

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]

in re Account of Ladislaus Schwartz

Claim Numbers: 710093/MBC; 710094/MBC; 710095/MBC; 710096/MBC; 710097/MBC;
710098/MBC; 710099/MBC; 711033/MBC¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED] (together the “Claimants”) to the published account of Ladislaus Schwartz (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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as his maternal uncle, Ladislav Schwartz, who was born on 24 October 1913 in Levoca, Slovakia. Claimant [REDACTED 1] indicated that his uncle, who was Jewish, owned a bakery in Levoca, where he resided. According to Claimant [REDACTED 1], his family’s assets in

¹ [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit Claim Forms to the CRT. However, in 1999, Claimant [REDACTED 1] submitted seven Initial Questionnaires (“IQs”), numbered GER-0053163, GER-0053164, GER-0053165, GER-0053166, GER-0053167, GER-0053168 and GER-0053169 to the Court in the United States, and Claimant [REDACTED 2] submitted an IQ, numbered HEB-0006035, to the Court. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs of Claimant [REDACTED 1] were forwarded to the CRT and have been assigned the claim numbers 710093, 710094, 710095, 710096, 710097, 710098 and 710099 respectively. The IQ of Claimant [REDACTED 2] was also forwarded and has been assigned the claim number 711033.

Levoca were confiscated by the Nazis during the Second World War and his uncle was deported to Auschwitz, where he perished on 15 May 1942. Finally, Claimant [REDACTED 1] indicated that his mother [REDACTED], née [REDACTED], who was born on 3 December 1908, was the only survivor in her extended family.

Claimant [REDACTED 1] submitted copies of documents in support of his claim, including: 1) his grandparents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 29 December 1896 in Levoca and that they were Jewish; 2) letters from Claimant [REDACTED 1] to the International Red Cross, dated 1990, inquiring about the fate of his maternal grandmother [REDACTED], née [REDACTED], and his maternal aunts and uncles, including Ladislav Schwartz - who was born on 24 October 1913 in Levoca and was deported to Auschwitz in approximately March 1942; 3) a reply from the International Red Cross, dated 27 May 1992, regarding the fates of Claimant [REDACTED 1]'s maternal relatives, indicating that Ladislaus Schwartz was born on 24 October 1913 in Levoca to [REDACTED] and [REDACTED], née [REDACTED], that he was Jewish, that he was a baker in Levoca, that he was deported to Auschwitz on 17 April 1942, and that he perished in Auschwitz on 15 May 1942.

Claimant [REDACTED 1] indicated that he was born on 17 June 1949.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an IQ identifying the Account Owner as her father Ladislav Schiff (Schwartz), who was born on 30 May 1909. Claimant [REDACTED 2] indicated that her father, who was Jewish, resided at Drobná Armáda 7 in Kosice, Slovakia (for a period Hungary, now Slovakia), where he was a partner in the law firm of his uncle, [REDACTED]. According to Claimant [REDACTED 2], her father was deported to a slave labor camp in Hungary in 1942 and in 1944 his family was deported from their home to Auschwitz. Finally, Claimant [REDACTED 2] indicated that her father was liberated in 1945 and that he died on 26 May 1976 in Haifa, Israel.

Claimant [REDACTED 2] indicated that she was born on 24 September 1947.

Information Available in the Bank's Records

The Bank's records consist of an account statement, an account card and a printout from the Bank's database. According to these records, the Account Owner was Ladislaus Schwartz, who resided in Slovakia. The Bank's records indicate that the Account Owner held a numbered demand deposit account, numbered 4636, which contained a balance of 482.00 Swiss Francs ("SF") as of 11 June 1945. The Bank's records indicate that the account was closed on an unspecified date between 1945 and November 1949.

There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (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 eight claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' names and country of residence match the published name and country of residence of the Account Owner.

In support of his claim, Claimant [REDACTED 1] submitted documents, including correspondence between Claimant [REDACTED 1] and the International Red Cross from 1990 to 1992, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's records as the name and country of residence 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 [REDACTED 1]'s mother, [REDACTED], in 1979, as well as documents from official archival sources, which indicate that Ladislaus Schwartz was born on 24 October 1913, that his place of birth was Levoca, that his parents were [REDACTED] and [REDACTED], née [REDACTED], and that he perished in Auschwitz on 15 May 1942, which matches the information about the Account Owner 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 the name Ladislaus Schwartz appears only once 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 CRT notes that the Claimants each filed IQs with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by the Account Owner, and identifying his country of residence, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimants have based their claims not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on direct family relationships that were known to them prior to the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]' relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that the

information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants each stated that his relative was Jewish. Claimant [REDACTED 1] stated that his relative perished in Auschwitz. Claimant [REDACTED 1] also submitted a letter from the International Red Cross, indicating that his relative was Jewish and that he perished in Auschwitz. As noted above, a person named Ladislaus Schwartz, corresponding with the information provided by Claimant [REDACTED 1], was included in the CRT's database of victims. Claimant [REDACTED 2] stated further that his relative was deported to a slave labor camp in Hungary in 1942.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s maternal uncle. The CRT further notes that Claimant [REDACTED 1] filed an IQ in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 1] prior to the publication in February 2001 of the ICEP List, and that Claimant [REDACTED 1] also identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 1] submitted letters he had written to the International Red Cross in 1990 identifying the Account Owner as his maternal uncle. 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 his parents' marriage certificate, which provides independent verification that Claimant [REDACTED 1]'s relatives bore the same family name as the Account Owner. The CRT further notes that a person named [REDACTED], whom Claimant [REDACTED 1] identified as his mother, submitted a page of testimony to Yad Vashem in 1979, identifying the Account Owner as her brother. 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 he has asserted in his Claim Form. There is no information to indicate that Claimant [REDACTED 1]'s uncle has other surviving heirs.

Claimant [REDACTED 2] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]' father. The CRT further notes that Claimant [REDACTED 2] filed her IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 2], prior to the publication in February 2001 of the ICEP List. 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 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as she has asserted in her IQ. There is no information to indicate that Claimant [REDACTED 2]' father has other surviving heirs.

The Issue of Who Received the Proceeds

Given that Claimant [REDACTED 1]'s and Claimant [REDACTED 2]' relatives resided in Nazi-allied Slovakia; that Claimant [REDACTED 2]' relative was deported to a labor camp in Hungary; that Claimant [REDACTED 1]'s relative was deported to Auschwitz, where he perished; that there is no record of the payment of the Account Owner's account to him, nor any record of a specific date of closure of the account; 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) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his uncle and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her father, and those relationships justify an Award. Third, 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

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the account as of 11 June 1945 was SF 482.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 65.00, which reflects standardized bank fees charged to the demand deposit account in 1945. Consequently, the adjusted balance of the account at issue is SF 547.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award 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 a total award amount of SF 26,750.00.

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 [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is entitled to one-half of the Award amount.

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
30 May 2008