

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Isidor Schwarz**

Claim Number: 219340/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Isidor Schwarz (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant did not sign his claim form, 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 late husband’s father, Isidor Schwartz, who was born in Bucharest, Romania, and was married to [REDACTED], née [REDACTED]. The Claimant indicated that the couple had one child, the Claimant’s late husband, [REDACTED] (later [REDACTED]) [REDACTED], who was born in Bucharest on 30 December 1924. The Claimant stated that her father-in-law was a businessman and resided at St. Negoiu 23 in Bucharest. The Claimant stated that during the Second World War her father-in-law, who was Jewish, was arrested and was sent to *Doftana* prison, where he was detained until the liberation. The Claimant indicated that her father-in-law died in Bucharest. The Claimant further stated that her husband passed away in New York, the United States, on 1 October 1988. The Claimant indicated that she and her husband had two children: [REDACTED], who died in 2002, and [REDACTED].

In support of her claim, the Claimant submitted a translation of her late husband’s birth certificate, which indicates that her husband, [REDACTED], was born on 30 December 1924 in Bucharest to Isidor Schwartz; her husband’s death certificate, indicating that [REDACTED], also known as [REDACTED], was married to [REDACTED]; and her late husband’s will, demonstrating she is the widow of [REDACTED] and that she is her late husband’s heir. The Claimant stated that she was born in Bucharest on 17 December 1928. The Claimant is representing [REDACTED], her son.

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

The Bank's records consist of a numbered account registry card and a printout from the Bank's database. According to these records, the Account Owner was Isidor Schwarz, who resided in Bucharest, Romania. The Bank's records indicate that the Account Owner held a numbered account, numbered 7696, of unknown type. The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account.

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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors 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, or his heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's father-in-law's name matches the published name of the Account Owner.<sup>1</sup> The Claimant stated that her father-in-law resided in Bucharest, Romania, which matches published information about the Account Owner contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name, country, and city of residence. In support of her claim, the Claimant submitted a translation of her late husband's birth certificate, which indicates that her husband, [REDACTED], was born on 30 December 1924 in Bucharest to Isidor Schwartz; her husband's death certificate, indicating that [REDACTED], also known as [REDACTED], was married to [REDACTED]; and her late husband's will, demonstrating she is the widow of [REDACTED] and that she is her late husband's heir. The CRT notes that the birth certificate submitted by the Claimant of her late husband provides independent verification of the Account Owners residence in Bucharest, Romania, as contained in the Bank's records. The CRT further notes that the name Isidor Schwarz appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. Furthermore, the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city of residence than the city of residence

---

<sup>1</sup> The CRT notes that letters of the alphabet are often interchanged in writing, especially involving transliterations of various languages. This is evidenced by the documents submitted by the Claimant which contain the Claimant's late husband's name spelled in two different forms: "[REDACTED]" and "[REDACTED]." Furthermore, while the Claimant is claiming the account of her father-in-law, Isidor Schwartz, the Claimant submitted a document which states that her father-in-law's name was translated as "Isidor Schwartz."

of the Account Owner. Taking all of these factors into account, 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, who was Jewish, resided in Romania during the Second World War, and was arrested and sent to *Doftana* prison, where he was detained until the liberation.

#### 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 and numerous documents, demonstrating that the Account Owner was her father-in-law and her son's grandfather. These documents include a translation of her late husband's birth certificate, which indicates that her husband, [REDACTED], was born on 30 December 1924 in Bucharest to Isidor Schwartz; her husband's death certificate, indicating that [REDACTED], also known as [REDACTED], was married to [REDACTED]; and her late husband's will, demonstrating she is the widow of [REDACTED] and that she is her late husband's heir. The Claimant is representing her son, [REDACTED], in these proceedings.

#### The Issue of Who Received the Proceeds

Given that there is no known date of closure of the Account Owner's account at the Bank; that the Account Owner resided in Romania during the Second World War, and was arrested and sent to *Doftana* prison, where he was detained until the liberation and it is not plausible that the account proceeds were repatriated to the Account Owner during this period; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner or 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 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-in-law, 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

In this case, the Account Owner held one account of unknown type. 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 an account of unknown type was 3,950.00 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 49,375.00 Swiss Francs.

#### 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. In this case, the Claimant is representing [REDACTED], her son. Accordingly, since [REDACTED] is the Account Owner's grandson and thus a direct descendent of the Account Owner, he has better entitlement to the award than the Claimant, who is related to the Account Owner by marriage. Therefore, [REDACTED] is entitled to the total award amount.

#### **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  
31 December 2003