

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by [REDACTED]

## **in re Accounts of Jacob Wittal**

Claim Number: 003286/MI

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Jacob Wittal (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).

All denials 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 father, Jacob Wittal, who was born on 7 January 1888 in Siret, Romania, and was married to [REDACTED] in Bucharest, Romania. The Claimant explained that, during the Second World War, her father, who was Jewish, resided in Bucharest, where he was the owner of a housewares shop. According to the Claimant, her father died in Bucharest on 1 February 1979. In a telephone conversation with the CRT on 7 July 2004, the Claimant indicated that she had been in contact with the Bank after the Second World War. In the same telephone conversation, the Claimant’s son, [REDACTED], stated that, in the mid-1980s, his parents hired an attorney to represent them in relation to an account held by his grandfather, Jacob Wittal, and that the pursuit of this matter had resulted in a “positive” outcome.

The Claimant submitted a copy of her birth certificate, indicating that she was born on 5 February 1926 in Bucharest, and that her parents were Jacob and [REDACTED] Wittal.

### **Information Available in the Bank’s Records**

The Bank’s records consist of a signature sample card, dated 2 March 1938, a list of inactive accounts, an order given by the Claimant to the Bank, dated 13 September 1985, a transfer form, dated 18 August 1985, and printouts from the Bank’s database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT requested

the voluntary assistance of the Bank to obtain additional information about these accounts (“Voluntary Assistance”). The Bank provided the CRT with additional documents. These documents consist of a customer card, internal memoranda, correspondence from the Bank to the Account Owner, and account statements.

According to these records, the Account Owner was Jacob Wittal, a Romanian national, who resided in Bucharest, Romania. The Bank’s records indicate that the Account Owner held a custody account, numbered 23220, and a demand deposit account. The Bank's records indicate that the accounts were opened no later than 2 March 1938. The Bank's records further indicate that the last contact with the Account Owner took place on 5 October 1946. These records also indicate that, as of 30 June 1956, the custody account contained 380.0.0 Pound Sterling and Napoléon coins with a nominal value of 2,000.00 French Francs, and that the demand deposit account had a balance of 64.50 Swiss Francs ("SF"). The Bank's records indicate that the demand deposit account was closed on 18 January 1961, and that it was re-opened on 2 November 1970. The Bank's records further indicate that the demand deposit account had a negative balance of SF 2,737.00 as of 27 July 1984. According to the Bank's records, as of 1984, the custody account and the demand deposit account were held under a numbered customer relationship with the designation 548866.

The Bank's records contain an order form, dated 13 September 1985, which was signed by the Claimant and in which the Claimant ordered the Bank to transfer the assets from account 548866 to another account at the Bank and to cover any negative balance by the assets from the latter account. A transfer form, dated 18 September 1985, indicates that account 548866 was duly closed and its proceeds transferred to another account, as requested by the Claimant.

## **The CRT’s Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s father’s name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant and her son stated that the Claimant had been in contact with the Bank in the mid-1980s, which matches unpublished information about the account contained in the Bank’s records.

In support of her claim, the Claimant submitted a copy of her birth certificate, indicating that her father’s name was Jacob Wittal and that he lived 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 town recorded in the Bank’s records as the name and city of residence of the Account Owner. The Claimant also submitted a sample of her own signature, which matches the signature sample 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 Iacob Wittal,<sup>1</sup> and indicates that his year of birth was 1888, which matches the information about the Account

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<sup>1</sup> The CRT notes that the name “Iacob” was a computer-generated transliteration from the Hebrew and that the name could also have been transliterated as “Jacob.”

Owner 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 the name Jacob Wittal 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.

The CRT further notes that there are no other claims to these accounts.

#### 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, and that he lived in Nazi-allied Romania during the Second World War. As noted above, a person named Iacob Wittal 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 specific information and a document, demonstrating that the Account Owner was the Claimant's father. This document is a copy of the Claimant's birth certificate which indicates that her father's name was Jacob Wittal. There is no information to indicate that the Account Owner has other surviving heirs who have submitted a claim.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the Claimant requested on 13 September 1985 that the accounts held under designation 548866 be closed, and that the funds be transferred to another account at the Bank. The Claimant signed this request, and this signature matches the one contained in her Claim Form. The Bank's records further indicate that, on 18 September 1985, accounts held under designation 548866 were closed and transferred to the account indicated by the Claimant. Therefore, the CRT concludes that the Claimant received the proceeds of the claimed accounts.

#### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **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  
17 November 2006