

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Anna Wilner

Claim Number: 213983/SJ

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Anna Wilner (the “Account Owner”) at the Geneva 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal aunt, Anna Wilner, née Alter, who was born in 1880 in Mlava, Poland, to [REDACTED] and [REDACTED], née [REDACTED], and was married in 1905 to [REDACTED] in Warsaw, Poland. The Claimant indicated that her uncle was a banker in Paris, and that he opened several Swiss bank accounts. The Claimant indicated that her aunt and uncle, both of whom were Jewish, lived from 1930 to 1943 at rue de Courcelles 156 in Paris, France. The Claimant further stated that in 1943 her uncle was deported to a concentration camp, where he perished, and that her aunt was forced to flee to Lyon, France, where she lived in hiding until the end of the Second World War. The Claimant added that after the Second World War her aunt moved to Nice, France, where she lived until 1948, at which time she immigrated to Argentina, where she resided until her death on 21 September 1964. According to the Claimant, Anna Wilner had no children and told the Claimant that she was her sole heir. In support of her claim, the Claimant submitted the death certificate of Anna Wilner, indicating that she was the daughter of [REDACTED]; the death certificate of her father, [REDACTED], indicating that he was the son of [REDACTED] and [REDACTED], née [REDACTED], and that he died in Nice; and her birth certificate, indicating that she is the daughter of [REDACTED] and [REDACTED]. The Claimant stated that she was born in Nice on 24 September 1940.

Information Available in the Bank's Records

The Bank's records consist of lists of suspended accounts. These records indicate that the Account Owner was *Madame* (Mrs.) Anna Wilner, but do not indicate the Account Owner's country of residence. The Bank's records do not indicate the type of account that the Account Owner held, but indicate that the account was held at the Bank's branch in Geneva. The Bank's records also indicate that the account was transferred to a suspense account on 11 May 1951, and that the amount in the account on that date was 119.50 Swiss Francs ("SF"). The Bank's records do not show when the account at issue was closed, or to whom it was paid.

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 after 1945. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's aunt's name and marital status match the published name and marital status of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. The CRT further notes that although there is no indication in the Bank's records as to where the Account Owner resided, unpublished information indicates that the account was held in Geneva, located on the Swiss-French border, which is consistent with the information provided by the Claimant that her aunt resided in France. The CRT also notes that the name Anna Wilner appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. Finally, the CRT notes that there are no other claims to this account. 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, that her husband perished in a concentration camp, and that she was forced into hiding during the Second World War.

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 the Account Owner was the Claimant's paternal aunt. These documents include the death certificate of Anna Wilner, indicating that she was the daughter of [REDACTED]; the death certificate of her father, [REDACTED], indicating

that he was the son of [REDACTED] and [REDACTED], née [REDACTED]; and her birth certificate, indicating that she is the daughter of [REDACTED] and [REDACTED]. In her family tree, the Claimant indicated that she has a brother, [REDACTED]. The CRT notes that it has not received any Claim Form filed by [REDACTED].

The Issue of Who Received the Proceeds

Given that the Account Owner's account was transferred to a suspense account on 11 May 1951; that there is no record of the payment of the Account Owner's account to her, nor any record of a date of closure of the account; 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 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 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 aunt, 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 account of unknown type. The Bank's records indicate that the value of the account as of 11 May 1951 was SF 119.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 105.00, which reflects standardized bank fees charged to the account between January 1945 and May 1951. Consequently, the adjusted balance of the account at issue is SF 224.50 Swiss. According to Article 29 of the Rules, if the amount in an unknown type of account was less than SF 3,950.00, the presumed value for that type of account, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

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
18 August 2004