

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Wilhelm Gewitsch

Claim Number: 213292/PY

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Wilhelm Gewitsch (the “Account Owner”) at 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 maternal great-grandfather, Wilhelm Gewitsch, who was born in Vienna, Austria, and was married to [REDACTED]. According to the Claimant, Wilhelm and [REDACTED] Gewitsch, who were Jewish, had one child: the Claimant’s grandmother, [REDACTED], née [REDACTED], who was born in Vienna on 6 August 1883 and was deported to Minsk, Russia, where she died on 31 August 1942. The Claimant submitted information indicating that while her family has evidence that her great-grandmother was deported to Theresienstadt, where she was killed in September 1942, she does not know the exact fate of her great-grandfather.

In support of her claim, the Claimant submitted her great-grandmother’s deportation certificate, which indicates that [REDACTED] resided in Vienna, Austria and that she perished in Theresienstadt on 2 September 1942; a letter from the International Red Cross Tracing Service addressed to [REDACTED] confirming the death of [REDACTED], née [REDACTED], which names the Claimant’s mother, [REDACTED], née [REDACTED], as her daughter; the Claimant’s birth certificate, which indicates that her mother was [REDACTED], née [REDACTED]; and letters from [REDACTED] to the Claimant’s mother, in which [REDACTED] refers to herself as [REDACTED]’s grandmother. In an e-mail addressed to the CRT on 6 January 2004, the Claimant indicated that she could not provide any documents pertaining to her great-grandfather. The Claimant indicated that she was born on 13 January 1946 in London, the United Kingdom.

The Claimant previously submitted Initial Questionnaires with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by [REDACTED], née [REDACTED], and [REDACTED].¹

Information Available in the Bank's Record

The Bank's record consists of a register of closed numbered accounts. According to this record, the Account Owner was Wilhelm Gewitsch, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a numbered account, of unknown type, numbered 61166. The Bank's record further indicates that the account was transferred to the *Reichsbank Berlin* on 14 February of an unspecified year and closed on the same date. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. There are no documents concerning the assets of Wilhelm Gewitsch in the records of the Austrian State Archives (Archive of the Republic, Finance).

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-grandfather's name, city and country of residence match the published name, city and country of residence of the Account Owner. In support of her claim, the Claimant submitted [REDACTED]'s deportation certificate and a letter from the International Red Cross Tracing Service addressed to [REDACTED] confirming the death of [REDACTED], née [REDACTED], both indicating that the Claimant's family members resided in Vienna, Austria. The CRT also notes that the name Wilhelm Gewitsch appears only once on the February 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution (the "ICEP List"). The CRT further notes that the Claimant filed Initial Questionnaires with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by [REDACTED], née [REDACTED], and [REDACTED], prior to the publication in February 2001 the ICEP List. This indicates that the Claimant has based her present claim not simply on the fact that an individual

¹ The CRT did not locate any accounts belonging to [REDACTED], née [REDACTED], or [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons ("ICEP" or "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 her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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. Furthermore, the CRT notes that there are no other timely claims 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 CRT notes that while the Account Owner was not a Victim of Nazi Persecution, the Account Owner's wife and only child were Victims of Nazi Persecution. The Claimant submitted her great-grandmother's deportation certificate, which indicates that [REDACTED] resided in Vienna, Austria, and that she perished in Theresienstadt on 2 September 1942; and a letter from the International Red Cross Tracing Service addressed to [REDACTED] confirming the death of [REDACTED], née [REDACTED].

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 detailed information demonstrating that the Account Owner was her great-grandfather. These documents include [REDACTED]'s deportation certificate; a letter from the International Red Cross Tracing Service addressed to [REDACTED] confirming the death of [REDACTED], née [REDACTED], which indicate that [REDACTED] and [REDACTED] resided in Vienna; and letters from [REDACTED] to the Claimant's mother, in which [REDACTED] refers to herself as [REDACTED]'s grandmother, providing independent verification that the Claimant's maternal relatives bore the family name [REDACTED] and that they resided in Vienna. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess and indicate that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.²

The Issue of Who Received the Proceeds

The Bank's record further indicates that the account was transferred to the *Reichsbank Berlin* on 14 February of an unspecified year and closed on the same date.

² The CRT notes that according to Article 17 of the Rules, the CRT shall at all times bear in mind the difficulties of proving a claim after the destruction of the Second World War and the Holocaust and the long period of time that has elapsed since the opening of the Accounts. Therefore, while the Claimant did not submit documents which provide a direct linkage between the Claimant and her great-grandfather, the CRT concludes that the Claimant has plausibly demonstrated that she is related to the Account Owner.

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 the Account Owner was her great-grandfather, and that relationship justifies 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 account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, 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 was 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

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 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 Master.

Claims Resolution Tribunal
28 May 2004