

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Melanija Miric

in re Accounts of Antonia Weinstein

Claim Numbers: 211965/MD and 211966/MD¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of Melanija Miric, née Weinstein, (the “Claimant”) to the accounts of Antonija² Weinstein and Jakob Weinstein. This Award is to the published accounts of Antonia Weinstein (the “Account Owner”) at the [REDACTED] (the “Bank”).³

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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her mother, Antonija Weinstein, née Heisinger, who was born to Gjuro and Melanija Heisinger on 26 July 1901 in Bjelovar, Croatia, and was married Jakob Weinstein, who was born on 5 August 1892 in Landhausen, Austria. The Claimant stated that she is her parents' only child. The Claimant further stated that her mother was a housewife and that her father was the director of a large lumber company, *Nihag*, which was located in Zagreb, Croatia. The Claimant indicated that her parents lived at Ratkajev Prolaz in Zagreb until

¹ The Claimant submitted an additional claim to the account of Vera Heisinger, which is registered under the Claim Number 211967. The CRT will treat the claim to this account in a separate decision.

² The Claimant indicated that her mother's name was also spelled Antonia.

³ The CRT notes that, on the February 2001 published list of accounts determined by ICEP to be probably those of Victims of Nazi Persecution (the “ICEP List”), Jakob Weinstein is identified as the Power of Attorney Holder to the accounts of Antonia Weinstein. The CRT did not locate an account held in the name of Jakob Weinstein in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

1934, when they moved to Radicevo Setaliste, also in Zagreb, where they stayed until 1941. The Claimant explained that her father was Jewish, and that her mother was born to a Jewish mother, but was raised Catholic. The Claimant further explained that her father was deported to a concentration camp in Italy in 1941, and that her mother remained in hiding with the Claimant in Zagreb. The Claimant stated that her father was interned in different concentration camps in Italy until 1943 when he escaped to Switzerland, where he remained in various refugee camps until 1945. According to the Claimant, her father returned to Zagreb after the end of the Second World War. The Claimant stated that her father died on 21 May 1946 in Zagreb and that her mother died on 15 May 1951, also in Zagreb.

In support of her claim, the Claimant submitted documents, including her own birth certificate, identifying her parents as Antonija and Jakob Weinstein of Zagreb; her parents' marriage certificate, identifying them as Jakob Weinstein and Antonija Heisinger; her father's signature sample; and her mother's birth and death certificates, identifying her as Antonija Weinstein.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form dated 7 January 1929 and printouts from the Bank's database. According to these records, the Account Owner was Antonia Weinstein, who resided in Zagreb, Croatia, at Nadbiskupski prolaz 3, and the Power of Attorney Holder was Jakob Weinstein, who resided at the same address. The Bank's records indicate that the Account Owner held one passbook account and one account of unknown type, which was opened in 1933. The Bank's records indicate that the passbook account was closed on 15 March 1939, unknown to whom. The amount in the account on the date of its closure is unknown.

The Bank's records do not show when the account of unknown type was closed, or to whom it was paid, nor do these records indicate 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. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder 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 Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her mother's name and city of residence matches the published name of the Account Owner. The Claimant has also plausibly identified the Power of Attorney Holder. Her father's name and city of residence matches the published name and city of residence of the Power of Attorney Holder. In support of her claim, the Claimant submitted documents, including her birth certificate, identifying her parents as Antonija and Jakob Weinstein, and showing that they resided in Zagreb. The Claimant also submitted a sample of her father's signature, which matches the signature sample of the Power of Attorney Holder contained in the Bank's records. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Jakob Weinstein, and indicates that his date of birth was 5 August 1892, which matches the information about the Account Owner's husband provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that there are no other claims to this account. Taking all of these factors into consideration, 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 born to a Jewish mother and was married to a Jewish man; that she was in hiding in Zagreb; and that her husband was interned in various concentration camps in Italy. As noted above, a person named Jakob Weinstein, the Account Owner's husband and the Power of Attorney Holder, 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 documents, including her birth certificate, demonstrating that the Account Owner was her mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With respect to the passbook account closed on 15 March 1939, the CRT notes that that account was closed prior to the Nazi occupation of Yugoslavia, and concludes that the Account Owner or the Power of Attorney Holder closed the account and received the proceeds.

With respect to the account of unknown type, given that the Account Owner remained in hiding in Zagreb during the Nazi occupation of Yugoslavia; that after the Second World War, the Account Owner, the Power of Attorney Holder, and their heirs resided in Communist Yugoslavia, and would therefore have been unable to travel to Switzerland to access the account; that there is no record of date of closure of the account or of the payment of the Account Owner's account to her, the Power of Attorney Holder or their heirs; that the Account Owner or her heirs would not have been able to obtain information about her account after the 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 the application of Presumptions (h), (i), and (j), as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, 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 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 mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the account of unknown type.

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 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 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
28 May 2004