

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Lisbeth Weiss

Claim Number: 670000/SJ¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].² This Award is to the published account of Lisbeth Weiss (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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her paternal grandmother, Liesbeth (Elisabeth) Rathenau Weiss, who was born on 23 March 1867 in Berlin, Germany, and was married to Dr. [REDACTED], who was born in 1860 in Vienna, Austria. The Claimant indicated that her grandparents, who were Jewish, lived at *Kaiserin Augustastrasse 73* in Berlin. The Claimant also indicated that her grandparents were quite wealthy, and that by the 1920s and 1930s they lived from their investments, believed to consist of *Siemens* stock. The Claimant stated that her grandmother died on 21 July 1930 in Berlin, and that her grandfather, who was her likely heir, died on 23 October 1936, also in Berlin. Furthermore, the Claimant indicated that her father, Dr. [REDACTED], the son and heir of [REDACTED] and Liesbeth Weiss, was in exile in Czechoslovakia at the time of his father’s death in 1936, having fled after he was arrested by the

¹ The Claimant submitted a claim, numbered B-01800, on 2 June 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 670000.

² The CRT did not locate an account belonging to the Claimant’s relative, [REDACTED], 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.

police in Germany. As a result, according to the Claimant, [REDACTED] was unable to collect on his inheritance from [REDACTED] and Liesbeth Weiss. Finally, the Claimant indicated that she and her parents, Dr. [REDACTED] and [REDACTED], were able to leave Czechoslovakia for the United States in 1939. The Claimant submitted a copy of her grandfather's business card, indicating that he was Dr. [REDACTED] and that his address was *Kaiserin Augustastrasse 73*, Berlin; a copy of her grandmother's death certificate and a copy of her family tree.

The Claimant stated that she was born on 25 January 1937 in Prague, Czechoslovakia.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Dr. Lisbeth Weiss, who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held a savings account numbered 34964. The Bank's record does not indicate when this account was opened but does indicate that the account was closed on 19 May 1934. The Bank's record does not show to whom the account was paid nor does it indicate the value of this account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandmother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including the death certificate of Elisabeth Weiss, née Rathenau, of Berlin, providing 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 records as the name and city of residence of the Account Owner.

The CRT notes that the name Lisbeth Weiss appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of victims of Nazi persecution. Furthermore, the CRT notes that it was customary for a wife to adopt her husband's professional title and be addressed as *Frau Dr.*, as the Account Owner was in this case. .

The CRT further notes that the Claimant filed an HCPO claim form in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED], the husband of Lisbeth Weiss, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on

a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to this account. Taking all 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

According to the Claimant, the Account Owner died on 21 July 1930, which is prior to the Nazi seizure of power in Germany in 1933. However, the Claimant stated that the Account Owner's spouse survived her and was her likely heir. The Claimant stated that the Account Owner's heir was Jewish and lived in Nazi Germany until his death in 1936. The Claimant also stated that the Account Owner's son was arrested by the German police before he fled to Czechoslovakia.

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 demonstrating that the Account Owner was the Claimant's grandmother. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records and that the Claimant filed an HCPO claim form in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. Finally, 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 this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner died in 1930, prior to the closure of the account; that the Account Owner's husband and probable heir remained in Germany until his death in 1936 and would not have been able to repatriate the account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to her heirs; that her heirs would not have been able to obtain information about her 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A)

and Appendix C,³ 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 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 grandmother, 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 savings 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 ICEP Investigation, in 1945 the average value of a savings account was 830.00 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 10,375.00.

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
9 March 2005

³ Appendix C appears on the CRT II website -- www.crt-ii.org.