

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]
represented by [REDACTED 3]

and to the Estate of Claimant [REDACTED 4]¹

in re Accounts of Josef Weissmann

Claim Numbers: 000064/AC; 220050/AC; 220691/AC

Award Amount: 80,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”), and [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the published accounts of Josef Weissmann (the “Account Owner”) at the Zurich branch of 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as Josef (Joseph) Weissmann, who was married to Claimant [REDACTED 1]’s father’s cousin, [REDACTED]. Claimant [REDACTED 1] stated that [REDACTED]’s mother, [REDACTED], was the sister of Claimant [REDACTED 1]’s paternal grandmother, [REDACTED]. According to Claimant [REDACTED 1], Josef Weissmann was Jewish and resided in Bucharest, Romania, where he owned a company called *Sanitas*. Claimant [REDACTED 1] explained that Josef Weissmann was killed in 1940 in Bucharest, after which his wife fled to Paris, France, where she resided until her death. Claimant [REDACTED 1] stated that [REDACTED] told her that, up

¹ In a telephone conversation with the CRT on 10 November 2004, [REDACTED 4]’s wife informed the CRT that [REDACTED 4] passed away on 31 August 2004.

until approximately 1940, she and her husband had deposited assets in Switzerland during their travels and that these assets had never been recovered.

Claimant [REDACTED 1] stated that she was born on 3 February 1934 in Bucharest. Claimant [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Josef Weissmann and [REDACTED].²

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her maternal uncle, Joseph (Josef, Iosef) Weissmann, who was born in Iasi, Romania, and was married to [REDACTED]. According to Claimant [REDACTED 2], her uncle, who was Jewish, was the son of [REDACTED] and [REDACTED], and he was one of several siblings, including her mother, [REDACTED], née [REDACTED]. Claimant [REDACTED 2] explained that her uncle was a wealthy business owner, and that he resided at 21 Mihai-Voda in Bucharest from 1920 until his death in January 1941. Claimant [REDACTED 2] explained that on 22 January 1941, her uncle was taken from his home and shot during the pogrom in Bucharest in January 1941. Claimant [REDACTED 2] indicated that her parents have passed away, leaving her as their only surviving heir.

Claimant [REDACTED 2] submitted documents in support of her claim, including: 1) a copy of her parents’ marriage certificate, showing that [REDACTED], who was the son of [REDACTED], and [REDACTED], who was the daughter of [REDACTED] and [REDACTED], née [REDACTED], were married in Bucharest, that they both resided in Bucharest, and that [REDACTED]’s family resided at 9 Mihai Voda in Bucharest; 2) a copy of her own birth certificate, indicating that she was born on 3 January 1925 in Bucharest, and that her parents were [REDACTED] and [REDACTED], née [REDACTED], who resided in Bucharest; and 3) copies of court-approved succession documents, dated 3 March 1941, issued in Bucharest, relating to the estate of Joseph (Iosef) Weissmann, demonstrating that his parents were [REDACTED] and [REDACTED], that he had no surviving parents or children, that his living heirs were his wife, [REDACTED], his two sisters, [REDACTED] and [REDACTED], and one nephew, [REDACTED], that he had had one other brother (*un autre frère*), with whom he had lost contact 16 years prior to his death, that his residence and property at 21 Mihai-Voda were passed on to his wife, and that his residual estate was to be divided into four equal parts between his wife, his two sisters, and his nephew.

Claimant [REDACTED 2] stated that she was born on 3 January 1925 in Bucharest.

² The CRT did not locate an account belonging to Claimant [REDACTED 1]’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). Claimant [REDACTED 1] 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 Claimant [REDACTED 1] or upon information from other sources.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying the Account Owner as his maternal aunt's husband, Iosef (Josef) Weissmann, who was born in Bucharest, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 4] stated that his mother, [REDACTED], née [REDACTED], was the sister of Josef Weissmann's wife, [REDACTED], née [REDACTED]. According to Claimant [REDACTED 4], his relative, who was Jewish, owned his own business that imported and exported sanitary articles, and his business and residence were in the same building at 21-23 Mihai-Voda in Bucharest. Claimant [REDACTED 4] explained that his relative traveled regularly to Switzerland on business and kept Swiss bank accounts. Claimant [REDACTED 4] stated that his relative was murdered during the pogrom against Jews in Bucharest that took place between 21 and 23 January 1941, and that at some point afterwards, his aunt, [REDACTED], moved to Paris.

Claimant [REDACTED 4] stated that he was born on 9 August 1931 in Bucharest.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Josef Weissmann, who resided in Bucharest, Romania. The Bank's record indicates that the Account Owner held four demand deposit accounts.

The Bank's record indicates that one demand deposit account was closed on 28 February 1939. This record also indicates that the Account Owner held a demand deposit account in Pound Sterling ("£") that was transferred on 20 May 1941 to a second demand deposit account held in Pound Sterling and closed. The second demand deposit account in Pound Sterling was closed on 10 December 1941. The Bank's record indicates that the remaining demand deposit account was also closed on 10 December 1941.

The Bank's record does not indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts 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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relative's name and country of residence match the published name and country of residence of the Account Owner. The Claimants also identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, Claimant [REDACTED 2] submitted documents, including copies of court-approved succession documents for the estate of Joseph (Iosef) Weissmann, issued in Bucharest, 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 a database containing the names of victims of Nazi persecution includes a person named Josef Weissmann, and indicates that he was killed in 1940 in Bucharest, 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.

Additionally, the CRT notes that the name Josef Weissmann appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Josef and [REDACTED], prior to the publication in February 2001 of the ICEP List. This indicates that Claimant [REDACTED 1] 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 indicates that Claimant [REDACTED 1] 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 Claimant [REDACTED 1].

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city of residence than the city of residence of the Account Owner. Taking all these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he was shot and killed in a pogrom in Bucharest in late January 1941. As noted above, a person named Josef Weissmann was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimants' relative. These documents include 1) a copy of Claimant [REDACTED 2]'s parents' marriage certificate, indicating [REDACTED] and [REDACTED] were married, and that [REDACTED]' parents were [REDACTED] and [REDACTED]; 2) a copy of Claimant [REDACTED 2]'s birth certificate, indicating that her mother was [REDACTED]; and 3) copies of court-approved succession documents for the estate of Joseph (Iosef) Weissmann, certifying that his parents were [REDACTED] and [REDACTED].

The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimants submitted their Claim Forms independently, and that they provided consistent information identifying their relative; and that Claimant [REDACTED 1] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 1], prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 2] submitted copies of court-approved succession documents for the estate of Joseph (Iosef) Weissmann. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. 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 Claimants as a family member, and all this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the four demand deposit accounts were closed between 28 February 1939 and 10 December 1941.

With respect to the demand deposit account closed on 28 February 1939, the CRT notes that this was prior to 20 November 1940, on which date Romania entered into an alliance with Nazi Germany and the other Axis powers. Consequently, the CRT determines that the Account Owner was able to access his account at this time, and that he closed this account and received the proceeds himself.

With respect to the remaining accounts, given that the Account Owner resided in Romania, where he was killed in January 1941; that the remaining accounts were closed after the Account Owner's death; that the heirs of the Account Owner resided in a Communist country in Eastern Europe after the Second World War; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his 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 (h), (i) and (j) as provided in Article 28 of 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 Claimant [REDACTED 2] and Claimant [REDACTED 4]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her maternal uncle, and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was his maternal aunt's husband, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts. Further, the CRT notes that Claimant [REDACTED 2], the Account Owner's niece, and Claimant [REDACTED 4], the Account Owner's nephew by marriage, as the closest heirs of the beneficiaries of the Account Owner to have submitted a claim to the CRT, have a better entitlement to the accounts than Claimant [REDACTED 1], the great-niece of the Account Owner's wife.

Amount of the Award

In this case, the Award is for three demand deposit accounts. 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 demand deposit account was 2,140.00 Swiss Francs ("SF"). Thus, the total 1945 average value of the accounts at issue is SF 6,420.00. 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 80,250.00.

Division of the Award

According to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. In this case, the Account Owner's estate was divided equally among four parties: his wife, [REDACTED], his two sisters, [REDACTED] and [REDACTED], and one nephew, [REDACTED]. The CRT notes that [REDACTED] is the only beneficiaries, whose direct descendant has submitted a claim, and that Claimant [REDACTED 2], as the only direct descendant of [REDACTED], is entitled to [REDACTED]' share of the Account Owner's accounts. According to the general principles of distribution set forth in the Rules, Claimant [REDACTED 2] has better entitlement to the shares allocated to [REDACTED] and [REDACTED] than the other Claimants, as she is the niece and cousin of these two parties,

respectively. Following these principles, Claimant [REDACTED 4], as the nephew of the Account Owner's wife, has better entitlement to any share allocated to [REDACTED].

Accordingly, Claimant [REDACTED 2] is entitled to three-quarters of the total award amount, and Claimant [REDACTED 4] is entitled to one-quarter of the total award amount. Claimant [REDACTED 1] is not entitled to share in the Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
15 July 2005