

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]¹

in re Account of Nachum Schwarzwald

Claim Number: 601572/AA²

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Nachum Schwarzwald (the “Account Owner”) at the Basel 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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his late wife’s father, Nachum Norbert Schwarzwald, who was born in 1893 in Palocho, Poland, to [REDACTED] and [REDACTED], and was married to [REDACTED], née [REDACTED]. The Claimant explained that his father-in-law had three children: [REDACTED], who was born on 17 January 1924 in Lwow, Poland and was killed in Brygitki Prison in Lwow July 1941; the Claimant’s late wife, [REDACTED], who was born in 1925 in Lwow, and died in 1998; and [REDACTED], who was born on 24 September 1929 in Lwow, and was killed in prison in Lwow in 1943. The Claimant, who was born on 1 January 1924, was married to [REDACTED] in Heidelberg, Germany, on 4 January 1949.

The Claimant stated that, prior to the Second World War, his father-in-law, who was Jewish, resided in Lwow, where he worked as an exporter of specialty cut wood for the manufacturing of barrels. The Claimant indicated that his father-in-law’s business was listed in the pre-war Lwow business directory as ‘eksport drewna’ (wood export), located at Bernsteina 5, which was also the

¹ [REDACTED] (née [REDACTED]) originally filed a claim with the HCPO to the account of her father, Nachum Schwarzwald. Mrs. [REDACTED] was born in 1925 and passed away in 1998, her husband, Claimant [REDACTED], has assumed his late wife’s claim.

² The Claimant submitted a claim, numbered B-00140, on 30 May 2001, to the HCPO. This claim was referred by the HCPO to the CRT and has been assigned claim number 601572.

location of the family residence. The Claimant explained that his father-in-law was known to have numerous business relationships in Switzerland and that he often told his daughter, the Claimant's late wife, that he had accounts and safe deposit boxes there. The Claimant stated that his father-in-law traveled to Switzerland several times a year. The Claimant further stated that Nachum Schwarzwald perished in 1942 in Zlezow concentration camp in Poland and his wife [REDACTED] perished in Treblinka in 1943.

The Claimant stated that, after the Second World War, his late wife was able to recover some of her father's assets that were held in the United Kingdom, but repeated attempts to recover assets in Switzerland were unsuccessful. According to the Claimant, after the Second World War, the Claimant's late wife wrote to one of her father's clients, the [REDACTED]. The client who confirmed that her father was one of their suppliers and that the money they had owed him had been deposited into his Swiss bank account; however, the client would not disclose the name of the financial institution to her.

In support of his claim, the Claimant submitted declarations from a German court determining the dates of death of Nachum Schwarzwald and those of his wife and two sons, as well as a certificate of inheritance ("*Erbschein*") declaring the Claimant's late wife as her father's sole heir. The Claimant also provided his marriage certificate, which identifies him as the husband of the Nachum Schwarzwald's daughter.

Information Available in the Records

The records consist of printouts from the Swiss Federal Archives and correspondence between the HCPO and the Bank, as well as the Swiss Federal Department of Foreign Affairs. According to these records, the Account Owner was Nachum Schwarzwald of Poland. These records indicate that the Account Owner held a demand deposit account.

In August 1975, pursuant to an agreement between the Swiss and Polish governments, an account belonging to the Account Holder was transferred from the Swiss Unclaimed Assets Fund to the Polish National Bank. The Unclaimed Assets Fund was established by the Swiss Government to identify dormant assets belonging to heirless non-Swiss citizens that were the victims of racial, religious, or political persecution.

The CRT notes that, in June 1998, the Bank presented the Account Owner's daughter with a "gift" of 10,000.00 Swiss Francs, but insisted that the money was not part of a settlement of any outstanding claim she might have against the Bank.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father-in-law's name matches the unpublished name of the Account Owner. The Claimant identified his father-in-law's country of

residence, which matches unpublished information about the Account Owner contained in the bank records.

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 perished in a Zlezow concentration camp in 1942 and that his wife perished in Treblinka in 1943.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Nachum Schwarzwald and indicates that he was from Poland, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that he is the Account Owner's son-in-law. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate that the account was transferred to the Swiss Unclaimed Assets Fund and was paid to the Polish National Bank as part of a settlement fund. In this context, it should be noted that the Account Owner's assets were not heirless: his daughter, the late Claimant and sole survivor of the Schwarzwald family, had repeatedly tried to locate them in Switzerland after the Second World War.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his father-in-law, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The CRT notes that 854.00 Swiss Francs were transferred from Nachum Schwarzwald's account in 1975. This was likely the balance of the account at that time since it was one of many accounts that was transferred to the Polish National Bank as part of a settlement between the Swiss and Polish governments. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a

factor of 12, in accordance with Article 31(1) of the Rules, which produces an award amount of 25,680.00 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 his claim to determine whether there are additional Swiss bank accounts to which he 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
March 5, 2003