

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants Rita Laser and Eva Helga Perkal
represented by Rachel Perkal

in re Account of Walter Loewy

Claim Numbers: 002292/AY, 206955/AY

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claims of Rita Laser, née Schmal, (“Claimant Laser”) and Eva Helga Perkal, née Itzig, (“Claimant Perkal”) (together the “Claimants”) to the account of Walter Loewy (the “Account Owner”) 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 Claimants

Claimant Laser submitted a Claim Form identifying the Account Owner as her uncle by marriage, Walter Loewy, who was born approximately in the 1890s in Danzig, Germany (now Poland), and was married to Betty Loewy, née Itzig, Claimant Laser’s maternal aunt. Claimant Laser stated that Walter and Betty Loewy, who were Jewish, had two children, Ursel, who was born in 1925, and Hedda, who was born in 1929. Claimant Laser stated that her uncle was a timber merchant who resided on Langedasse in Danzig. According to Claimant Laser, in 1939 her uncle moved from Danzig to Warsaw, Poland. Claimant Laser further stated that her uncle, her aunt and their children all perished in the Warsaw Ghetto in approximately 1942. Claimant Laser stated that she was born on 14 July 1923 in Neumark, Germany. Claimant Laser previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her uncle, Walter Loewy of Danzig.

Claimant Perkal submitted a Claim Form identifying the Account Owner as her uncle by marriage, Walter Loewy, who was married to Betty Loewy, née Itzig, Claimant Perkal’s paternal aunt. Claimant Perkal stated that Walter and Betty Loewy, who were Jewish, had two children, Ursel, who was born in 1925, and Hedda, who was born on 28 June 1929. Claimant Perkal identified her uncle as a timber merchant who resided in Danzig until 1938 or 1939. According to Claimant Perkal, her uncle moved from Vorstädtischer Graben in Danzig, to Polna 24/8 in Warsaw, Poland. Claimant Perkal further stated that her uncle, her aunt, and their children all

perished in the Warsaw Ghetto on an unknown date. Claimant Perkal stated that she was born on 30 July 1929 in Danzig.

Claimant Perkal previously submitted an Initial Questionnaire with the Court in 1999, as well as an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by her uncle, Walter Loewy of Danzig. In her Initial Questionnaire, Claimant Perkal added that when her uncle left Danzig for Warsaw he insisted that “he would be okay” because he had “considerable assets” in a Swiss bank. Claimant Perkal also added in her Initial Questionnaire that her paternal aunt in London, the United Kingdom, who survived the Holocaust, contacted the Swiss banks in the 1950s, but was unable to locate or retrieve her relative’s assets. Claimant Perkal stated that her paternal aunt died 30 years ago, and that her aunt’s daughter died last year.

Information Available in the Bank’s Record

The Bank’s record consists of a printout from the Bank’s database. According to this record, the Account Owner was Walter Loewy from Danzig, Germany. The Bank’s record does not indicate the type of account held by the Account Owner, nor does it indicate when the account at issue was closed, to whom it was paid, or the value of this account. 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. These auditors indicated that there was no evidence of activity on this account after 1945, but that it still existed as late as 1959. There is no evidence in the Bank’s record that the Account Owner or his heirs closed the account and received the proceeds themselves.

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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their uncle’s name and city of residence match the published name and city of residence of the Account Owner. The CRT notes that the Bank’s record does not contain any specific information about the Account Owner other than his name and city of residence.

The CRT also notes that the Claimants filed Initial Questionnaires with the Court in 1999, and that Claimant Perkal also filed an ATAG Ernst & Young claim form in 1998, asserting their entitlement to a Swiss bank account owned by their uncle, Walter Loewy of Danzig, 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 Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their uncle by marriage owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants. Furthermore, the CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he perished in the Warsaw Ghetto.

The Claimants’ Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting detailed family trees and biographical information about their uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the application of Presumptions (b), (h), and (j) contained in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner 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.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their uncle by marriage, 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 of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award under Article 23(1)(a-f) have submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or marriage, who has submitted a claim, consistent with principles of fairness and equity. Accordingly, as the Account Owner was the Claimants' uncle by marriage, and as there are no other claims to the account, the Claimants are each entitled to receive 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
June 23, 2003