

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Dr. Rafael Dallet**

Claim Number: 207272/MBC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Rafael Dallet (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 her godfather, Raphaël (or Rafael) Dallet, who was also the life partner of her maternal great-uncle, [REDACTED]. The Claimant indicated that her godfather, who was also her mother’s godfather, was born in approximately 1896 in Poland and that her great-uncle was born in 1897. The Claimant stated that her godfather and her great-uncle, who were both homosexual and Jewish, were attorneys and colleagues who lived together as a couple at Rycerska 1 in Bielsko, Poland. The Claimant stated that in 1938, her godfather and great-uncle went to France to attend the marriage of her mother, [REDACTED], née [REDACTED], with whom the two men were very close. The Claimant further stated that in August 1939, her godfather and great-uncle returned to Poland via Switzerland, at which time her godfather opened a Swiss bank account. The Claimant stated that her godfather and great-uncle were later deported to the Jewish Ghetto in Lwow, Poland, where they died in 1942. The Claimant further indicated that her mother died on 2 February 1978.

In support of her claim, the Claimant submitted documents including a copy of an undated paper with her great-uncle’s name and the address 'Rycerska 1' written on it, and photographs of her godfather together with her great-uncle [REDACTED]. The Claimant stated that her great-uncle and godfather did not have any children. The Claimant indicated that she was born on 24 February 1940 in Rennes, France. The

Claimant also previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Dr. Rafael Dallet.

In 1998, the Claimant filed a Claim with the Claims Resolution Tribunal for Dormant Assets in Switzerland (“CRT I”), asserting her entitlement to the account of Dr. Rafael Dallet, whose name was included in the list of dormant accounts published by the Swiss Bankers Association in July 1997.<sup>1</sup> In the CRT I proceeding, concluded on 18 February 1999, the Claimant stated that Dr. Rafael Dallet was her godfather (*parrain*) and was the companion and associate of her great-uncle, [REDACTED], who formed a couple, both in their professional and in their private lives. On 18 June 1998, a CRT I Sole Arbitrator rendered a decision on the Claimant’s claim in the Initial Screening Procedure, in which he decided that the Claimant had not been able to demonstrate that the Account Holder had opened the account on behalf of her great-uncle or that the latter was the beneficial owner of the account. The Claimant appealed the Initial Screening Decision. In a decision regarding the appeal dated 4 February 1999, a Claims Panel confirmed the Initial Screening Decision on 4 February 1999 and concluded that “the bank’s documents carry no indications that would allow thinking that the account was indeed opened by Dr. Rafael Dallet on behalf of the Claimant’s great-uncle or that the assets in this account belonged in fact to [REDACTED] and not to the Account Holder.”

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

The Bank’s records consist of account statements, a custody account opening contract, a customer card, a signature sample card, a power of attorney form, a statement authorizing the Power of Attorney Holder to use the funds in the account to his own benefit, Bank correspondence, a document in connection with the 1962 survey of assets held in Switzerland by foreigners or stateless persons who were victims of racial, religious or political persecution,<sup>2</sup> and printouts from the Bank’s database. According to these records, the Account Owner was Dr. Rafael Dallet, who was a lawyer and who resided at Rycerska 1 in Bielsko, Poland, and the Power of Attorney Holder was Dr. Josef Dallet, who resided at the same address in Bielsko. The Bank’s records show that the Account Owner’s last contact with the Bank was in 1938.

According to the Bank’s records, the Account Owner held one custody account and one demand deposit account both, numbered 35608 (subsequently, the number was changed to 235608 in January 1962), which were opened on 1 October 1932. The Bank’s records further indicate that the custody account contained 175 bonds of the company *Donau-Save-Adria-Eisenbahn-Gesellschaft*. According to these records, the Bank sold 30 of the bonds in March 1942 to cover the negative balance in the demand deposit account. The Bank’s records further indicate that sometime between 1964 and 1965, the *Donau-Save-Adria-Eisenbahn-Gesellschaft* bonds were recalled, and on 3 December 1966 the Bank

---

<sup>1</sup> The CRT notes that the July 1997 List published only one account, i.e., the account that is open and dormant, whereas the February 2001 List identified two accounts, i.e., both the account that is open and dormant and the account that was closed.

<sup>2</sup> The CRT notes that the account was not reported pursuant to the 1962 Survey.

transferred 5,746.00 Swiss Francs, which represented the value of the bonds on that date, to the Account Owner's demand deposit account. The custody account at that point was closed by the Bank. The Bank's records indicate that the demand deposit account's balance, as of 9 December 1948, prior to the transfer of funds from the custody account, was 171.00 Swiss Francs and that the account remains open and dormant.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her godfather's first name, Raphaël (or Rafael) Dallet, matches the published names of the Account Owner. Furthermore, the Claimant identified her godfather's profession and exact address, which match unpublished information about the Account Owner contained in the Bank's records. The CRT notes that there are no other claims to these accounts. 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 and homosexual, and that he and his life partner perished in the Jewish ghetto in Lwow, Poland in 1942.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents and specific biographical information, demonstrating that the Account Owner was her godfather and the life partner of her great-uncle. The CRT notes that in CRT I a Sole Arbitrator in an Initial Screening Decision denied the Claimant's claim to the Account Owner's published account and that a Claims Panel confirmed this decision upon appeal on the grounds that there was no indication that the account was opened on behalf of the Claimant's great-uncle or that the assets in the account belonged to the Claimant's great-uncle. The CRT notes that under Article 16 of the Rules of CRT I, the arbitrators were obliged to apply the laws with which the matter in dispute had the closest connection, i.e., Poland, and that in Poland, same-sex marriages were prohibited. In this case, the CRT notes that the Settlement Agreement specifically provides for the inclusion of homosexuals as class members. In doing so, the CRT has to assume that the parties to the Agreement recognized that, especially because of the widespread death of whole families in the Holocaust, that considerable plausibility would be necessary in recognizing eligible claimants to the accounts of such class members. It is entirely consistent with this necessary grant of flexibility for the CRT to recognize in this case the close relationship of the Account Owner with the Claimant's great-uncle and her close relationship with both men. Accordingly, it is entirely appropriate, as the only claimant

to the accounts of Raphael Dallet, for the CRT to recognize her as the awardee of his account. The CRT notes that the Claimant has plausibly established that her great-uncle and the Account Owner were life partners. There is no information to indicate that the Account Owner has any surviving heirs.

#### The Issue of Who Received the Proceeds

With regard to the demand deposit account, the Bank's records indicate that the account remains open and dormant. With regard to the custody account, the Bank's records indicate that the account was closed by the Bank.

#### 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, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her godfather and life partner of her great-uncle, and these relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. The Bank's records indicate that the value of the demand deposit account as of 9 December 1948 was 171.00 Swiss Francs, and the value of the custody account as of 3 December 1966 was 5,746.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs and the amount in a custody account was less than 13,000.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs for the demand deposit account and 13,000.00 Swiss Francs for the custody account. 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 an amount of 189,250.00 Swiss Francs.

#### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 18 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  
31 December 2003