

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Leon Krym

## **in re Accounts of Henryk Ruziewicz and Zofja Ruziewicz**

Claim Number: 220865/CC/MO

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Leon Krym (the “Claimant”) to the published account of Henryk Ruziewicz. This Award is to the published account of Henryk Ruziewicz (“Account Owner Henryk Ruziewicz”) and the published accounts of Zofja Ruziewicz (“Account Owner Zofja Ruziewicz”)<sup>1</sup> (together the “Account Owners”), over which Ada Ruziewicz, Antonia Ruziewicz, Eugenia Ruziewicz, and Account Owner Henryk Ruziewicz (the “Power of Attorney Holders”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

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

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying Account Owner Henryk Ruziewicz as his father’s cousin, Henryk Ruziewicz, who was born in approximately 1888 in Warsaw, Poland. In a letter dated 5 February 2005 in response to an inquiry by the CRT, the Claimant stated that his father’s cousin resided in Warsaw on Czerniakowska Street at approximately house number 80 and that his large oilcloth (*Cerata*) factory was also located there. The Claimant stated that he could not recall the names of Henryk Ruziewicz’s family members, but that Henryk Ruziewicz and his family were secular Jews who did not go by their Jewish names. The Claimant stated that, upon the German invasion of Poland in 1939, contact with Henryk Ruziewicz and his family was lost, that Henryk Ruziewicz perished in a death camp in 1942, and that his family members also perished during the Holocaust.

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<sup>1</sup> The CRT notes that, on the February 2001 list of 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”), Zofja Ruziewicz is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts. Furthermore, the CRT notes that on the ICEP List, Maks Ruziewicz is indicated as holding power of attorney over these accounts. Upon careful review, the CRT concludes that Maks Ruziewicz was in fact the depositor, and that Zofia Ruziewicz was the beneficial owner of the accounts.

In support of his claim, the Claimant submitted a copy of a photograph of two persons whom the Claimant identified as the Claimant's father and Henryk Ruziewicz.

The Claimant previously submitted an Initial Questionnaire ("IQ"), asserting his entitlement to a Swiss bank account owned by his father, Maier Krym, in which he indicated that his family previously resided in Warsaw at 117 Czerniakowska Street.<sup>2</sup>

The Claimant indicated that he was born on 28 April 1923 in Warsaw.

### **Additional Information Obtained by the CRT**

The Warsaw telephone directories for the years 1931-32 through 1939-40<sup>3</sup> contain the following listing: "*Ruziewicz B-cia i Krywicki M., fabr. cerat i sztucz. skóry, Czerniakowska 84*" (Ruziewicz Brothers & Krywicki M., oilcloth and artificial leather factory, 84 Czerniakowska Street). These directories also identify Henryk Ruziewicz's business address as 84 Czerniakowska Street and the residential address of Maksymiljan Ruziewicz, Antonina Ruziewiczowa, and Eugenia Ruziewiczowa as 82-84 Czerniakowska Street.

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

#### Account Owner Henryk Ruziewicz

The Bank's records consist of printouts from the Bank's database and lists and memoranda prepared in connection with various surveys of accounts, including an internal Bank survey, conducted in 1955, of accounts belonging to owners domiciled in Poland in 1939 who had not been in contact with the Bank since 1945; an internal Bank survey, conducted in 1959, of dormant accounts; and the survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a Federal Decree of 1962 (the "1962 Survey").

According to these records, Account Owner Henryk Ruziewicz was Henryk Ruziewicz who resided at 84 Czerniakowska Street, Warsaw. The Bank's records indicate that Account Owner Henryk Ruziewicz held a demand deposit account in United States Dollars ("US \$") that was opened on 3 October 1931. The Bank's records also indicate that the last communication with Account Owner Henryk Ruziewicz took place in 1936 and that the balance of the account on 30 June 1955, which is the earliest date for which a balance is available, was US \$73.20. The

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<sup>2</sup> The CRT did not locate an account belonging to the Claimant's relative, Maier Krym, in the Account History Database prepared pursuant to the investigation of ICEP (the "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"). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

<sup>3</sup> Spis Abonentów Sieci Telefonicznej M. St. Warszawy, Polskiej Akcyjnej Spółki Telefonicznej.

records indicate that fees continued to be deducted from the account, and that its balance on 7 September 1959 was US \$62.50 and on 15 November 1963 was US \$48.30.

According to the records, the account was identified by the Bank in its internal surveys of 1955 and 1959. Among the records pertaining to the 1955 internal survey of accounts is a letter from the Swiss Bankers' Association (*Schwiezerische Bankiervereinigung*) to the directors of member banks, dated 13 July 1955. This letter refers to an agreement reached between the Swiss and Polish delegations on 25 June 1949, according to which, after a period of five years, Swiss banks were to create a list of accounts owned by Polish citizens who were domiciled in Poland as of 1 September 1939 and from whom no information had been received since 9 May 1945. Pursuant to this agreement, assets in these accounts were to be transferred to the Swiss National Bank and to be credited to the Polish National Bank. In return, Poland was to indemnify Swiss interests in Poland that had been nationalized after the War. The letter notes that the five year waiting period had passed, and set forth guidelines for the reporting of relevant accounts.

The Bank's records indicate that although the account was considered for inclusion in the 1962 Survey, it was ultimately not registered. The records do not indicate why the account was not included in the 1962 Survey, nor why fees were continued to be deducted from an account that had been identified by the Bank as dormant.

The Bank's records do not show when the account at issue was closed. 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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that Account Owner Henryk Ruziewicz or his heirs closed the account and received the proceeds themselves.

#### Account Owner Zofja Ruziewicz

The Bank's record consists of a customer card. According to this record, Account Owner Zofja Ruziewicz was *Frl.* (Miss) Zofja Ruziewicz, who was born on 3 March 1928. The Bank's record indicates that Account Owner Zofja Ruziewicz held a custody account numbered 38694 and a demand deposit account. According to a typewritten notation on the customer card, pursuant to a contract dated 23 December 1929, Account Owner Zofja Ruziewicz was to obtain the right to dispose of these accounts only upon reaching the age of majority on 3 March 1949, and that, until that date, the depositor Maks Ruziewicz had the right to dispose of the securities and assets deposited in them. The record further indicates that Maks Ruziewicz granted Henryk Ruziewicz, *Frau* (Mrs.) Antonina Ruziewicz, *Frau* (Mrs.) Ada Ruziewicz, and *Frau* (Mrs.) Eugenia Ruziewicz, all of whom resided in Warsaw, power of attorney over the accounts, with the provision that any action be authorized by the signature of two power of attorney holders. According to the customer card, the correspondence address for these accounts was Maks Ruziewicz's address at 84 Czerniakowska Street, Warsaw, and, on 17 March 1937, the Bank was instructed to hold mail. The customer card further indicates that these accounts were closed on 4 April 1939. The value of the accounts on the date of their closure is not known. .

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the

“Rules”), the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts (“Voluntary Assistance”). On 8 February 2005, the Bank provided the CRT with additional documents, consisting of the following:

1. a copy of the contract, dated 23 December 1929, specifying Account Owner Zofia Ruziewicz’s rights to the account;
2. a power of attorney form dated 25 April 1929, in which Max [sic] Ruziewicz granted power of attorney to *Frau* (Mrs.) Eugenia Ruziewicz;
3. a custody account deposit form dated 2 November 1935, signed by *Herr* (Mr). Maxymiljan Ruziewicz, who resided in Warsaw at Czerniakowska Street 84, confirming the deposit of US \$8,380.00 worth of United States gold pieces in the custody account, numbered 38694, held by Account Owner Zofja Ruziewicz;
4. a letter dated 26 September 1939 from the Providence Trust Company of Philadelphia to the Bank on behalf of Mrs. Eugenia Ruziewicz, inquiring about the status of a deposit of gold made at the Bank in the name of Zofja Ruziewicz worth approximately US \$8,000.00 and enclosing a copy of Mrs. Eugenia Ruziewicz’s signature;
5. an internal Bank note regarding Account Owner Zofja Ruziewicz’s custody and demand deposit accounts; and
6. the Bank’s reply to the 26 September 1939 inquiry of the Provident Trust Company, in which the Bank stated that it could only respond to the inquiry upon receipt of formal authorization from Mrs. Eugenia Ruziewicz.

The additional documents indicate that Account Owner Zofja Ruziewicz was the niece of the Maks Ruziewicz and confirm that her custody and demand deposit accounts were closed in April 1939. These records further indicate that assets in the accounts, including US \$8,350.00 in gold coins, were transferred to the *Chase National Bank* in London, and that the transfer order was given by Ada Ruziewicz and Account Owner Henryk Ruziewicz, who, as noted above, held power of attorney over these accounts.

## **The CRT’s Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified Account Owner Henryk Ruziewicz. The Claimant’s relative’s name and city and country of residence match the published name and city and country of residence of Account Owner Henryk Ruziewicz. The Claimant identified his relative’s street address, which substantially matches unpublished information about Account Owner Henryk Ruziewicz contained in the Bank’s records.

The CRT notes that the names and street address contained in the Warsaw telephone directories substantially match the names and street address of Account Owner Henryk Ruziewicz and Maks Ruziewicz as contained in the Bank’s records. The information contained in these directories regarding the type of business owned by the Ruziewicz family and the dual use of this address for business and residence is consistent with the information provided by the Claimant regarding his relatives and provide independent verification that the person who is claimed to be Account

Owner Henryk Ruziewicz had the same name and resided at the same address recorded in the Bank's records as the name and address of Account Owner Henryk Ruziewicz.

The CRT notes that the Claimant did not identify Account Owner Zofja Ruziewicz. However, the Claimant has provided Account Owner Henryk Ruziewicz's unpublished street address, which the CRT notes is the same address as Account Owner Zofja Ruziewicz. Given that the Account Owners had the same last name and resided at the same address, the CRT concludes that they were related, and that consequently, the Claimant is also related to Account Owner Zofja Ruziewicz.

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided information regarding familial relationships that is inconsistent with the information contained in the Bank's records.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that Account Owner Henryk Ruziewicz and his family were Jewish, that they resided in Warsaw at the time of the German invasion of Poland on 1 September 1939, and that they perished during the Holocaust.

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

The Claimant has plausibly demonstrated that he is related to Account Owner Henryk Ruziewicz by submitting specific information, demonstrating that Account Owner Henryk Ruziewicz was the Claimant's father's cousin. The CRT notes that the Claimant identified unpublished information about Account Owner Henryk Ruziewicz as contained in the Bank's records. The CRT further notes that the Claimant filed an IQ with the Court in 1999, in which he indicated that he and his family resided in Warsaw on Czerniakowska Street, providing independent verification that the Claimant's relatives resided in the same city and on the same street as the Account Owner. The CRT notes that the foregoing information is of the type that most likely only family members would possess, indicating that Account Owner Henryk Ruziewicz was well known to the Claimant as a family member. The CRT determines that all of the foregoing information supports the conclusion that the Claimant is related to Account Owner Henryk Ruziewicz, as he has asserted in his Claim Form. As indicated above, in light of the information contained in the Bank's records and in the Warsaw telephone directories, the CRT finds it plausible that the Account Owners were close relatives, and that Account Owner Zofja Ruziewicz was also the Claimant's relative. There is no information to indicate that the Account Owners have other surviving heirs.

#### The Issue of Who Received the Proceeds

With respect to Account Owner Henryk Ruziewicz's account, given that Account Owner Henryk Ruziewicz perished during the Holocaust; that the Bank registered his account in two internal Bank surveys and in the 1962 Survey; that there is no record of the payment of Account Owner Henryk Ruziewicz's account to him nor any record of a date of closure of the account; that the

heirs of Account Owner Henryk Ruziewicz would not have been able to obtain information about his account 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 (b), (h), and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Henryk Ruziewicz or his 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.

With respect to Account Owner Zofa Ruziewicz's accounts, the CRT notes that the Bank's records indicate that they were closed in April 1939 by way of transfer to the *Chase National Bank* in London, upon the request of Account Owner Henryk Ruziewicz, who held power of attorney over this account, and Power of Attorney Holder Ada Ruziewicz, who were together entitled to access these accounts. The CRT therefore concludes that the Account Owner or other entitled parties accessed these accounts and received the proceeds.

#### 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 Account Owner Henryk Ruziewicz was his father's cousin, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither Account Owner Henryk Ruziewicz nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, Account Owner Henryk Ruziewicz held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 30 June 1955 was 72.30 USD, which is equivalent to 314.03 Swiss Francs ("SF").<sup>4</sup> According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

#### **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 his claim to determine whether there are additional Swiss bank accounts to which he 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).

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<sup>4</sup> The CRT uses official exchange rates to calculate the account values in Swiss Francs.

**Certification of the Award**

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

Claims Resolution Tribunal  
31 March 2005