

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED]

and to Claimant [REDACTED 2]  
also acting on behalf of [REDACTED]

and to Claimants [REDACTED 3],

[REDACTED 4],

and [REDACTED 5]

## **in re Accounts of Herman Chwat**

Claim Numbers: 001119/NP; 002153/NP; 204932/NP; 212359/NP; 214600/NP; 221860/NP<sup>1,2</sup>

This Certified Denial is based on the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”), [REDACTED 2] (“Claimant [REDACTED 2]”), [REDACTED 4], née [REDACTED] (“Claimant [REDACTED 4]”), and [REDACTED 5], formerly [REDACTED] (“Claimant [REDACTED 5]”)(together “the Claimants”) to the published accounts of Herman Chwat (the “Account Owner”) at the [REDACTED] (the “Bank”). On 7 August 2003, the Court approved an Award to Claimant [REDACTED 1], Claimant [REDACTED 3], Claimant [REDACTED 2], and Claimant [REDACTED 4] for three accounts held by the Account Owner at the Bank (the “August 2003 Award”).<sup>3</sup> The August 2003 Award did not address the entitlement of Claimant

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<sup>1</sup> Claimant [REDACTED 5] did not submit a timely Claim Form claiming the accounts of Herman Chwat to the CRT. However, in 1999 he submitted six Initial Questionnaires, numbered ENG-0130-037, ENG-0027-109, ENG-0025-118, ENG-0027-118, ENG-0032-046, and ENG-0138-119 to the Court in the United States. Although these Initial Questionnaires 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 Initial Questionnaires have been forwarded to the CRT and have been consolidated with Claim Number 204932, which is being treated as a timely claim to the accounts of Herman Chwat on this basis.

<sup>2</sup> Claimant [REDACTED 5] submitted an additional claim to the account of Chaim Sztajnberg (or Steinberg), which is also registered under the consolidated Claim Number 204932. The CRT will treat the claim to this account in a separate determination.

<sup>3</sup> See *In re Accounts of Herman Chwat* (approved on 7 August 2003).

[REDACTED 5] to these accounts.<sup>4</sup> In addition, in the August 2003 Award, the CRT did not reach a decision regarding the fourth account, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of that account. This Certified Denial is the result of further consideration of this issue, and determines that the Account Owner received the proceeds of the fourth account.

All denials are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

### **Information Provided by the Claimants**

#### Claimant [REDACTED 1]

As noted in the August 2003 Award, Claimant [REDACTED 1] submitted two Claim Forms identifying the Account Owner as her father's uncle, Herman (or Herszek or Hirszek) Chwat, who was born on 3 May 1883 in Radom, Poland, and was married to [REDACTED]. Claimant [REDACTED 1] indicated that her great-uncle, who was Jewish, had no children, and was the owner of a successful textile manufacturing factory, located in Lodz, Poland. Claimant [REDACTED 1] further stated that her great-uncle resided in Lodz between 1933 and 1940. According to Claimant [REDACTED 1], her great-uncle fled from Lodz to Radom, where he met his brother, [REDACTED], and his brother's daughter, Claimant [REDACTED 4], and told them about deposits in Swiss bank accounts. Claimant [REDACTED 1] further indicated that her great-uncle and his wife were deported in 1942 to the Treblinka concentration camp, where they both perished. Claimant [REDACTED 1] indicated that she was born on 15 September 1944 in Poland. Claimant [REDACTED 1] is representing [REDACTED], her sister, who was born on 26 December 1938 in Poland.

#### Claimant [REDACTED 3]

As noted in the August 2003 Award, Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as her maternal aunt's brother-in-law, Herman Chwat, who was born and lived in Lodz, was married to [REDACTED], and was the owner of a factory. Claimant [REDACTED 3] stated that Herman Chwat did not have any children. Claimant [REDACTED 3] further stated that, in 1941, Herman Chwat was deported together with his wife to a concentration camp, where he perished.

#### Claimant [REDACTED 2]

As noted in the August 2003 Award, Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his father's uncle, Herman Chwat, who was born on 3 May 1883 in Radom, and was married to [REDACTED]. Claimant [REDACTED 2] indicated that his great-uncle, who was Jewish, resided at Pilsudskiego 72 in Lodz. The remaining information

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<sup>4</sup> The CRT will address Claimant [REDACTED 5]'s entitlement to these three accounts in a separate determination.

provided by Claimant [REDACTED 2] matched that given by Claimant [REDACTED 1]. Claimant [REDACTED 2] indicated that he was born on 3 September 1950 in Warsaw, Poland. Claimant [REDACTED 2] is representing [REDACTED], née [REDACTED], his mother, who was born on 7 October 1915, also in Warsaw.

#### Claimant [REDACTED 4]

As noted in the August 2003 Award, Claimant [REDACTED 4] submitted a Claim Form identifying the Account Owner as her paternal uncle, Herman (or Herszek or Hirszek) Chwat, who was born on 3 May 1883 in Radom, and was married to [REDACTED]. In addition, Claimant [REDACTED 4] provided the same information about Herman Chwat as Claimant [REDACTED 1] and Claimant [REDACTED 2]. Claimant [REDACTED 4] indicated that she was born on 6 May 1921 in Poland.

#### Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form, identifying the Account Owner as Herman Chwat, the uncle of his step-mother, [REDACTED], née [REDACTED]. In a telephone conversation with the CRT on 29 August 2005, Claimant [REDACTED 5] explained that his mother, [REDACTED], née [REDACTED], died when he was eight years old, and that his father, [REDACTED], subsequently married [REDACTED], who raised Claimant [REDACTED 5], but never formally adopted him.

Claimant [REDACTED 5] further stated that Herman Chwat was born in Radom, and was married to [REDACTED]. Moreover, Claimant [REDACTED 5] indicated that Herman Chwat, who was Jewish, was the owner of a successful silk factory in Lodz. Claimant [REDACTED 5] further indicated that Herman Chwat perished in Treblinka in August 1942.

Claimant [REDACTED 5] submitted documents in support of his claim, including: (1) a copy of [REDACTED]'s and [REDACTED]'s marriage certificate, dated 6 April 1935, identifying [REDACTED]'s father as [REDACTED]; (2) a copy of an application for identity papers, filed by [REDACTED] with the Jewish Council of Radom, dated 31 March 1941; and (3) a copy of Claimant [REDACTED 5]'s own application for identity papers, also filed with the Jewish Council of Radom, and dated 31 March 1941, indicating that he was the son of [REDACTED] and [REDACTED]. Claimant [REDACTED 5] indicated that he was born on 31 May 1925 in Radom.

Claimant [REDACTED 5] previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Herman Chwat.

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

As noted in the August 2003 Award, the Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was Herman Chwat, who resided at ul. Jozefa Pilsudskiego 72 in Lodz, Poland. The Bank's records indicate that the

Account Owner held a custody account, numbered 33896. The Bank's records further indicate that the custody account was closed on 22 June 1939. The Bank's records do not indicate the value of this account.

## **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 six claims of the Claimants in one proceeding.

### Identification of the Account Owner

In the August 2003 Award, the CRT determined that Claimant [REDACTED 1], Claimant [REDACTED 3], Claimant [REDACTED 2], and Claimant [REDACTED 4] plausibly identified the Account Owner.

Claimant [REDACTED 5] has also plausibly identified the Account Owner. Claimant [REDACTED 5]'s relative'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 the name Herman Chwat 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"). Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Herman Chwat, and indicates that he was born in Radom, Poland, which matches the information about the Account Owner provided by Claimant [REDACTED 5]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further notes that Claimant [REDACTED 5] filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Herman Chwat, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 5] has based his claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 5] had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 5].

Moreover, the CRT notes that the information provided by Claimant [REDACTED 5] matches the information provided by Claimant [REDACTED 1], Claimant [REDACTED 3], Claimant [REDACTED 2], and Claimant [REDACTED 4]. Accordingly, the CRT determines that Claimant [REDACTED 5]'s relative is the same person as Claimant [REDACTED 1]'s, Claimant [REDACTED 3]'s, Claimant [REDACTED 2]'s and Claimant [REDACTED 4]'s

relative, which in turn establishes that Claimant [REDACTED 5] has identified the Account Owner. Finally, the CRT notes that the other claim to these accounts was disconfirmed because that claimant provided inconsistent biographical information and a different spelling of her relative's last name.

#### Status of the Account Owner as a Target of Nazi Persecution

In the August 2003 Award, the CRT determined that Claimant [REDACTED 1], Claimant [REDACTED 3], Claimant [REDACTED 2], and Claimant [REDACTED 4] made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 5] also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 5] indicated that the Account Owner was Jewish, and that he was killed in Treblinka.

#### The Claimants' Relationships to the Account Owner

In the August 2003 Award, the CRT determined that Claimant [REDACTED 1], Claimant [REDACTED 3], Claimant [REDACTED 2], and Claimant [REDACTED 4] plausibly demonstrated that they are related to the Account Owner.

Similarly, Claimant [REDACTED 5] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was his step-mother's uncle.

The CRT notes that Claimant [REDACTED 5] filed an Initial Questionnaire with the Court in 1999, identifying this relationship to the Account Owner, prior to the publication of the ICEP List; and that Claimant [REDACTED 5] also identified information that matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 5] submitted a copy of [REDACTED]'s and [REDACTED]'s marriage certificate, identifying [REDACTED]'s father as [REDACTED], and a copy of Claimant [REDACTED 5]'s own application for identity papers, filed with the Jewish Council of Radom, indicating that he was the son of [REDACTED] and [REDACTED]. These documents provide independent verification that Claimant [REDACTED 5]'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 Claimant [REDACTED 5] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 5] is related to the Account Owner, as he has asserted in his Initial Questionnaire and Claim Form.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the custody account was closed on 22 June 1939, over two months before Nazi Germany invaded Poland. Therefore, the CRT concludes that the Account Owner closed the account and received the proceeds himself.

#### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimants should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **Scope of the Denial**

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 Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
3 March 2006