

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Paula Weil

Claim Numbers: 501477/MBC; 501490/MBC¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (“the Claimant”) to the published account of Paula Weil (the “Account Owner”) at the [REDACTED] (the “Bank”).²

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 two Claim Forms identifying the Account Owner as his mother, [REDACTED], née [REDACTED], who was born on 8 July 1883 in Frankfurt am Main, Germany, and who married to [REDACTED] on 8 January 1906 in Frankfurt am Main. The Claimant indicated that his parents had three children: the Claimant, [REDACTED] and [REDACTED]. The Claimant indicated that his mother was a housewife who resided at Bockenheimer Anlage 2, in Frankfurt am Main. The Claimant further indicated that his mother became the owner of *Frankfurter Kreditanstalt AG* upon the death of her spouse on 11 March 1931 and that she had relatives who resided in Switzerland. The Claimant further indicated that because she was Jewish, his mother’s German citizenship was revoked, and that she subsequently lost her property in Germany, forcing her to flee with her children to Palestine in 1936. However, in a telephone conversation with the CRT on 21 June 2005, the Claimant indicated that his mother emigrated to Palestine in 1937 or 1938. Finally, the Claimant indicated that his mother died on 1 January 1954, [REDACTED] died on 11 September 1991 and [REDACTED] died on 19 August 2000, all in Israel.

¹ The Claimant submitted four additional claims, which are registered under the Claim Numbers 501446, 501466, 501469 and 501496. The CRT will treat these claims in separate determinations.

² In a separate decision, the CRT denied the Claimant's claim to accounts owned by a different individual named Paula Weil. See *In re Accounts of Paula Weil* (approved on 14 December 2005).

In support of his claim, the Claimant submitted copies of documents, including: (1) his father's death certificate, indicating that [REDACTED] was married to [REDACTED], née [REDACTED]; (2) a document dated 13 December 1954, indicating that the beneficiaries of [REDACTED]'s estate were her children, [REDACTED], [REDACTED], and [REDACTED]; (3) his mother's death certificate, indicating that [REDACTED] died on 1 January 1954 in Jerusalem, Israel; (4) his parents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married in Frankfurt am Main; and (5) a family document from the city of Wiesbaden, Germany, indicating that [REDACTED], née [REDACTED], was from Frankfurt am Main.

The Claimant indicated that he was born on 24 September 1914 in Frankfurt am Main.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Paula Weil, who resided in Frankfurt am Main, Germany. The Bank's record indicates that the Account Owner held one custody account, which was closed on 17 March 1937. The amount in the account on the date of its closure is unknown. There is no evidence that the Account Owner or her 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 Claimant in one proceeding.

Identification of the Account Owner

The Claimant's mother's name and city and country of residence match the published name and city and country of residence of the Account Owner. In support of his claim, the Claimant submitted documents, including his father's death certificate, identifying his spouse as [REDACTED],³ née [REDACTED]; his parents' marriage certificate, indicating that [REDACTED] and [REDACTED], née [REDACTED] were married in Frankfurt am Main; and a family document from the city of Wiesbaden, Germany, indicating that [REDACTED], née [REDACTED], was from Frankfurt am Main. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner. The CRT notes that the other claims to this account were disconfirmed because

³ The CRT notes that the Claimant's [REDACTED]'s last name is spelled [REDACTED] on the documents he submitted. The CRT further notes that Weill and Weil are common variations of the same name and therefore determines that this discrepancy does not adversely affect the Claimant's identification of the Account Owner.

those claimants provided a different city or country of residence than the city or country of residence of the Account Owner. 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 Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and resided in Nazi Germany, that her citizenship was revoked and her property subsequently confiscated, forcing her to flee to Palestine between 1936 and 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was his mother. These documents include a document dated 13 December 1954, identifying the beneficiaries of [REDACTED]'s estate as her children, [REDACTED], [REDACTED], and [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the account was closed on 17 March 1937, and further notes that the Claimant was unable to specify exactly when the Account Owner fled to Palestine, indicating that this occurred sometime between 1936 and 1938. Therefore, according to the information provided by the Claimant, the Account Owner may have been outside Nazi-dominated territory at the time the account was closed. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owner fled her country of origin due to Nazi persecution, that the Account Owner's property in Germany was confiscated, that the Account Owner may have had relatives remaining in her country of origin and that she may therefore have yielded to Nazi pressure to turn over her account to ensure their safety, that the Account Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 Owner or her 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 the Account Owner was his mother, and that

relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her 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 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
23 June 2006