

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Nora Freund

in re Account of Helene Heller

Claim Number: 500318/SB

This Certified Denial is based upon the claim of Nora Freund, née Heller, (the “Claimant”) to the published account of Helene Heller (the “Account Owner”), over which Klara Weigl (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

All denials 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 father’s cousin, Helene Heller, who was born on 27 June 1895 in Prague, Czechoslovakia (now the Czech Republic), and the Power of Attorney Holder as her cousin, Klara Weigl, née Heller. The Claimant stated that the father of Helene Heller and Klara Weigl, Moritz Heller, was the brother of the Claimant’s paternal grandfather, Siegfried Heller. The Claimant indicated that Helene Heller, who was Jewish, lived in Prague before the Second World War, and that she never married. The Claimant further indicated that Helene Heller perished at the death camp in Maly Trostinec, the Ukraine, on 22 September 1942. In a telephone conversation with the CRT on 21 December 2004, the Claimant indicated that her father, Arnold Heller, had a friend named Celia Saftlas, who emigrated to the United States.

The Claimant submitted her birth certificate, indicating that her father is Arnold Heller, the son of Siegfried Heller, and that she was born on 14 August 1937 in Most, Czechoslovakia (now the Czech Republic).

Information Available in the Bank’s Records

The Bank’s records consist of a power of attorney form signed and dated in Hamburg, Germany, on 22 August 1927; correspondence, dated in 1964, between the Bank and an attorney in the United States who inquired about an account; documents relating to an internal search by the Bank in 1964; and printouts from a database prepared by 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”).

The Bank’s records indicate that the Account Owner was Helene (Helena) Heller, and that the Power of Attorney Holder was *Frau* (Mrs.) Klara Weigl, both of whom resided at Liliova 14 in Prague, Czechoslovakia. The Bank’s records further indicate that in 1927, the Account Owner stayed at a hospital in Hamburg. According to these records, the Account Owner held an account, the type of which is not indicated.

The Bank’s records indicate that the account was closed on 12 October 1934. The amount in the account on the date of its closure is unknown.

A letter from the attorney to the Bank, dated 22 January 1964, indicates that the attorney’s client, Celia Saftlas, a resident of New Jersey, the United States, was the source of funds for an account held by her friend, Clara Heller Weigel, and her friend’s husband, Alexander Weigel, who lived in Prague. This letter also indicates that the couple, who had no children, were never heard from again after Germany invaded Czechoslovakia. Another letter from the attorney to the Bank, dated 26 February 1964, indicates that the account sought was actually opened in the name of Helen (or Helena) Heller, the unmarried sister of Clara Heller Weigel, and that the balance in the account as of 31 December 1930 was 21,055.50 Swiss Francs (“SF”). This second letter also states that Helen Heller had not been heard from since the Second World War. According to the Bank’s records, the Bank indicated that as of 1964, the Bank did not hold any accounts under the names given by the attorney.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her relatives’ names match the published names of the Account Owner and the Power of Attorney Holder, and her relatives’ city of residence matches the published city of residence of the Account Owner. The Claimant also identified unpublished information, including: the Power of Attorney’s city of residence, the name Celia Saftlas, and the relationship between the Account Owner and the Power of Attorney Holder. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city of residence for the Account Owner and/or the Power of Attorney Holder, and failed to identify unpublished information about the Account Holder and/or the Power of Attorney Holder.

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, who was Jewish, perished in 1942 in Maly Trostinec.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by providing specific information indicating that the Account Owner was her father's cousin. The CRT notes that the Claimant identified unpublished information contained in the Bank's records. The Claimant also submitted her birth certificate, indicating that her country of birth is the same as the Account Owner's country of residence; that the city of her birth is less than 100 kilometers from the Account Owner's city of residence; and that her paternal relatives have the same surname as the Account Owner, which 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

The Bank's records indicate that the account was closed on 12 October 1934, which was several years prior to the Nazi occupation of Czechoslovakia in 1939. Therefore, the CRT concludes that the Account Owner and the Power of Attorney Holder were able to access the account, and that the Account Owner closed the account and received the proceeds herself.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

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 Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
27 February 2007