

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Léonce Schwartz

Claim Number: 223419/MO

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Léonce Schwartz (the “Account Owner”) at the Geneva 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 father, Léonce Schwartz, who was married to Marguerite Desirie Schwartz, née [REDACTED]. The Claimant stated that her mother was born in 1889. In a telephone conversation with the CRT on 6 September 2002, the Claimant’s son, [REDACTED], stated that the Claimant’s mother was called Margot. The Claimant indicated that her father, who was a lace merchant, resided at rue des Acacias 3, Paris, France, from 1914 until 1934, and then on rue de Tocqueville, Paris. She further indicated that her older brother, Robert Schwartz, was born on 30 March 1909 in Paris, and that she was born there on 2 April 1914. The Claimant asserted that her father, who was Jewish, was among the first Jews in Paris that were deported by the Nazis and that he was interned in the Drancy concentration camp. The Claimant stated that her father became ill and was transferred to Val de Grâce, and that he died on 18 May 1945 in a hospital in Paris. The Claimant further stated that her mother died in Paris on 9 November 1963 and that her brother died there approximately in 1980.

Information Available in the Bank’s Record

The Bank’s record consists of a power of attorney form, dated 1 March 1933. According to this record, the Account Owner was Léonce Schwartz from Paris and the Power of Attorney

Holder were Mrs. Marguerite Schwartz, who signed “Margot Schwartz,” and Robert Schwartz. The Bank’s record indicates that the Account Owner held a custody account.¹ The Bank’s record does not show when the account at issue was closed, or to whom it was paid, nor does this record indicate the value of this account. However, according to a stamp on the power of attorney form, the power of attorney was cancelled on 3 January 1941. There is no evidence in the Bank’s record that the Account Owner, the Power of Attorney Holders 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. Her parents’ and her brother’s names match the published names of the Account Owner and the Power of Attorney Holders. The Claimant identified her father’s city of residence, which matches published information about the Account Owner contained in the Bank’s record. The Claimant also identified her mother’s nickname as “Margot,” which matches unpublished information about the Power of Attorney Holder. The CRT notes that the other claims to this account were disconfirmed because these claimants provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into consideration, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 he was interned in the Drancy concentration camp.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that she is the Account Owner’s daughter. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner was interned in the Drancy concentration camp, became ill during his internment and died on 18 May 1945, indicating an inability to receive the proceeds of his custody account during the Second World War; that the Account Owner’s heirs would not have been able to obtain information about the account from the bank after the war due to the Swiss banks’ practice of withholding or misstating account information in their responses

¹ The Bank’s record contains a power of attorney form that references a “*dépôt de titres*,” a type of custody account.

to inquiries by account owners because of the banks' concern regarding double liability; and the application of Presumptions (h) and (j) as provided in Article 28 of 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 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 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 father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor the Power of Attorney Holders nor their heirs received the proceeds of the claimed account.

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 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 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 162,500.00 Swiss Francs.

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
August 7, 2003