

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]
both represented by [REDACTED]

in re Accounts of Paulette Landowski and Wanda Landowski

Claim Numbers: 501581/AC; 501582/AC; 501583/AC; 501584/AC; 501586/AC; 501587/AC

Award Amount: 27,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Paulette Landowski (“Account Owner Paulette Landowski”) and Wanda Landowski (“Account Owner Wanda Landowski”) (together the “Account Owners”) at the Geneva branch of the [REDACTED] (the “Bank”).¹

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

Information Provided by the Claimants

The Claimants, who are brothers, submitted Claim Forms identifying the Account Owners as their paternal grandmother, Wanda Alice Bomier, née Landowski, and her sister, Paulette Germaine Landowski. The Claimants indicated that their grandmother was born on 28 November 1899 in Paris, France, and was married to [REDACTED] on 17 October 1925 in Paris, and that their great-aunt was born on 15 June 1896, also in Paris. According to the Claimants, their grandmother and great-aunt, who were Jewish, were the children of [REDACTED], who was a medical doctor, and [REDACTED], née [REDACTED]. In a telephone conversation with the CRT on 27 January 2005, the Claimants’ mother,

¹ The CRT notes that, 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”), Paulette Landowski, Wanda Landowski and [REDACTED] are indicated as owning one account. Upon careful review, the CRT has concluded that the Bank’s records indicate that [REDACTED] was named in the Bank’s records as one of the parties who opened this account, but not as an account owner. Furthermore, the CRT concludes that Paulette Landowski and Wanda Landowski in fact held four accounts.

[REDACTED], indicated that the Landowskis moved to Boulogne after the First World War, and they lived in a large house at 8 rue Darcel in Boulogne. According to information provided by the Claimants' mother, the Landowski family concealed their Jewish heritage in order to avoid persecution. She explained that Paulette Landowski never married or had children, and that Wanda Landowski married [REDACTED] in 1925, with whom she had two sons, the Claimants' uncle and father, who were both born in Boulogne. According to [REDACTED 1], Wanda Landowski divorced [REDACTED] in 1935, after which she lived with her parents in their home in Boulogne. [REDACTED 1] stated that the Claimants' uncle, [REDACTED], died without issue.

The Claimants submitted documents in support of their claims, including 1) copies of their parents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 27 March 1963, that [REDACTED] was born on 13 November 1927 in Boulogne, France, and that his parents were [REDACTED] and Alice Wanda Landowski; and 2) copies of their own birth certificates, indicating that [REDACTED 2] was born on 6 March 1965, that [REDACTED 1] was born on 17 May 1969, both in Neuilly-sur-Seine, France, and that their parents were [REDACTED] and [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of a customer card and an excerpt from a list of accounts that were suspended by the Bank. According to these records, the Account Owners were *Mlle.* (Miss) Paulette Landowski, and *Mme.* (Mrs.) Wanda Landowski, who was divorced. These records indicate that the Account Owners resided at 8 Rue Darcel in Boulogne-sur-Seine, France. The Bank's records indicate that the Account Owners originally held two demand deposit accounts and one custody account with the Bank, which were opened on 20 April 1937. The Bank's records indicate that the Account Owners entered into a contract, referred to as a *contrat B sous la direction de Mr. le Docteur [REDACTED] et de Mme Landowski née Löwenstein*, which authorised [REDACTED] and Mrs. Landowski to manage the accounts. According to the Bank's records, the Account Owner's accounts were identified by the number B.N. 20109, and the Bank was instructed to hold all mail, and to make all coupon holdings under the account number, without naming the Account Owners. These records indicate that the Account Owners were authorized to sign using only their account number.

The Bank's records indicate that the two demand deposit accounts and the custody account were closed on 13 January 1938. The Bank's records do not indicate the value of the accounts on the date of their closure. According to the Bank's records the proceeds of some coupons were credited after the accounts had been closed. The Bank's records indicate that the proceeds, in the amount of 4.8.6 Pound Sterling ("£") were put in a suspense account on an unknown date.

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 ("ICEP" or the "ICEP Investigation") indicated that the amount from the sale of the coupons remains in the Bank's suspense 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 Owners

The Claimants have plausibly identified the Account Owner. The names and city and country of residence of the Claimants' grandmother and great-aunt match the published names and city and country of residence of the Account Owners. The Claimants identified the Account Owners' street address, the marital status of Account Owner Wanda Landowski, and the profession of [REDACTED], which match unpublished information contained in the Bank's records.

In support of their claims, the Claimants submitted documents, including copies of their parents' marriage certificate, indicating that [REDACTED] was born in Boulogne, France, and that his mother was Alice Wanda Landowski, providing independent verification that the person who is claimed to be Account Owner Wanda Landowski had the same name and resided in the same city as the name and city of residence of Account Owner Wanda Landowski.

The CRT notes that the names Wanda Landowski, Paulette Landowski, and [REDACTED] each appear 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 also notes that there are no other claims to this account.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish, and that they were forced to conceal their Jewish heritage in order to avoid persecution while residing in Nazi-controlled France.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimants' grandmother and great-aunt. These documents include copies of their parents' marriage certificate, indicating that [REDACTED]'s parents were [REDACTED] and Alice Wanda Landowski; and 2) copies of their own birth certificates, indicating that [REDACTED 2] was born on 6 March 1965, that [REDACTED 1] was born on 17 May 1969, both in Neuilly-sur-Seine, France, and that their parents were [REDACTED] and [REDACTED]. The CRT notes that the Claimants identified unpublished information about the Account Owners as contained in

the Bank's records, which supports the plausibility that they are related to the Account Owners, as they have asserted in their Claim Forms.

The Issue of Who Received the Proceeds

With respect to the custody account and the demand deposit accounts held by the Account Owners, the Bank's records indicate that they were closed on 13 January 1938, more than two years before the Nazi invasion of France beginning in May 1940. Consequently, the CRT concludes that the Account Owners closed these accounts and received the proceeds themselves.

The Bank's records also indicate that after the custody account and demand deposit accounts were closed on 13 January 1938, the proceeds from coupons belonging to the Account Owners were put in a suspense account on an unknown date, where they remain.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners were their grandmother and great-aunt, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held coupons, the proceeds of which were deposited in the Bank's suspense account. For purposes of this Award, the CRT has determined that the proceeds of the coupons are to be treated as being an account of other type. The Bank's records indicate that the value of the coupons was £ 4.8.6. However, no corresponding balance date is available for this value. Consequently, the CRT is treating the account as an account of unknown value. Pursuant to Article 29 of the Rules, when the value of an account is unknown, the average value of the same or a 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 an account of other type was SF 2,200.00. 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 a total award amount of SF 27,500.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Further, 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 a claim, 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. Accordingly, the Claimants are each entitled to one-half of the total award amount.

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
15 July 2005