

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Alice Morawetz and Franz Morawetz

Claim Numbers: 223320/AK, 223347/AK¹

Award Amount: 31,000.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the published accounts of Alice Morawetz (“Account Owner Alice Morawetz”) and Franz Morawetz (“Account Owner Franz Morawetz”) (together “the Account Owners”) at the Zurich 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 Account Owner Alice Morawetz as his paternal grandmother, Alice Morawetz, née Ehrlich, who was born on 22 January 1884 in Breslau, Germany (today Wroclaw, Poland), and was married to [REDACTED] in 1902 in Breslau. The Claimant submitted a second Claim Form identifying Account Owner Franz Morawetz as his father, who was born on 28 May 1907 in Úpice, Bohemia (today Czech Republic), and was married to [REDACTED] in 1937. The Claimant stated that [REDACTED] and Alice Morawetz had three children: Franz, [REDACTED], and [REDACTED]. In a telephone conversation with the CRT on 9 May 2005, the Claimant stated that his grandmother Alice Morawetz owned an apartment in Prague, Czechoslovakia (now Czech Republic), and that his father and grandmother, who were both Jewish, resided not only in Úpice but also in Prague. The Claimant stated that his father Frank (Franz, František) Morawetz escaped from Czechoslovakia to England after the German invasion of Czechoslovakia, and that he later emigrated to Canada. The Claimant indicated that his grandmother was deported to the concentration camp in Theresienstadt in 1940, where she perished on 20 April 1945. The documents submitted by the Claimant indicate that the marriage between his father and his

¹ The Claimant submitted four Claim Forms, which were registered under the Claim Numbers 222125, 222126, 223320 and 223347. The CRT has determined that two of these claims are duplicate claims, and is treating them under the consolidated Claim Numbers 223320 and 223347.

mother [REDACTED] was dissolved in 1949. The Claimant stated that his father subsequently married [REDACTED] in 1958 in Montreal, Canada. The Claimant indicated that his father died on 14 February 1990 in Montreal and that his second wife, [REDACTED], has also died. The Claimant further indicated that [REDACTED] and [REDACTED] both died without issue.

In support of his claims, the Claimant submitted the following documents:

1. his father's birth certificate, indicating that Franz (František) Morawetz was born on 28 May 1907 in Úpice to [REDACTED] and Alice Morawetz, née Ehrlich;
2. his father's driving license, indicating that František Morawetz resided in Upice;
3. his parents' marriage certificate, indicating that Frantisek Morawetz and [REDACTED] were married in Prague in 1938;
3. a certificate from the Czech embassy in London, indicating that František Morawetz from the administrative district of Prague was found unfit for military service;
4. an affidavit dated 19 December 1949, indicating that František Morawetz changed his name to Frank M. Morton, and that his son is [REDACTED];
5. the death certificate of Frank Morton, indicating he passed away on 14 February 1990; and
6. the Claimant's certificate of baptism, indicating that the Claimant is the son of Frank Morawetz and [REDACTED].

The Claimant stated that he was born on 22 May 1944 in Montreal, Canada.

Information Available in the Bank's Records

Account Owner Alice Morawetz

The Bank's records consist of a customer card and a safe deposit box registry card. According to these records, Account Owner Alice Morawetz was *Frau* ("Mrs.") Alice Morawetz, who resided in Prague, Czechoslovakia. The Bank's records indicate that Account Owner Alice Morawetz held a safe deposit box numbered S 582. These records further indicate that the safe deposit box was rented on 27 May 1936 and closed on 10 August 1940. The content of the safe deposit box on the date of its closure is unknown. There is no evidence in the Bank's records that Account Owner Alice Morawetz or her heirs closed the safe deposit box and received the proceeds themselves.

Account Owner Franz Morawetz

The Bank's records consist of a customer card and a safe deposit box registry card. According to these records, Account Owner Franz Morawetz was Franz Morawetz, who resided in Prague, Czechoslovakia. The Bank's records indicate that Account Owner Franz Morawetz held a safe deposit box numbered 1935. These records further indicate that the safe deposit box was rented on 5 September 1938 and closed on 21 April 1939. The contents of the safe deposit box on the date of its closure are unknown. There is no evidence in the Bank's records that Account Owner Franz Morawetz or his heirs closed the safe deposit box 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 Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's grandmother's name and his father's name and their country of residence match the published names and country of residence of the Account Owners. The Claimant identified the Account Owners' city of residence, which matches unpublished information about Account Owners contained in the Bank's records. In support of his claim, the Claimant submitted documents, including Franz Morawetz's birth and marriage certificates, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city as the names and city of residence of the Account Owners.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Alice Morawetz, née Ehrlich, and indicates that her date of birth was 22 January 1884, and she resided in Prague, which matches 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 other claims to these accounts were disconfirmed because these claimants provided a different country of residence than the country of residence of the Account Owners.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that Account Owner Franz Morawetz fled Czechoslovakia, and that Account Owner Alice Morawetz perished in a concentration camp. As noted above, a person named Alice Morawetz, née Ehrlich was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owner Alice Morawetz was the Claimant's grandmother and that Account Owner Franz Morawetz was the Claimant's father. These documents include the Claimant's father's birth certificate, indicating that Franz Morawetz was the son of Alice Morawetz, and the Claimant's certificate of baptism, indicating

that the Claimant is the son of Frank Morawetz. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

Given that Account Owner Alice Morawetz was killed in a concentration camp; that Account Owner Franz Morawetz fled Czechoslovakia; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about their accounts 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 (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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 Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Alice Morawetz was his grandmother and that Account Owner Franz Morawetz was his father, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held two safe deposit boxes. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs ("SF"). Thus, the total 1945 average value of the accounts at issue is SF 2,480.00. 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 31,000.00.

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 claims 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
15 July 2005