

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

in re Account of Paul Schmidt

Claim Number: 211653/ES

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Paul Schmidt (the “Account Owner”) at the Geneva 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 his maternal great-uncle by marriage, Paul Schmidt or Schmitt, who was born in approximately 1880 in Danzig, then Germany, and was married to [REDACTED], née [REDACTED], the sister of the Claimant’s grandmother, in 1908 in Danzig. The Claimant stated that his great-uncle and great-aunt resided in Danzig, where his great-uncle worked as a miner. The Claimant stated further that Paul Schmidt was not Jewish but that his wife, [REDACTED], was. The Claimant indicated that Paul and [REDACTED] Schmidt had one daughter, [REDACTED], who was born in 1919 in Danzig. The Claimant stated that [REDACTED] committed suicide in the 1940s and that her husband, Paul, and her daughter, [REDACTED], disappeared after 1942. The Claimant indicated that he was born on 31 December 1942.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED] and Paul Schmidt.

Information Available in the Bank’s Records

The Bank’s records consist of a printout from the Bank’s database, extracts from the Bank’s ledger, as well as a list of Swiss customers of the Bank submitted to the Swiss Federal Banking Commission in June 1997. According to these records, the Account Owner was Paul Schmidt.

The Bank's records do not contain information about the Account Owner's address. According to the Bank's records, the Bank considered the Account Owner a Swiss national.

The Bank's records indicate that the Account Owner held a savings/passbook account, numbered 22074. The Bank's records further indicate that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 10 December 1945. The balance of the account on the date of its transfer was 128.80 Swiss Francs ("SF"). According to the Bank's records, the account was booked out from the suspense account on 28 August 1997 and remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name matches the published name of the Account Owner. The CRT notes that the Bank's records indicate that the Bank considered the Account Owner a Swiss national. However, the CRT notes that there is no indication on the records as to the basis of this determination and that the Bank may have used Swiss nationality as a default, particularly for savings/passbook accounts, the type at issue here, which were considered to be accounts commonly held by Swiss nationals. Moreover, the CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and this alleged nationality.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Paul Schmidt, and indicates that his date of birth was in 1878, that he resided in Danzig, and that he was a miner and was married, which is substantially similar to 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 further notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Paul Schmidt, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. However, the CRT notes that the name Paul Schmidt was published by the Swiss Bankers Association on the list of dormant assets of Swiss bank clients in 1997.

The CRT notes that there are no other claimants to this account. 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 married to a Jewish woman, that he resided in Germany during the Second World War, and that he disappeared after 1942. As noted above, a person named Paul Schmidt was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's great-uncle by marriage. The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying the relationship the Account Owner and Claimant, prior to the publication in February 2001 of the ICEP List, but after the publication of the list of dormant assets of Swiss bank clients in 1997 by the Swiss Bankers Association; and that the Claimant also identified information which matches information contained in the Yad Vashem records, which supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

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

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 his great-uncle by marriage, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

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 10 December 1945 was SF 128.80. According to Article 29 of the Rules, if the amount in a savings/passbook was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

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).

Certification of the Award

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

Claims Resolution Tribunal
28 September 2004