry card and printouts from the Bank’s database. According to these records, the Account Owner was Ilka Schimek, and the Power of Attorney Holder (as of 5 August 1930) was Paul Schimek, the Account Owner’s husband, who resided at Halmstrasse 10 a, Berlin-Charlottenburg, Germany. The Bank’s records indicate that the

Account Owner held a custody account, numbered 30131. The account was closed on 12 June 1933. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother-in-law's name and city and country of residence match the published name and city and country of residence of the Account Owner, and her father-in-law's name matches the published name of the Power of Attorney Holder. In addition, the Claimant stated that Paul Schimek was the Account Owner's husband, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including the Account Owner's marriage certificate, which names Paul Schimek as the husband of Ilka Schimek. The Claimant also submitted her own marriage certificate, indicating her husband was [REDACTED]; and her late husband's death certificate, indicating his mother was Ilka Schimek, providing independent documentation that the mother-in-law of the Claimant has the same name as the Account Owner. Finally, 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 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 fled Germany with her husband and child during 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 demonstrating that the Account Owner was her mother-in-law. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including the confiscation of assets held in Swiss banks; the Account Owner's account was closed in 1933 and she remained in Germany until 1938; she would not have been able to repatriate her account to Germany when it was closed without its confiscation; there is no record of payment of the Account Owner's account to her; 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 Bank's concern regarding double

liability; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”)(see Appendix A) and Appendix C,¹ 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 her mother-in-law, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a 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 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. 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 162,500.00 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
September 30, 2003

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.