

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Susan Korman

in re Account of Helena Silberzweig

Claim Number: 220156/AZ¹

Award Amount: 33,615.88 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (formerly [REDACTED]) (the “Claimant”) to the published account of Helena Silberzweig (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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal aunt, [REDACTED], who was born in 1905 in Grabowiec, Poland. The Claimant stated that his aunt, who was Jewish, lived in Krakow, Poland and that she held a Swiss bank account with her brother, the Claimant’s father, [REDACTED] ([REDACTED]),² who was married to [REDACTED]. According to the Claimant, his father was one of many siblings, and his family jointly sent money to Switzerland for safekeeping, which was kept in one account under his aunt’s name. Finally, the Claimant indicated that during the Second World War, his aunt was deported to the ghetto, where she performed slave labor, and that she died in Germany.

In support of his claim, the Claimant submitted a copy of his certificate of identity, issued by the International Refugee Organization on 28 October 1948, indicating that [REDACTED] was born on 12 January 1931 in Grabowiec, Poland, that he was Jewish, that his parents were

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 706673. The CRT will treat this claim in a separate determination.

² The CRT notes that the Claimant’s Claim Form indicates that his father’s name was [REDACTED], but that his father’s name is indicated as [REDACTED] in his IQs and in his certificate of identity. Upon closer examination, it appears that the Claim Form was filled out by a different person, most likely the Claimant’s representative, who may have transcribed the name incorrectly as [REDACTED].

[REDACTED] and [REDACTED]; and a copy of his Canadian passport, indicating that [REDACTED] was born on 12 January 1931 in Poland.

The Claimant indicated that he was born on 12 January 1931 in Grabowiec.

The Claimant previously submitted Initial Questionnaires (“IQs”) to the Court in 1999, asserting his entitlement to Swiss bank accounts owned by himself and by his parents, [REDACTED] and [REDACTED].³ In his IQs, Claimant [REDACTED] indicated that his parents were both born in approximately 1900 and that his family lived in Grabowiec until 1941, when his parents were taken by the Nazis and never seen again. The Claimant further indicated that his family’s assets were looted by the Nazis in approximately 1939 or 1940.

Information Available in the Bank’s Records

The CRT notes that 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 report an account belonging to [REDACTED] during their investigation of the Bank. The Bank’s documents were obtained from archival sources in Switzerland and information published by the Polish Ministry of Finance, described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962, the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the “1962 Survey”).

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the registration of assets belonging to [REDACTED], numbered 508. These records indicate that the Account Owner was [REDACTED], who resided at Wolska 36 in Krakow, Poland. These records further that the last contact between the Account Owner and the Bank occurred in 1938. These records indicate that the Account Owner held a demand deposit account with a balance of 198.14.0 Pound Sterling (“£”) or £ 198.70,⁴ as of 1 September 1963, which the Bank determined to be equivalent to approximately 2,400.00 Swiss Francs (“SF”). The records from the Swiss Federal Archive do not refer to the ultimate disposition of the assets.

³ The CRT will treat the claims to these accounts in separate determinations.

⁴ The CRT notes that there were twenty shillings to the pound and thus that 14 shillings would be .70 of a pound.

Information Published by the Press Office of the Polish Ministry of Finance

In the publication entitled *Nasze finanse*, published by the Press Office of the Polish Ministry of Finance in 1998, there is information concerning the assets of Helena Silberzweig, extracted from documents contained in the Swiss Federal Archive. According to this record, the Account Owner was Helena Silberzweig, who resided at Wolska 36 in Krakow. This record further indicates that the last contact between the Account Owner and the Bank occurred in 1938.

This record indicates that the Account Owner held one demand deposit account. Furthermore, this record indicates that the account held a balance of SF 2,400.00 as of 28 February 1964 and that SF 247.35 in bank fees was deducted between 1964 and 1973. Finally, this record indicates that the remaining balance was transferred on 15 August 1975 to the Polish National Bank.

The CRT's Analysis

Identification of the Account Owner

The Claimant's aunt's name and city and country of residence match the published name and city and country of residence of the Account Owner. The CRT notes that of numerous places in Poland named Grabowiec, the closest is approximately 100 kilometers from Krakow.

The CRT notes that the name Helena Silberzweig appears only once on the January 2005 published list of additional accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "2005 List").

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different city of residence than the city of residence 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 was Jewish, that she resided in Nazi-occupied Poland, and that she was deported to the ghetto, where she performed slave labor during the Second World War.

The CRT notes that a database containing the names of victims of Nazi persecution includes persons named [REDACTED] and [REDACTED], and indicates that they were married, that they were born in 1898 and 1900 respectively, that they lived in Grabowiec, and that they perished in Sobibor, which matches the information about the Account Owner's brother and sister-in-law provided by the Claimant. The CRT further notes that the database also includes a person named [REDACTED], and indicates that his parents were [REDACTED] and

[REDACTED], that he lived in Grabowiec, and that he perished in Sobibor. 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 specific information, demonstrating that the Account Owner was the Claimant's aunt. The CRT further notes that the Claimant submitted a copy of his certificate of identity, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Poland. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The publication of the Press Office of the Polish Ministry of Finance indicates that the account was paid to the Polish National Bank on 15 August 1975.

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 (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his aunt, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Swiss Federal Archive records and Polish Ministry of Finance publication indicate that the balance of the account as of 1 September 1963 was £198.70, which at the time was equivalent to SF 2,404.27.⁵ In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 2,689.27. The current value of the amount of the award is determined by multiplying the historical balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 33,615.88.

⁵ The CRT uses official exchange rates when making currency conversions.

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
17 November 2006