

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]¹

in re Account of Jakob Schnyder

Claim Numbers: 000446/AH

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”), to the account of Jakob Schnyder (the “Account Owner”) at [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 and an Initial Questionnaire identifying the Account Owner as her paternal grandfather, Jakob Schnyder who was born in Poland in approximately 1880. The Claimant stated that her grandfather, who was Jewish, lived at 6 Jidovsky Street in Bialistok, Poland, where he and his family owned a big clothing store named *Schnyder*, located at 26 Rene Kostiuszka Street. The Claimant stated that in later years, the store, in which she also worked, was managed by her aunt [REDACTED] until 1939. The Claimant stated that in 1939, she and her grandparents were sent to a labor camp in Siberia by the Russian regime, and that in 1948 they moved to Israel. The Claimant further stated that her aunt fled with her husband from Bialistok. The last correspondence the Claimant’s family received from them was from Vilna. The Claimant stated that she believes her aunt deposited the family’s assets in Switzerland, and that she does not know the fate of her aunt and uncle, who disappeared after the Second World War. The Claimant stated that she was born on 6 July 1919 in Bialistok.

¹ Claimant [REDACTED] provided her name and some of her relatives’ names only in Hebrew characters in the claim form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the claim form with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

Information Available in the Bank Records

The bank records consist of printouts from the Bank's database. According to these records, the Account Owner was Jakob Schnyder. The bank records indicate that the Account Owner held an account of an unknown type, which was opened on an unknown date. The bank records show that the balance of the account at the time of the audit carried out to identify accounts of victims of Nazi persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") was 22.05 Swiss Francs. The account was transferred, on an unknown date, to a suspense account, which is a grouping of open and dormant accounts, and remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandfather's name matches the unpublished name of the Account Owner. The Claimant submitted detailed information about her grandfather.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her grandparents and by her aunt [REDACTED], née [REDACTED], prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant 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 the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT further notes that it received one other claim to this account, but this claim was disconfirmed because the name provided by the claimant did not match the Account Owner in this case.

Status of the Account Owner as a Victim or Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Target of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and lived in Poland during the period of Nazi occupation or threat of Nazi occupation.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner. The Claimant submitted a family tree and detailed information of her grandfather's family, business, addresses and whereabouts before, during and after the Second World War.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a suspense account and remains open and dormant.

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 23 of the Rules Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her grandfather, and that relationship justifies an Award. Finally, 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

The bank records show that the balance of the account at the time of the audit was 22.05 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown type of account was less than 3,950.00 Swiss Francs and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Initial Payment

In this case, the Claimant is aged 75 or older and is therefore entitled to receive 100% of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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.

Claim Resolution Tribunal

23 January 2003