

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Accounts of Julian Schachian and Siegfried Schachian

Claim Number: 501788/JG

Award Amount: 739,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Julian Schachian (“Account Owner J. Schachian”) and to the published accounts of Siegfried Schachian (“Account Owner S. Schachian”) (together the “Account Owners”) 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 Account Owner J. Schachian as her uncle, Dr. Julian Schachian, who was born on 2 June 1880 in Berlin, Germany, and was married to [REDACTED], née [REDACTED]. The Claimant indicated that Julian Schachian, who was Jewish, was an attorney and held the title of Doctor of Law. According to the Claimant, Julian Schachian did not have children, and perished in the Holocaust in 1942.

The Claimant identified Account Owner S. Schachian as her uncle, Siegfried Schachian (Julian Schachian’s brother), who was born on 30 November 1876 in Berlin, Germany, and who was married to [REDACTED], née [REDACTED]. The Claimant indicated that Siegfried Schachian, who was Jewish, perished in the Holocaust in 1944.

The Claimant submitted copies of pages of testimony from the Yad Vashem Memorial of Israel, each originally submitted by the Claimant to Yad Vashem in 1978. One of these pages of testimony indicates that Julian Schachian was born on 2 June 1880 in Berlin; that his parents were [REDACTED], née [REDACTED], and [REDACTED]; that Julian Schachian was married to [REDACTED]; that before the Second World War, Julian Schachian resided at Schleswiger Ufer 6 in Berlin; that he was deported in September 1942; and that the Claimant was Julian Schachian’s niece. Another of these pages of testimony indicates that Siegfried Schachian was

born on 30 November 1876 in Berlin; that his parents were [REDACTED], née [REDACTED], and [REDACTED]; that Siegfried Schachian was married to [REDACTED], née [REDACTED]; that before the Second World War, he resided at Heilbronner Strasse 22 in Berlin-Schöneberg, Germany; that Siegfried Schachian was deported to Theresienstadt with his wife in October 1942, and then deported “to the east” in 1944; and that the Claimant was Siegfried Schachian’s niece.

The Claimant indicated that she was born on 17 March 1907 in Charlottenburg, Germany.

Information Available in the Bank’s Records

Account Owner J. Schachian

The Bank’s records with respect to the accounts of Account Owner J. Schachian consist of a receipt for securities deposited in a custody account; notes from a meeting with Account Owner J. Schachian’s representative, Eva Ehrenberg; a copy of Eva Ehrenberg’s calling card; a customer card; a list of accounts that were transferred to German banks, internal Bank correspondence concerning German regulations regarding the transfer of foreign securities held by Germans abroad, and printouts from the Bank’s database.

According to the Bank’s records, Account Owner J. Schachian was *Herr* (“Mr.”) Dr. Julian Schachian, a lawyer and notary, who resided at Schleswiger Ufer 6 in Berlin, Germany. The Bank’s records indicate that Account Owner J. Schachian held two accounts: a custody account numbered 28091, which was opened on 19 January 1930; and a demand deposit account.

The Bank’s records indicate that as of 19 January 1930, custody account 28091 held the following securities:

- 5% *Obl. Kanton Wallis von 1924* bonds with a nominal value of 2,000.00 Swiss Francs (“SF”);
- 4.75% *Kanton Graubünden 1916 Anleihe* bonds with a nominal value of SF 2,000.00; and
- 4.5% *Anleihe der Schweizerischen Eidgenossenschaft 1917* bonds with a nominal value of SF 5,000.00.

These records indicate that coupons from these securities were to be paid into Account Owner J. Schachian’s demand deposit account.

The Bank’s records also indicate that on 4 July 1933, *Fräulein* (“Miss”) Eva Ehrenberg of Berlin met with a Bank representative and gave instructions to the Bank on behalf of Account Owner J. Schachian. Miss Ehrenberg told a Bank representative that the Bank should no longer send account statements and correspondence to Account Owner J. Schachian. The Bank’s records indicate that Miss Ehrenberg informed the Bank that Account Owner J. Schachian would also destroy any account information that he possessed at his home.

These records further indicate that the assets in Account Owner J. Schachian's custody account were transferred on 24 May 1934. According to the list of accounts that were transferred to German banks contained in the records, unnamed securities contained in custody account 28091, which had a market value on 22 December 1936 of SF 41,900.00, were transferred on that date to an account belonging to *Deutsche Bank und Disconto-Gesellschaft* in Berlin. That transfer was made following an order issued by the Reich in November 1936, requiring that the German owners of foreign securities held abroad deposit those securities in a custody account belonging to a German bank abroad, or in a German bank. The Bank's records also indicate that the account was closed on 19 December 1938.

The Bank's records do not show when Account Owner J. Schachian's demand deposit account was closed or transferred, nor do these records indicate the balance held in that account.

There is no evidence in the Bank's records that Account Owner J. Schachian or his heirs closed the accounts and received the proceeds themselves.

Account Owner S. Schachian

The Bank's records with respect to Account Owner S. Schachian's accounts consist of a customer card, an account opening document, a list of accounts that were transferred to German banks, internal Bank correspondence concerning German regulations regarding the transfer of foreign securities held by Germans abroad, and printouts from the Bank's database.

According to these records, Account Owner S. Schachian was *Herr* Siegfried Schachian, who resided at Heilbronnerstr. 22 in Berlin, and held the professional title of *Dipl. Ing.* (Engineer). The Bank's records indicate that Account Owner S. Schachian held two accounts: one custody account numbered 31098, and one demand deposit account.

These records indicate that unnamed securities contained in custody account 31098, which had a market value on 22 December 1936 of SF 6,300.00, were transferred on that date to an account belonging to *Deutsche Bank und Disconto-Gesellschaft* in Berlin. That transfer was made following an order issued by the Reich in November 1936, requiring that the German owners of foreign securities held abroad deposit those securities in a custody account belonging to a German bank abroad, or in a German bank. The records also indicate that custody account 31098 was closed on 30 September 1938.

The Bank's records do not show when Account Owner S. Schachian's demand deposit account was closed or transferred, nor do these records indicate the balance held in that demand deposit account.

There is no evidence in the Bank's records that Account Owner S. Schachian or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified Account Owner J. Schachian and Account Owner S. Schachian. The Claimant's uncles' names and city of residence match the published names and city of residence of Account Owner J. Schachian and Account Owner S. Schachian. The Claimant identified Account Owner J. Schachian's residential address, profession, and professional title, which matches unpublished information about Account Owner J. Schachian contained in the Bank's records. Additionally, the Bank's records contain a copy of the Claimant's calling card, and refer to her as having given instructions to the Bank on behalf of Account Owner J. Schachian. The Claimant also identified Account Owner S. Schachian's residential address, which matches unpublished information about Account Owner S. Schachian contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named Julian Schachian and Siegfried Schachian. This database indicates that Julian Schachian's date of birth was 2 June 1880, and that Siegfried Schachian's date of birth was 30 November 1876, both of which match the information about the Account Owners provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the names Julian Schachian and Siegfried Schachian each appear only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List"). The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were both Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that Account Owner J. Schachian was deported and perished in 1942, and that Account Owner S. Schachian was deported to Theresienstadt in 1942, and perished some time after deportation further eastwards in 1944. As noted above, people named Julian Schachian and Siegfried Schachian were included in the CRT's database of victims. The database indicates that Siegfried Schachian, Engineer, was deported from Berlin to Theresienstadt on 18 March 1943, and that he perished in Theresienstadt; and that Julian Schachian was deported from Berlin to Eastern Europe on 26 October 1942.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to Account Owner J. Schachian and Account Owner S. Schachian by submitting specific biographical information, demonstrating that Account Owner J. Schachian and Account Owner S. Schachian were the Claimant's uncles. There is no information to indicate that the Account Owners have other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about each of the Account Owners as contained in the Bank's records; that the Bank's records relating to Account Owner J. Schachian indicate that the Claimant acted as his representative to the Bank in 1933; and that the Claimant submitted testimony to Yad Vashem in 1978, identifying the relationships between the Account Owners and the Claimant, prior to the publication in February 2001 of the ICEP List. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to each of the Account Owners, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

With regard to Account Owner S. Schachian's custody account numbered 31098 and Account Owner J. Schachian's custody account numbered 28091, the Bank's records indicate that unknown securities contained in the accounts were transferred on 22 December 1936 to an account belonging to *Deutsche Bank und Disconto-Gesellschaft* in Berlin. The transfers were made following an order issued by the Reich in November 1936, requiring that the German owners of foreign securities held abroad deposit those securities in a custody account belonging to a German bank abroad, or in a German bank. The records also indicate that custody account 31098 was closed on 30 September 1938, and that custody account 28091 was closed on 19 December 1938.

With regard to the two remaining demand deposit accounts, given that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of two of the accounts; that the Account Owners were both deported and perished during the Second World War; that the Account Owners' heirs would not have been able to obtain information about their accounts 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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 Owners were her uncles, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, nor their heirs received the proceeds of the claimed accounts.

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

Amount of the Award

Account Owner J. Schachian

In this case, Account Owner J. Schachian held one custody account and one demand deposit account.

The Bank's records indicate that the value of the custody account on 22 December 1936, when the contents of the account were transferred to *Deutsche Bank und Disconto-Gesellschaft*, was SF 41,900.00. The current value of this amount is determined by multiplying the historic balance by a factor of 12.5. Consequently, the total award amount for Account Owner J. Schachian's custody account is SF 523,750.00.

Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with Account Owner J. Schachian's demand deposit account, the average value of the same or 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 a demand deposit account was SF 2,140.00. 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 an award amount of SF 26,750.00 for Account Owner J. Schachian's demand deposit account.

Consequently, the total award amount for Account Owner J. Schachian's two accounts is SF 550,500.00.

Account Owner S. Schachian

In this case, Account Owner S. Schachian held one custody account and one demand deposit account.

The Bank's records indicate that the value of the custody account on 22 December 1936, when the contents of the account were transferred to *Deutsche Bank und Disconto-Gesellschaft*, was SF 6,300.00. According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5. Consequently, the total award amount for Account Owner S. Schachian's custody account is SF 162,500.00.

Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with Account Owner S. Schachian's demand deposit account, the average value of the same or 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 a demand deposit account was SF 2,140.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, to produce a total award amount for Account Owner S. Schachian's demand deposit account of SF 26,750.00.

Consequently, the total award amount for Account Owner S. Schachian's two accounts is SF 189,250.00.

The total award amount for the two accounts held by Account Owner J. Schachian, plus the two accounts held by Account Owner S. Schachian, is therefore SF 739,750.00.

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
30 September 2008