

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Roza Schneider,

Claimant Rosa Leib,

and Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2] and [REDACTED 3]

in re Accounts of Rosa Schneider

Claim Numbers: 004898/CU; 725426/CU;¹ 501137/CU

Award Amount: 59,750.00 Swiss Francs

This Certified Award is based upon the claims of Roza (Rosa) Schneider (“Claimant Schneider”) and Rosa Leib, née Schneider, (“Claimant Leib”) to the accounts of Rosa Schneider and the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) (together the Claimants”) to the account of Herman Schneider.² This Award is to the published account of Rosa Schneider (the “Account Owner”) at the Basel branch of the [REDACTED] (“Bank I”) and to the published account of Rosa Schneider at the [REDACTED] (“Bank II”).³

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.

¹ Claimant Rosa Leib (“Claimant Leib”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HEB-0365069, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those IQ’s which can be processed as claim forms be treated as timely claims. Order Concerning Use of IQ Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 725426.

² Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) submitted two additional claims, which are registered under the Claim Numbers 501137 and 601330. In separate decisions, the CRT awarded the account of Herman Schneider to Claimant [REDACTED 1] and treated Claim Number 601330. See *In re Account of Herman Schneider* (approved on 9 March 2005) and decision dated 6 June 2007.

³ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name Rosa Schneider appears four times, and the name Rosalie Schneider appears once. Upon careful review, the CRT has determined that the third and fourth Rosa Schneider, and Rosalie Schneider, are not the same person addressed in the current decision and, consequently, the Claimant did not identify the Account Owners as their relatives.

Information Provided by the Claimants

Claimant Schneider

Claimant Schneider submitted a Claim Form identifying herself as the Account Owner, Rosa Schneider, who was born on 10 May 1925, in Lipcani, Romania (today Moldova). Claimant Schneider, who is Jewish, indicated that she resided with her family in Lipcani until approximately 1941. Claimant Schneider indicated that in 1941, her family's extensive assets were looted and Claimant Schneider, her parents and siblings, her grandparents, and her aunts and uncles were deported to the ghetto in Mogilev (Ukraine). Claimant Schneider indicated that she escaped from the ghetto in 1944, and remained in hiding in the Ukraine until the end of the War. Claimant Schneider indicated that 27 members of her family perished in the ghetto.

Claimant Schneider submitted copies of documents, including: (1) her own Israeli identity card, issued in 1990, indicating that Rosa Schneider was born on 10 May 1925 and that she was the daughter of [REDACTED] and [REDACTED]; and (2) a letter from the Ukrainian State Archive, dated 14 June 1995, indicating that the recipient, Rosa Schneider, was the daughter of [REDACTED], and stating that according to its records, a person named Rosa Schneider, who was approximately 16 years old, was imprisoned in the Mogilev ghetto from 1942 to 1944.

Claimant Schneider previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by herself.

Claimant Leib

Claimant Leib submitted an IQ to the Court in 1999 identifying herself as the Account Owner, Rosa Schneider. Claimant Leib stated that she was born on 14 January 1936 in Iasi, Romania. Claimant Leib indicated that she is Jewish and that she lived in Iasi before the War; that her father, Bercu Schneider, was an antique dealer who traded largely in cash; and that he deposited a significant amount of money into one or more bank accounts. Claimant Leib further indicated that her house was looted by Nazi soldiers in approximately 1942 or 1943. Claimant Leib indicated that her father was beaten to death by the Nazis and thrown into an open pit. Claimant Leib indicated that she and her mother were beaten and raped by Nazis and that they survived the rest of the War under continual harassment. Claimant Leib indicated that she still suffers from serious medical problems as a result of these beatings, and that she has undergone several unsuccessful operations to alleviate these conditions.

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her paternal aunt, Rosa Schneider, née Markovitz (Markowicz), who was born on 20 February 1895 in Krakow, Poland, and was married to [REDACTED] in 1921 in Poland. Claimant [REDACTED 1] stated that her uncle, [REDACTED], who was born on 9 May 1891 in Krakow, was a businessman in Krakow, and that he and his wife, who were Jewish, resided at 105 Dietloska St. in Krakow from 1930 to 1944. According to Claimant [REDACTED 1], [REDACTED] and Rosa Schneider had two children, [REDACTED] and [REDACTED], who

have both passed away. Claimant [REDACTED 1] stated that both her aunt and uncle perished in 1942 in Auschwitz.

Claimant [REDACTED 1] indicated that her uncle, [REDACTED], had two brothers: [REDACTED], who was married to [REDACTED], née [REDACTED], and who had two children, [REDACTED 3] and [REDACTED 2], née [REDACTED]; and [REDACTED](Claimant [REDACTED 1]'s father), who was married to [REDACTED], née [REDACTED], both of whom passed away in Australia.

In support of her claim, Claimant [REDACTED 1] submitted copies of documents, including: (1) a detailed genealogy tree, indicating that [REDACTED] was born on 9 May 1891 and was married to Rosa Schneider, née Markowicz, in 1921; (2) her uncle [REDACTED]'s marriage certificate, indicating that [REDACTED] and [REDACTED] married on 3 April 1927 in Krakow; (3) the birth certificates of her cousins (the children of [REDACTED] and [REDACTED]), indicating that [REDACTED 3] was born on 28 January 1930 and that [REDACTED 2] was born on 29 March 1937, both in Krakow; (4) her uncle [REDACTED]'s death certificate, indicating that [REDACTED] died on 1 October 1954 in Israel; (5) her aunt [REDACTED]'s death certificate, indicating that [REDACTED], née [REDACTED], died on 28 February 1964 in Israel; (6) her parents' marriage certificate, indicating that [REDACTED] was married to [REDACTED] on 10 September 1933 in Krakow; (7) her own birth certificate, indicating that [REDACTED 1] was born on 10 June 1934 to [REDACTED] and [REDACTED], née [REDACTED]; (8) Claimant [REDACTED 1] father's identity card, dated 16 March 1949, indicating that [REDACTED] was born on 30 October 1904; (9) Claimant [REDACTED 1] father's certificate of naturalization as an Australian citizen dated 16 December 1955; (10) Claimant [REDACTED 1] father's last will and testament, dated 22 December 1959, in which [REDACTED] bequeathed the whole of his estate to his wife, [REDACTED]; and (11) Claimant [REDACTED 1] father's death certificate, indicating that [REDACTED] passed away on 6 February 1986 and that his only child was [REDACTED 1].

Claimant [REDACTED 1] indicated that she was born on 10 June 1934 in Krakow. Claimant [REDACTED 1] is representing her cousins (the children of [REDACTED] and [REDACTED]): [REDACTED 2], née [REDACTED], who was born on 29 March 1937, and [REDACTED 3], who was born on 28 January 1930, both in Krakow.

Information Available in the Banks' Records

Bank I's Records

Bank I's records consist of an extract from a list of accounts that were transferred from the Basel branch of Bank I to Bank II on 12 July 1946, an extract from a list of suspense account at Bank I, a bank statement of Bank II after the acquisition of Bank I by Bank II, a list, prepared by Bank II of account owners who had not been heard from whose accounts were to be balanced out ("*ausgeglichen*") through the charging of fees, and letters, dated 12 July 1946 and 26 July 1946, from Bank I and Bank II regarding the acquisition of Bank I by Bank II. According to these records, the Account Owner was Rosa Schneider, who used an address in Basel. Bank I's

records indicate that the Account Owner held one account, the type of which is not indicated. Bank I's records indicate that the Account Owner's last activity on the account was in 1936, at which time its balance was 17.50 Swiss Francs ("SF"). Bank II's statement indicates that the account was transferred from Bank I to a demand deposit account at Bank II on 12 July 1946. The amount in the account on the date of its transfer was SF 17.50. On 17 July 1946, Bank II charged a fee of SF 17.50 against the account, bringing its balance to zero and closing the account.

Bank II's Records

Bank II's records consist of printouts from Bank II's database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of Bank II to obtain additional information about this account ("Voluntary Assistance"). Bank II provided the CRT with an additional document. This document consists of an extract from a list of passbook/savings accounts that have had no activity for decades. These documents indicate that the Account Owner was Rosa Schneider. The documents do not indicate the Account Owner's domicile. According to the list of dormant accounts, the Account Owner held one savings/passbook account, numbered 35323. The balance of the account as of 31 December 1957 was SF 1.25. The records indicate that the account was transferred to a suspense account, where it remains.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules, claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

Identification of the Account Owners

Claimant Schneider's and Claimant Leib's names and Claimant [REDACTED 1] aunt's name match the published name of the Account Owner. The CRT notes that Bank I's and II's records do not contain any specific information about the Account Owner other than her name.

Claimant Schneider

In support of her claim, Claimant Schneider submitted copies of documents, including: (1) her own identity card, indicating that Rosa Schneider was born on 10 May 1925; and (2) a letter from the Ukrainian State Archive, dated 14 June 1995, indicating that the recipient, Rosa Schneider, was the daughter of [REDACTED], and stating that according to its records a person named Rosa Schneider, who was approximately 16 years old, was imprisoned in the Mogilev ghetto from 1942 to 1944, providing independent verification that Claimant Schneider had the same name recorded in the Banks' records as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant Schneider's relative in 1956, which indicates that Roza Schneider was born in approximately 1920 in Lipcani, that she resided in Lipcani, that she was single, and that she was imprisoned in the Ukraine, which matches the information about the Account Owner provided by Claimant Schneider. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant Schneider filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by the Account Owner, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant Schneider has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears her name, but rather that Claimant Schneider believed that she owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant Schneider.

The CRT notes that Claimant Schneider was born in 1925 and would have been a minor at the time the account was opened. The CRT considers it plausible that the account was opened in her behalf by her parents or other family member, and that this therefore does not affect Claimant Schneider's identification of herself as the Account Owner.

Claimant Leib

Similarly, the CRT notes that Claimant Leib filed an Initial Questionnaire with the Court in 1999, identifying herself as Rosa Leib, née Schneider, and asserting her entitlement to assets deposited by her father, Bercu Schneider, into one or more Swiss bank accounts. This indicates that Claimant Leib had reason to believe that her father owned a Swiss bank account, which the CRT notes may have been held in her name, prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant Leib.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], and indicates that he was born in Securenii, Bessarabia, Romania and was imprisoned in the Bershada ghetto, which matches the information provided by Claimant Leib. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant Leib was born in 1936 and would have been a minor at the time the account was opened. The CRT considers it plausible that the account was opened in her behalf by her parents or other family member, and that this therefore does not affect Claimant Leib's identification of herself as the Account Owner.

Claimant [REDACTED 1]

In support of her claim, Claimant [REDACTED 1] submitted copies of documents, including a comprehensive genealogy tree, her uncle [REDACTED]'s marriage and death certificate, her father's marriage certificate, her father's will and death certificate, and her own birth certificate.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 1]'s paternal aunt, [REDACTED], in 1957, which indicates that Roza Shnaider (Shneider), née Markovitz, was born in Krakow and married to [REDACTED], which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database also contains a person named [REDACTED], who was born in Krakow to [REDACTED] and [REDACTED] and married to Roza Markovitz. The documents further indicate that [REDACTED] was a soda factory owner in Krakow, which matches the information provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant Schneider, Claimant Leib, and Claimant [REDACTED 1]'s aunt are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Banks records; that the information provided by each claimant supports and in no way contradicts any information available in the Banks records; that there is no additional information in the Banks records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to the accounts were disconfirmed because the marital status of those claimants' relatives was inconsistent with the name of the Account Owner contained in the Banks records, the CRT finds that the Claimants have each plausibly identified the Account Owner.

Status of the Account Owners as a Victim of Nazi Persecution

Claimant Schneider has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant Schneider stated that she was Jewish, that she resided in Romania, and that she was imprisoned in the ghetto in Mogilev until she escaped in 1944. As noted above, a person named Roza Schneider, was included in the CRT's database of victims.

Claimant Leib has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant Leib stated that she is Jewish, that she resided in Romania, that her family's assets were looted by the Nazis, and that she was raped and beaten by Nazi soldiers. As noted above, a person named [REDACTED], corresponding to details provided by Claimant Leib, was included in the CRT's database of victims.

Finally, Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED] stated that her family was Jewish, that they resided in Nazi-occupied Poland, and that her aunt perished in Auschwitz in 1942. As notes above, a person named Roza Shnaider was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner. The CRT notes that Claimant [REDACTED 1] identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 1] submitted copies of documents, including death and marriage certificates of her

parents, uncle, [REDACTED], and her aunt, [REDACTED]. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. The CRT further notes that Claimant [REDACTED 1] submitted a copy of her own birth certificate, which provides independent verification that Claimant [REDACTED 1]'s relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner have surviving heirs other than the parties whom Claimant [REDACTED 1] is representing.

Claimant Schneider has also plausibly demonstrated that she is the Account Owner, and Claimant Leib has also plausibly demonstrated that she is the Account Owner.

The Issue of Who Received the Proceeds

With regard to the account originally held at Bank I and transferred to Bank II upon Bank II's acquisition of Bank I in 1946, Bank II's records indicate that the account was closed to fees on 17 July 1946.

With regard to the second account at Bank II, Bank II's records indicate that the account remains suspended.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant Schneider and Claimant Leib each has plausibly demonstrated that she is the Account Owner and Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her aunt, and those relationships justify 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 accounts.

Amount of the Award

Bank I

In this case, Bank I's records indicate that the Account Owner held one account of unknown type, which was transferred to a demand deposit account at Bank II on 12 July 1946. The balance of the account on the date of the transfer was SF 17.50, and the account was reduced to zero by fees charged against it on 17 July 1946. Although Bank II credited the proceeds of the transferred account to a demand deposit account, the CRT considers the account, for the purposes of this Award, to be an account of unknown type, as that was the type of account in which the assets were originally held in Bank I. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 30.00, which reflects standardized bank fees

charged to the account of unknown type between 1945 and 1946. Consequently, the adjusted balance of the account at issue is SF 47.50. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of this amount is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 49,375.00 for this account.

Bank II

Bank II's records indicate that the Account Owner held one savings/passbook account. Bank II's records indicate that the value of the savings/passbook account as of 31 December 1957 was SF 1.25. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 195.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1957. Consequently, the adjusted balance of the account at issue is SF 196.25. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. The current value of this amount is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 10,375.00 for this account.

Consequently, the total Award amount in this case is SF 59,750.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant Schneider is entitled to one-third of the Award amount, or SF 19,916.66; Claimant Leib is entitled to one-third of the Award amount, or SF 19,916.67; and Claimant [REDACTED 1] and the parties she represents are entitled to one-third of the Award amount, or SF 19,916.67.⁴

With respect to Claimant [REDACTED 1] and the parties she represents, according to Article 23 (1) (d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] is representing her cousins, [REDACTED 2] and [REDACTED 3]. Accordingly, Claimant [REDACTED 1], [REDACTED 2] and [REDACTED 3] are entitled to share equally their portion of the Award amount, or SF 6,638.89 each.

⁴ The discrepancy of SF 0.01 among the Award amounts is due to the fact that the total Award amount is not equally divisible by three.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
15 November 2007