

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]¹

and to Claimant [REDACTED 3]

in re Account of Emma Schneider

Claim Numbers: 005131/AC; 005132/AC; 005151/AC; 005154/AC;² 703889/AC; 779326/AC³

Award Amount: 11,074.38 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) to the accounts of Nissan Schneider and Emma Schneider⁴ and the claims of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Rudolf (Adolf) Schneider and to

¹ In their Claim Forms, Claimant [REDACTED 1] and Claimant [REDACTED 2] provided their names and the names of some of their relatives only in Hebrew characters. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the Claim forms with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

² Claimant [REDACTED 1] and Claimant [REDACTED 2] submitted 32 additional claims which are registered under the Claim Numbers 005041, 005042, 005043, 005044, 005045, 005046, 005124, 005125, 005126, 005133, 005134, 005135, 005136, 005137, 005138, 005139, 005140, 005141, 005142, 005148, 005149, 005150, 005152, 005153, 005155, 005156, 005159, 005160, 005161, 005162, 005163, and 005164. The CRT will treat the claims to these accounts separately.

³ [REDACTED 3] did not submit a Claim Form to the CRT. However, in 1999 she submitted two Initial Questionnaires (“IQs”), numbered ENG-0363092 and ENG-0363087, to the Court in the United States. Although these IQs 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 IQs were forwarded to the CRT and have been assigned claim numbers 703889 and 779326, respectively.

⁴ The CRT did not locate an account belonging to Claimant [REDACTED 1]’s and Claimant [REDACTED 2]’s relative, Nissan Fleischer, in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

her own account.⁵ This Award is to the published account of Emma Schneider (the “Account Owner”) at the [REDACTED] (the “Bank”).⁶

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 Claimants

Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1] and his son, Claimant [REDACTED 2], submitted four Claim Forms identifying the Account Owner as Claimant [REDACTED 1]’s maternal aunt and Claimant [REDACTED 2]’s great-aunt, Emma Schneider, née Schneider, who was born in Poland around 1900, and later resided in Germany. Claimant [REDACTED 1] and Claimant [REDACTED 2] indicated that Emma Schneider, who was Jewish, was one of ten children born to [REDACTED] and [REDACTED], and that she was murdered by the Nazis during the Second World War. They explained that Emma Schneider’s husband also had the surname [REDACTED], and that they had three children. Claimant [REDACTED 1] stated that he was a child during the Second World War, and that, as the only member of his family who survived, he is unable to provide further details about his aunt.

Claimant [REDACTED 1] indicated that he was born on 7 December 1931 in Rozhishche, Poland, (now Rozhishche, Ukraine) and Claimant [REDACTED 2] indicated that he was born on 1 August 1964 in Israel.

Claimant [REDACTED 1] and Claimant [REDACTED 2] previously submitted Initial Questionnaires to the Court in 1999, asserting their entitlement to Swiss bank accounts owned by their relatives, including Emma Schneider.⁷

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted two Initial Questionnaires identifying the Account Owner as her mother, Emma (Emmy) Schneider, née Griliches, who was born in 1897, and was married to Claimant [REDACTED 3]’s father, [REDACTED]. In a phone call with the CRT on 7 June 2005, Claimant [REDACTED 3] explained that her mother had been born in Lithuania and later

⁵ The CRT did not locate an account belonging to Claimant [REDACTED 3] in the Account History Database prepared pursuant to the ICEP Investigation. The CRT awarded the account of Adolf Schneider to Claimant [REDACTED 3] in a previous decision. See *In re Account of Adolf Schneider* (approved on 30 December 2004).

⁶ The CRT previously awarded another account belonging to Emmy Schneider to Claimant [REDACTED 3]. See *In re Account of Emmy Schneider* (approved on 23 June 2006). The CRT notes that the information contained in the bank records pertaining to that account was inconsistent with the information provided by Claimant [REDACTED 1] and Claimant [REDACTED 2], and that consequently, those Claimants did not identify the account owner in the previous decision as their relatives.

⁷ As noted above, the CRT will treat the claims to these accounts separately.

moved to Austria, where she married Claimant [REDACTED 3]’s father in the early 1930s. In a phone call with the CRT on 24 November 2004, Claimant [REDACTED 3] explained that her mother’s parents had been killed in a pogrom when she was young, and that her mother had been placed in an orphanage at a young age. She further explained that her parents, who were Jewish, lived in Vienna, Austria, where Claimant [REDACTED 3] was born just prior to the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”). According to Claimant [REDACTED 3], her parents tried to flee to Palestine around the time of the *Anschluss*, but were unable to leave the country. Claimant [REDACTED 3] stated that in 1942 or 1943, she and her mother were visiting friends when a note arrived warning them not to return home, as Claimant [REDACTED 3]’s father had been taken by the Nazis. Claimant [REDACTED 3] stated that she and her mother obtained false identification papers to conceal the fact that they were Jewish, and that they fled to Hamburg, Germany, where they hid for the remainder of the War. Claimant [REDACTED 3]’s father was never heard from again. Claimant [REDACTED 3] stated that her mother died in 1964, and that she had no other children, other than Claimant [REDACTED 3].

Claimant [REDACTED 3] indicated that she was born on 24 February 1938 in Vienna.

Information Available in the Bank’s Records

The Bank’s records consist of printouts from the Bank’s database. According to these records, the Account Owner was Emma Schneider. These records do not indicate the Account Owner’s domicile. The Bank’s records indicate that the Account Owner held a savings/passbook account, numbered 1238. According to these records, the account was opened on 13 February 1939, and it has been dormant since that date. These records indicate that the balance in the account as of 25 June 1997 was 0.95 Swiss Francs (“SF”), and that it remains open and dormant today.

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

Claimant [REDACTED 1]’s aunt’s name and Claimant [REDACTED 2]’s great-aunt’s name and Claimant [REDACTED 3]’s mother’s name each match the published name of the Account Owner. The CRT notes that the Bank’s records do not contain any specific information about the Account Owner other than her name.

The CRT notes that the name Emma Schneider 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 (the “ICEP List”).

The CRT notes that Claimant [REDACTED 3] filed Initial Questionnaires with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Rudolf (Adolf) Schneider, who was married to Emma Schneider, and that Claimant [REDACTED 1] and Claimant [REDACTED 2] filed Initial Questionnaires asserting their entitlement to a Swiss bank account owned by Emma Schneider, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 3], Claimant [REDACTED 1], and Claimant [REDACTED 2] have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on direct family relationships that were known to them before the publication of the ICEP List. It also indicates that Claimant [REDACTED 3], Claimant [REDACTED 1], and Claimant [REDACTED 2] had reason to believe that their relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 3], Claimant [REDACTED 1], and Claimant [REDACTED 2].

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 1] in 1994, which indicates that Emma Schneider was born to [REDACTED] and that she was his aunt, 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 CRT notes that Claimant [REDACTED 1]’s, Claimant [REDACTED 2]’s relative and Claimant [REDACTED 3]’s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank’s records; that there is no additional information in the Bank’s records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants each stated that the Account Owner was Jewish. Claimant [REDACTED 1] and Claimant [REDACTED 2] stated that the Account Owner perished in the Holocaust. Claimant [REDACTED 3] stated that the Account Owner was Jewish, and that, after being denied permission to flee to Palestine during the *Anschluss*, she was forced to remain in Austria until her husband was arrested by the Nazis in 1942 or 1943, after which she and her daughter obtained false papers and lived in hiding in Nazi Germany for the duration of the War.

As noted above, a person named Emma Schneider was included in the CRT’s database of victims.

The Claimants' Relationship to the Account Owner

Each of the Claimants has plausibly demonstrated that he or she is related to the Account Owner by submitting specific information demonstrating that the Account Owner was Claimant [REDACTED 1]'s aunt and Claimant [REDACTED 2]'s great-aunt or Claimant [REDACTED 3]'s mother. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] filed Initial Questionnaires with the Court in 1999, identifying their relationship to the Account Owner, 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 Owner was well known to each of the Claimants as a family member, and all of this information supports the plausibility that the Claimants are each related to the Account Owner, as they have asserted in their Claim Forms.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1] and Claimant [REDACTED 3]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his aunt, and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her mother, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 1], as the Account Owner's nephew, has a better entitlement to the account than Claimant [REDACTED 2], the Account Owner's grandnephew.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's records indicate that the value of the savings/passbook account as of 25 June 1997 was SF 0.95. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 885.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1997. Consequently, the adjusted balance of the account at issue is SF 885.95. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 11,074.38.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner.

As noted above, According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted claims, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Thus, as noted above, Claimant [REDACTED 2], as the Account Owner's grandnephew, is less entitled to the account than his father, the Account Owner's nephew.

Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 3] are each entitled to one-half of the total award amount, and Claimant [REDACTED 2] is not entitled to share in the award.

Scope of the Award

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 Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
19 July 2007