

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Moritz Weden

Claim Number: 215330/MBC¹

Award Amount: 926,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Moritz Weden (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 paternal great-uncle, Moritz Weden, who was born on 12 July 1868 in Volduchy, Czechoslovakia, and was married to [REDACTED], who was born on 26 May 1868. The Claimant indicated that her great-uncle was the brother of her paternal grandfather, [REDACTED], and the son of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant did not indicate whether his great-uncle had children. The Claimant stated that her great-uncle, who was Jewish, was a lawyer who held a doctorate title and resided at Zitná 46 in Prague II, Czechoslovakia. According to the Claimant, her great-uncle and his wife were deported to Theresienstadt on 14 December 1941, and perished in Auschwitz on 26 October 1942. The Claimant indicated that she was born on 27 November 1938 in Prague, and that she is her great-uncle’s only living heir.

In support of her claim, the Claimant submitted documents including her own birth certificate, identifying her paternal great-grandfather as [REDACTED]; her grandfather’s and great-uncle’s birth certificates, identifying them as [REDACTED] and Moritz Weden, respectively; her

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 215330 and 300447. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 215330.

parents' marriage certificate, identifying her father as [REDACTED], son of [REDACTED]; and a postcard, dated 27 June 1924, from Moritz Weden to his nephew, the Claimant's father. The birth certificate of Moritz Weden shows that he changed his last name from Wedeles to Weden on 5 March 1900. The Claimant's grandparents' marriage certificate indicates that Moritz Weden was a witness to the ceremony, that he was a lawyer, and that he held a doctor title. The Claimant also submitted two certificates, both issued on 16 May 2001, by the Federation of Jewish Communities in Prague showing that Moritz and [REDACTED] Weden were Jewish, that they resided in Prague at Zitná 46, and that they were deported from Prague to Theresienstadt, and from there to Auschwitz on 26 October 1942.

Information Available in the Bank's Records

The Bank's records consist of a printout from the Bank's database and three letters, dated 9 January 1947, 19 February 1948, and 23 February 1948, respectively, between the Bank and [REDACTED]. According to these records, the Account Owner was Dr. Moritz Weden, who resided at Zitná 46 in Prague II, Czechoslovakia.

In the letter dated 9 January 1947, [REDACTED] stated that he was the nephew and heir of [REDACTED] and Moritz Weden, and asked the Bank whether any securities or other assets held by his uncle, or his uncle's daughter, [REDACTED], were deposited with the Bank. This letter, written on the letterhead of the *Prague Credit Bank* located in Prague, also contains an inquiry into the existence of a custody account containing bonds worth 72,000.00 Swiss Francs (with an interest rate of 3.5%). This letter contains a handwritten annotation made by an employee of the Bank indicating that the Account Owner held one demand deposit account and one custody account, which were closed in 1939 and 1940, respectively. This annotation does not indicate the value of these accounts, nor does it indicate to whom the accounts were closed. According to the letter dated 19 February 1948, [REDACTED] enclosed an inheritance certificate, which is not included with the Bank's records. The Bank responded to [REDACTED] in a letter dated 23 February 1948, in which the Bank indicated that neither Moritz Weden nor [REDACTED] held accounts with the Bank at that time. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her great-uncle's name matches the published name of the Account Owner. The Claimant identified her great-uncle's city of residence and street address, which match unpublished information about the Account Owner contained in the Bank's records. The Claimant further stated that her relative was a lawyer and

held a "Dr" title, which is consistent with unpublished information about the Account Owner's professional title. In support of her claim, the Claimant submitted documents, including her own birth certificate, as well as the birth certificates of her great-uncle and father; along with certificates, issued on 16 May 2001, by the Federation of Jewish Communities in Prague, which shows that the Claimant's grandfather, [REDACTED] and Moritz Weden were siblings, that the Claimant's father ([REDACTED]) was [REDACTED]' son, and provides independent verification that the Claimant's great-uncle had the same name as the Account Owner. These documents also show that the Claimant's great-uncle resided in Prague at Zitná 46, which is consistent with the Account Owner's address contained in the Bank's records. Furthermore, the CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Dr. Moric Weden, and indicates that his date of birth was 12 July 1868 and country of birth was Czechoslovakia, 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.

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 indicated that the Account Owner was Jewish, and that he and his wife perished in Auschwitz in 1942. As noted above, a person named Dr. Moric Weden was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, including her birth certificate, the birth certificates of her grandfather and great-uncle, and her parents' marriage certificate, demonstrating that the Account Owner was her great-uncle. There is no information to indicate that the Account Owner has other surviving heirs. The CRT notes that there is an indication, in the Bank's records, of a daughter and nephew of the Account Owner. To this date, however, the CRT has not received a Claim Form from either of these persons. In accordance with to Article 24 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the rights of an individual to an Account who has not submitted a claim to the CRT will, as a general rule, not be considered under the Claims Resolution Process authorized by the Rules.

The Issue of Who Received the Proceeds

Given that the demand deposit account was closed in 1939 and the custody account was closed in 1940; that the Nazis invaded Prague in 1939; that it could not have been feasible for the Account Owner to have repatriated his account to occupied Czechoslovakia; that in 1941 the

Account Owner and his wife were deported to concentration camps, where they perished in 1942; that there is no record of the payment of the Account Owner's accounts to him or his heirs; that the Account Owner's heirs would have been unable to obtain information about the Account Owner's 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 (a)(ii), (e), (h), (i), 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 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 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-uncle 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.

The CRT notes that [REDACTED], the Account Owner's nephew and heir as indicated in the Bank's records, did not submit a claim to the account of Moritz Weden. According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Consequently, as the Account Owner's great-niece and great-grandchild of the Account Owner's parents, the Claimant is entitled to receive the total award amount.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account. Regarding the custody account, according to the letter directed to the Bank by the Account Owner's nephew on 9 January 1947, the custody account contained securities at a nominal value of 72,000.00 Swiss Francs. Given that this letter written on the stationary of Prague Credit Bank shortly after the War by a close relative and heir of the Account Owner, who plausibly could have been in a position to know the value of the Account Owner's assets; and given that the Bank did not contradict the value of the securities when it noted on the letter that the Account Owner held a custody account with the Bank, it is plausible to conclude that the value of the custody account as of 1945 was 72,000.00 Swiss Francs.

Regarding the demand deposit account, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with the account at issue, 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs.

The current value of the amount of the award is determined by multiplying the historic value of the custody account and the balance of the demand deposit account as determined by Article 29 of the Rules by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 926,750.00 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 Masters.

Claims Resolution Tribunal
6 February 2004