

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Jadwiga Clarke-Bukowiecka
acting on behalf of herself and of Christopher Bukowiecki

in re Account of H. Bukowiecki

Claim Number: 221114/EZ¹

Award Amount: 276,000.00 Swiss Francs

This Certified Award is based upon the claim of Jadwiga Clarke-Bukowiecka, née Surgiewicz (the “Claimant”) to the account of H. Bukowiecki (the “Account Owner”) at the Lausanne branch of [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her late husband, Henry Bukowiecki, who was born on 24 December 1894 in Warsaw, Poland, where he married the Claimant on 27 December 1945. The Claimant stated that she met her husband during the Second World War.

The Claimant provided the Tribunal with addresses where her husband resided. The Claimant stated that her husband studied in the University of Antwerp, Belgium, before their marriage and had business connections in Belgium and in the Netherlands. The Claimant also stated that her husband owned a plywood factory in partnership with Walery Kossowski until he had to go into hiding from the Nazi authorities in 1940.

The Claimant further stated that her husband survived the Second World War and lived in Poland until his death in 1983. The Claimant stated that her husband did not leave Poland after the Second World War.

The Claimant further stated that she has no information about Walery Kossowski’s fate since her husband’s partnership was established and active prior to their marriage in 1945. Nevertheless,

¹ The Tribunal notes that the Claimant also submitted a claim to the account of Walery Kossowski which was included in the same Claim Form and was registered under the same Claim Number. The Tribunal will treat this claim in a separate decision.

she recalls her husband mentioning Walery Kossowski's name after their marriage. The Claimant stated that Walery Kossowski lived in Poland before the Second World War.

The Claimant stated that she was born on 3 October 1921, in Warsaw, Poland.

Information Available in the Bank Records

The bank records consist of copies of a safe deposit box rental agreement and a protocol regarding the opening of the safe. According to these records, the sole Account Owner was Henry Bukowiecki, who held a safe deposit box (the "Account"), and the Power of Attorney Holder was Walery Kossowski. The bank records indicate the street address of the Power of Attorney Holder in Warsaw, Poland, as well as the Account Owner's address and an alternative address in the Netherlands to which correspondence should be sent.

The bank records indicate that the Account was opened on 24 May 1932 and that rental fees were deducted from the Account between 1932 and 1954.

The records also indicate that bank representatives forcibly opened the safe deposit box on 9 February 1954, and found the following contents: an empty fabric sachet and a sealed envelope containing 147 gold coins of 20 U.S. dollars each and six gold coins of 10 U.S. dollars each. The records further indicate that on 14 May 1954 the contents were placed in an open custody account in the name of the Account Owner (the "Open Custody Account"). These records also indicate that an International Labor Office representative visited the Bank on 1 October 1956 and informed the Bank that the Account Owner was alive, in his 50s, married and had one child.

The bank records do not show if or when the Open Custody Account was closed, or to whom it was paid. 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 (the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed.

The Tribunal's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her husband's first name matches the unpublished first name of the Account Owner. The Claimant stated that the Power of Attorney Holder resided in Poland, which matches unpublished information about the Power of Attorney Holder contained in the bank documents. The Claimant also stated that her husband studied in Belgium and had business connections in Belgium and in the Netherlands, which is consistent with the published information about the Dutch address to which correspondence relating to the account should be sent. Furthermore, the Bank records indicate that on 1 October 1956, the Bank was informed that the Account Owner was alive, in his 50s and had one child, all of which matches the Account Owner's personal details at that time.

The Tribunal notes that the Claimant could not provide the Tribunal with the Account Owner's address in the Netherlands. The Tribunal determines that since the Claimant met the Account Owner during the Second World War and married him in 1945, it is plausible that the Claimant

would not be able to recall the Account Owner's residence in 1932. Based on the information contained in the Claim Form and the information contained in the bank records, the Tribunal determines that it is plausible that the Claimant's husband and the Account Owner are the same person.

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 had to hide from Nazi authorities during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents including their marriage certificate. There is no information to indicate that the Account Owner has surviving heirs other than the Claimant and her son, whom she is representing in this proceeding. The credibility of other information provided by the Claimant gives the Tribunal no basis to question the veracity of this information concerning her relationship to the Account Owner.

The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the Account or the Open Custody Account at issue were paid to the Account Owner or his heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the ICEP Investigation demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Moreover, Swiss banks were authorized, under certain conditions, to forcibly open safe deposit boxes in order to recover unpaid rental fees. Thus, if the funds were not in fact paid to the account owners or their family, as is apparently the case here as described below, there is a substantial likelihood that the funds went to the Swiss bank.

Although the Tribunal cannot determine with certainty who received the proceeds of the Open Custody Account, the Tribunal concludes that a plausible showing has been made that neither the Account Owner nor his heirs received the proceeds. In this case the bank records indicate that the Account Owner did not receive the proceeds of the Account in 1954 when the contents of the safe deposit box were transferred to an Open Custody Account and the Account was closed. The Tribunal determines that since the Account Owner never left Communist Poland in the time between the end of the Second World War and his death in 1983, it is plausible that neither the Account Owner nor his heirs received the proceeds of the Open Custody Account.

Basis for the Award

The Tribunal 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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her husband, and that relationship justifies an Award. Finally, the Tribunal has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The Tribunal has examined the question of the official valuation of the safe box deposit contents. According to the Swiss National Bank and other official resources, the value of each of the 147 gold coins of 20 U.S. dollars was equal to 158.00 Swiss Francs, as of 1944, and each of the six 10 U.S. dollars gold coins was worth 79.00 Swiss Francs, as of 1944. Consequently, the value of the safe deposit box contents as of 1944 was 23,700.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 300.00 Swiss Francs, which reflects bank fees in fact charged to the safe deposit box between 1945 and 1954. Consequently, the adjusted balance of the account at issue is 24,000.00 Swiss Francs. The present value of that amount is determined by multiplying the adjusted balance by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 276,000.00 Swiss Francs.

Division of the Award

The Claimant is representing her son, Christopher Bukowiecki, in these proceedings. According to Article 29 (b) of the Rules, her son is entitled to receive one-half (50%) of any payment made to the Claimant.

Scope of the Award


The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal 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 Tribunal certifies this Award for approval by the Court and payment by the Special Masters.

8 July 2022

Date



Veijo Heiskanen
Senior Claims Judge