

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Account of Irma Schindel

Claim Number: 501811/NB

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] ([REDACTED]) [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Irma Schindel (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 maternal great-aunt, Irma Schindel, who was born on 1 February 1888 in Bielsko, Poland. The Claimant indicated that her great-aunt, who was Jewish, was the sister of her maternal grandmother, [REDACTED], was never married, and had no children. The Claimant stated that her great-aunt resided in Bielsko and in Žilina, Czechoslovakia (now Slovakia), and held Polish and Czechoslovakian citizenship. The Claimant finally indicated that her great-aunt perished on 25 August 1942 in Auschwitz.

In support of her claim, the Claimant submitted copies of: (1) her own birth certificate, which indicates that [REDACTED] is the daughter of [REDACTED] and [REDACTED]; (2) the Claimant’s mother’s birth certificate, which indicates that [REDACTED] was the daughter of [REDACTED] and [REDACTED], who resided in Žilina; (3) the Claimant’s mother’s first marriage certificate, which indicates that [REDACTED] married [REDACTED] in 1936; (4) the Claimant’s mother’s second marriage certificate, which indicates that [REDACTED], née [REDACTED], married [REDACTED] in 1950; (5) a page of testimony submitted to the Yad Vashem Memorial in Israel on 15 June 1999 by the Claimant’s mother, which indicates that [REDACTED]’s aunt, [REDACTED], was born in 1890 in Bielsko to [REDACTED] and [REDACTED], that she resided in Žilina, and that she perished in the Holocaust; and (6) the Claimant’s mother’s probate certificate, which indicates that [REDACTED] passed away on 25

November 2001, and that [REDACTED]'s only surviving heir was her daughter, [REDACTED], who was entitled to inherit her mother's entire estate.

The Claimant indicated that she was born on 24 June 1938 in Bratislava, Czechoslovakia (now Slovakia).

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Fräulein* (Miss) Irma Schindel, who resided in Žilina, Czechoslovakia, as of an unknown date. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on an unknown date and was closed on 20 September 1940. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record 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 great-aunt's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence and marital status, which match unpublished information about the Account Owner contained in the Bank's record.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Irma Schindel, and indicates that her date of birth was 1 February 1888, that her place of birth was Bielitz (Bielsko), that her parents were [REDACTED] and [REDACTED], that she resided in Žilina during the Second World War, and that she perished in Auschwitz on 25 August 1942, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further notes that the database includes a page of testimony submitted by the Claimant's mother in 1999, which indicates that her aunt, Irma Schindel, was born in 1890 in Bielsko to [REDACTED] and [REDACTED], that she resided in Žilina, and that she perished in the Holocaust.¹

The CRT notes that there are no other claims to this account.

¹ The CRT notes that the Yad Vashem page of testimony submitted by the Claimant's mother lists Irma Schindel's birth date as 1890, whereas the Claimant listed her birth date as 1888. However, the CRT has determined that this discrepancy does not adversely affect the Claimant's identification of the Account Owner, in light of the additional database record listing 1888 as Irma Schindel's birth date and the remaining detailed information which matches the information about the Account Owner provided by the Claimant.

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 was deported to Auschwitz, where she perished on 25 August 1942. As noted above, a person named Irma Schindel was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's maternal great-aunt. These documents include a Yad Vashem page of testimony from the Claimant's mother about the Account Owner, which indicates that the Account Owner was [REDACTED]'s aunt, and the Claimant's mother's probate certificate which indicates that [REDACTED] 's only surviving heir was her daughter, [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record lists the Account Owner's residence as Žilina as of an unknown date. The CRT notes that the city of Žilina was located in Slovakia after March 1939, when Slovakia seceded from Czechoslovakia at the same time that the Czech regions of Bohemia and Moravia were made a protectorate of the Reich.² Slovakia did not become a formal ally of Nazi Germany until November 1940, when Slovakia signed the Tripartite Pact with other Axis countries.³ Thus, at the time that the Account Owner's account was closed, 20 September 1940, her listed residence of Žilina was officially outside Nazi-dominated territory.

However, the CRT notes that the date of the Account Owner's residence in Žilina is not indicated in the Bank's record. Additionally, the Claimant indicated that the Account Owner also resided in Poland at some time and that she retained Polish citizenship. The CRT further notes that the Nazis invaded Poland on 1 September 1939,⁴ that Žilina is only 30 miles from the Polish border, and that Žilina is only 50 miles from the Account Owner's birthplace of Bielsko, Poland. Therefore, considering these factors, and that the Account Owner may have had family members remaining in Poland at the time of the account's closure, the CRT cannot rule out the possibility that the Account Owner was in Nazi-dominated territory at the time her account was closed, or that she may have yielded to Nazi pressure to turn over her accounts to the Nazi authorities. Furthermore, given that there is no record of the payment of the Account Owner's account to her, 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

² See "*The Holocaust in Slovakia*," and "*Czechoslovakia*," in HOLOCAUST ENCYCLOPEDIA, available at <http://www.ushmm.org/wlc/en/>.

³ Id.

⁴ See "*Invasion of Poland*" in HOLOCAUST ENCYCLOPEDIA, available at <http://www.ushmm.org/wlc/en/>.

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 her maternal 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 one demand deposit 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 demand deposit account was 2,140.00 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 26,750.00.

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
18 December 2008