

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Hermann Weil

Claim Number: 215565/PY¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Paul Weil.¹ This Award is to the published account of Hermann Weil (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but a 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 grandfather, Hermann (Heinrich) Weil, whose date and place of birth are unknown, and who was married to [REDACTED]. The Claimant stated that her grandfather, who was Jewish, lived in Stuttgart, Germany, where he worked as a lawyer, and where his son, the Claimant’s father, Paul Weil, was born in 1894. The Claimant also stated that she does not remember meeting her grandfather, as he died approximately around the same time she was born, in late 1932. While the Claimant was not able to provide much information about her grandfather, she did state that her father, Paul Weil, a medical doctor from Stuttgart, resided in Zurich, Switzerland, between the years 1933 and 1936. The Claimant stated further that after returning to Stuttgart from Zurich, fear of Nazi persecution forced him to flee to the United Kingdom in 1939, where he remained until his death in 1963. In support of her claim, the Claimant submitted her birth certificate, indicating that her father was Paul Weil and that he resided in Stuttgart, and her father’s death certificate. The Claimant indicated that she was born on 22 October 1932 in Stuttgart.

¹ The CRT previously issued to the Claimant a Certified Award to accounts owned by Paul Weil, which was approved by the Court on 20 November 2002. See *In re Accounts of Dr. Paul Weil*.

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 Hermann Weil who resided in Stuttgart, Germany. The Bank's record indicates that the Account Owner held a custody account, numbered 8075.

According to the Bank's record, the account was opened on 28 December 1928 and was closed on 22 December 1937. 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.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandfather's name and city of residence matches the published name and city of residence of the Account Owner. The Claimant has demonstrated a family connection to Zurich, Switzerland, which is consistent with the fact that the account was held in the Bank's Zurich branch. The CRT notes that it previously awarded the Claimant the accounts of Paul Weil, the Account Owner's son, based on the Claimant's identification of unpublished information about Paul Weil. The Claimant's ability to provide unpublished information about Paul Weil supports the Claimant's identification of Hermann Weil, the father of Paul Weil, as the Account Owner. Furthermore, the CRT notes that Paul Weil's account was held at the same branch of the Bank as that of the Account Owner. The CRT notes that the other claims to this account were disconfirmed because those claimants indicated that the claimed account owners resided in different cities than that of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

As previously indicated, the Claimant stated that she was not sure when her grandfather died, but that it may have been in approximately late 1932. As the Claimant cannot state with certainty when her grandfather died, and given the fact that the approximate date of death provided by the Claimant is close to the time when the Nazis came to power in Germany (30 January 1933), the CRT has determined to consider the Account Owner a Victim of Nazis Persecution. Moreover, the CRT notes that the Account Owner's only son, Paul Weil, was a victim of Nazi persecution. The Claimant stated that Paul Weil was Jewish and that he fled Germany for the United Kingdom in 1939 in order to avoid Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that she is the Account Owner's granddaughter. The CRT notes that the Claimant submitted a copy of her birth certificate, which provides independent verification that the Claimant's relatives bore the family name "Weil" and

that they resided in Stuttgart. Furthermore, the CRT notes that the foregoing information is of the type that family members would possess and indicates 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. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

As noted above, the Account Owner died approximately in late 1932, before the account was closed. His son and heir, Paul Weil, resided in Germany at the time the account was closed in 1937. Given that after coming to power in 1933 the Nazi regime embarked on a campaign to seize the domestic and foreign assets of Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner's heir resided in Germany until 1939, and would not have been able to repatriate his deceased father's account to Germany without its confiscation; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner's heirs would not have been able to obtain information about his account 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), (h) and (j) contained 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 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 custody account. 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 custody account was 13,000.00 Swiss Francs ("SF"). 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 162,500.00.

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 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
18 August 2004