

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Vera Ružić  
also acting on behalf of Blaženka Ružić

## **in re Account of Otto Schleyen**

Claim Number: 501779/DE

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Vera Ružić (the “Claimant”) to the published account of Otto Schleyen (the “Account Owner”), over which Anica Schleyen (“the Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her great-grandfather, Otto Schleyen, who was born on 17 April 1893 in Brod Na Savi, Yugoslavia (now Slavonski Brod, Croatia), and was married to Anica (Ana) Matilda Schleyen, née Huszagh, on 9 September 1923 in Velika Pisanica, Yugoslavia (now Croatia). The Claimant stated that Otto Schleyen, who was Jewish, resided at Boskoviceva 32 in Zagreb, Yugoslavia (now Croatia) from 1923 until his death in 1962. The Claimant explained that Otto Schleyen was a banker, that he began his professional life as a bank clerk and that he eventually achieved the post of bank manager. The Claimant further indicated that Otto Schleyen may have traveled to Switzerland for business.

According to the Claimant, Otto Schleyen was forced to identify himself as Jewish and was targeted for deportation to a concentration camp, but was spared from deportation after his wife, Anica Schleyen, who was not Jewish, relinquished all of the family's possessions to a Nazi officer.

The Claimant stated that Otto and Anica Schleyen had two children, a son named Branko Schleyen, who died at age 20 without marrying or having children, and a daughter, Vera Ružić, née Schleyen. The Claimant explained that Vera Ružić's son, Ivan Ružić, married Blaženka Ružić, née Bekavac, and that she, the Claimant Vera Ružić, is the child of Ivan and Blaženka Ružić.

The Claimant submitted documents in support of her claim, including copies of: 1) an excerpt from a registry of the historical archives in Slovonski Brod, indicating that Otto Schleyen was born on 17 April 1893; 2) a letter from the historical archive in Slavonski Brod, dated 13 June 2007, indicating that Otto Schleyen was born in Broda; 3) an excerpt from a registry of the historical archives in Osijek, listing the birth of Ana Matilda Huszagh; 4) a copy of Ana Schleyen's birth certificate, dated 12 June 2007, indicating she was born to Nikola and Franjka Huszagh on 16 July 1899; 5) the marriage certificate of Otto Schleyen and Ana Matilda Huszagh, indicating that they were married on 9 September 1923 by the reform church in Velika Pisanica; 6) the birth certificate of Branko Nikola Schleyen, indicating that he was born 15 September 1925 to Ana Matilda and Otto Schleyen in Zagreb; 7) the birth certificate of Vera Marija Schleyen, indicating that she was born on 28 June 1924 to Otto and Anica Schleyen in Zagreb; 8) Otto (Oto) Schleyen's identity card, dated 14 May 1941, indicating that he was considered Jewish; 9) Otto Schleyen's death certificate, indicating that he died on 30 October 1962 in Rijeka, Yugoslavia (now Croatia); 10) Ana Schleyen's death certificate, indicating that she died on 14 June 1983 in Zagreb; 11) Branko Schleyen's death certificate, indicating that he died on 16 October 1945; 12) the birth certificate of Ivan Ružić, indicating that he was born to Rene Ružić and Vera Ružić on 8 October 1950; 13) the death certificate of Vera Ružić, née Schleyen, indicating that she died on 21 January 1980; 14) the death certificate of Ivan Ružić, indicating that he died on 6 December 2003; and 15) her own birth certificate, indicating that Vera Ružić was born on 18 April 1981 to Ivan and Blaženka Ružić.

The Claimant indicated that she was born on 18 April 1981 in Zagreb. The Claimant is representing her mother, Blaženka Ružić, née Bekavac, who was born on 11 February 1951 in Stari Mikanovci, Yugoslavia (now Croatia).

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

The Bank's records consist of a power of attorney form, signed on 29 October 1928, and two printouts from 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").

According to these records, the Account Owner was Otto Schleyen and the Power of Attorney Holder was the Account Owner's wife, Anica Schleyen. The Bank's records indicate that the Account Owner resided at Boskovicева Street (*Ulica*) 32/ III in Zagreb, Yugoslavia. The Bank's records indicate that the Account Owner held one custody account.<sup>1</sup> The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account.

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<sup>1</sup> The Bank's records contain a power of attorney form that references a "*Titeldepot*," which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that the Account Owner held a custody account, in the absence of evidence to the contrary, the CRT concludes that it is plausible that he held such an account.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the ICEP Investigation 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, 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 has plausibly identified the Account Owner and the Power Attorney Holder. The Claimant's great-grandfather's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant's great-grandmother's name matches the published name of the Power of Attorney Holder. The Claimant identified the Account Owner's street address, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including an excerpt from a registry of the historical archives in Slovonski Brod; a letter from the historical archive in Slavonski Brod; the marriage certificate of Otto Schleyen and Ana Matilda Huszagh; the birth certificate of Branko Nikola Schleyen; and the birth certificate of Vera Marija Schleyen. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner. These documents also provide independent verification that the person who is claimed to be the Power of Attorney Holder had the same name recorded in the Bank's records as the name of the Power of Attorney Holder.

The CRT notes that the name Otto Schleyen appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

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-occupied Yugoslavia, and that he was targeted by the Nazis and only narrowly escaped deportation. The Claimant also submitted a copy of Otto Schleyen's identity card, dated 14 May 1941, identifying him as a member of the Jewish community.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner and the Power of Attorney Holder by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's great-grandfather. These documents include a copy of Otto Schleyen's birth certificate; a copy of Ana Schleyen's birth certificate; the marriage certificate of Otto Schleyen and Ana Matilda Huszagh; the birth certificate of Vera Marija Schleyen, indicating that her parents were Otto and Anica Schleyen; the birth certificate of Ivan Ružić, indicating that his parents were Vera and Rene Ružić; and her own birth certificate, indicating that Vera Ružić's parents were Ivan and Blaženka Ružić.

### The Issue of Who Received the Proceeds

Given that the Account Owner was Jewish and resided in Nazi-occupied Yugoslavia, 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 resided behind the Iron Curtain in a Communist country in Eastern Europe after the War; that the Account Owner and his heirs would not have been able to obtain information about his 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), (i), and (j), as provided in Article 28 of x 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, the Power of Attorney Holder, or their 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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her great-grandfather and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Further, the CRT notes that the Claimant, as the Account Owner's great-grandchild and direct descendant, has a better entitlement to the account than the Claimant's mother, represented party Blaženka Ružić, who is the wife of the Account Owner's grandson.

### Amount of the Award

In this case, the Account Owner held one 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 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 SF 162,500.00.

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, the Claimant is entitled to the total award amount. As noted above, represented party Blaženka Ružić is not entitled to share in the award.

#### **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  
25 November 2008