

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Erez Bernstein

in re Accounts of Arthur Wohrizek

Claim Number: 501868/MC

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Arthur Wohrizek (the “Account Owner”) at the Zurich branch of the [REDACTED], (“Bank I”) and the Zurich branch of the [REDACTED] (“Bank II”) (together the “Banks”).¹

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 banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her maternal grandmother’s brother, Arthur (Artur) Wohrizek (Wohryzek), who was born on 6 September 1878 in the Pardubice Region of Czechoslovakia (now the Czech Republic) to [REDACTED] and [REDACTED]. According to the information provided by the Claimant, Arthur’s sister [REDACTED], née [REDACTED], was the mother of [REDACTED], née [REDACTED], who in turn was the Claimant’s mother.

The Claimant stated that her great-uncle, who was Jewish, was not married and did not have any children. According to the Claimant, her great-uncle, who held the title of Dr. Jur. (Doctor of Law) resided in Poděbrady and Český Těšín (also known as Teschen) during the Second World

¹ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”), the name of Arthur Wohrizek is listed twice, once as residing in Teschen, Czechoslovakia, and once as residing in Teschen, Germany. Upon careful review, the CRT has determined that these names refer to the same person, and that he resided in Teschen (Český Těšín), which is now part of the Czech Republic. The CRT notes that in 1920, Teschen was divided into a Polish section, Cieszyn, and a Czech section, Český Těšín. Poland, however, continued to claim the Czech section of the region of Teschen, and it was annexed to Poland in October 1938 after the Munich Pact. The entire region was annexed to Germany on 1 September 1939. See, e.g., <http://encyclopedia2.thefreedictionary.com/Munich+Pact> and <http://en.academic.ru/dic.nsf/enwiki/215031>.

War. The Claimant stated that on 9 June 1942, Artur Wohrizek was deported to Theresienstadt, and on 12 June 1942 from Theresienstadt to Trawniki concentration camp, where he perished.

In support of her claim, the Claimant submitted documents including: 1) the Claimant's family tree, which indicates that Artur Wohryzek was the son of [REDACTED], and [REDACTED]; 2) a Page of Testimony submitted to the Yad Vashem Memorial in Israel on 16 July 1999 by the Claimant, which indicates that [REDACTED]'s great-uncle Artur Wohryzek, was born on 6 September 1878 in Czechoslovakia, that his mother's name was [REDACTED], that he was single, that he held the title of Dr. Jur., that his permanent residence was Český Těšín, that his wartime residence was Kolín and Terezín, and that on 12 June 1942 he was deported from Terezín to Trawniki, where he perished; and 3) a letter dated 7 September 1955 from the German Administrative Office for Compensation and Looted Assets to [REDACTED], which refers to her claims for compensation regarding her relative, Dr. Artur Wohrizek.

The Claimant indicated that she was born on 28 August 1928 in Duchcov, Czechoslovakia (now the Czech Republic).

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting her entitlement to a Swiss bank account.

Information Available in the Bank's Records

Bank I

Bank I's records consist of documents relating to the 1945 Freeze of German assets held in Switzerland (the "1945 Freeze"). According to these records, the Account Owner was Dr. Arthur Wohrizek, who resided in Teschen, Czechoslovakia (now the Czech Republic).

These records indicate that the Account Owner held two custody accounts and a demand deposit account. The records show that all three accounts were identified under the number 67603, and that one of the custody accounts and the demand deposit account were opened on 1 September 1939. The auditors who carried out the investigation of Bank I 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 these accounts in the Banks' system of open accounts, and they therefore presumed that there were closed.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of Bank I to obtain additional information about these accounts ("Voluntary Assistance"). Bank I provided the CRT with additional documents. These documents consist of a customer card and printouts from Bank I's database. These records indicate that the accounts identified under the number 67603 were closed by Bank I on 27 May 1947, following their transfer on 22 May 1947 to *Frl.* (Miss) [REDACTED], whose accounts were identified under the number 67807. These accounts in turn were closed on 28 June 1947 through a payment made to [REDACTED] in New York, the United States.

Bank II

Bank II's record consists of an excerpt from a register of account owners whose accounts were listed at the Swiss Compensation office in Bern (*Schweizerische Verrechnungsstelle in Bern gemeldeten Vermögenswerte*) between 1945 and 1948. This document indicates that the Account Owner was Dr. Arthur Wohrizek, who resided in Teschen, Germany [*sic*], and that he owned an account of unknown type.

Through Voluntary Assistance, Bank II provided the CRT with an additional document, which consists of a customer card. The customer card specifies that Dr. Arthur Wohrizek held a demand deposit account. According to this record, Bank II was informed on 7 May 1948 that the Account Owner had died, and the account was then held under the name of the Account Owner's heirs ("*Erben*"). This record shows that the account was closed on 20 June 1948.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-uncle's name, city and country of residence match the published name, city and country of residence of the Account Owner. The Claimant also identified her uncle's title, and the fact that he was declared dead by 1948, which match unpublished information about the Account Owner contained in the Banks' records. Finally, the CRT notes that Bank I's records contain the Claimant's maiden name ([REDACTED]) as the person to whom the proceeds in the Account Owner's accounts were transferred.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Artur Wohryzek, and indicates that his date of birth was 6 September 1878, that he held the title of Dr. of Law, that he spoke Czech, that he was deported on 9 June 1942 from Kolín to Terezin, and on 12 June 1942 from Terezin to Trawniki, where he perished, 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.

The CRT further notes that the other claim to these accounts was disconfirmed because that claimant did not provide any documentation to link her to the name of the claimed 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 he resided in Nazi-occupied Czechoslovakia, and that in 1942 he was deported from Theresienstadt to Trawniki concentration camp, where he perished.

As noted above, a person named Arthur (Artur) Wohryzek 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 demonstrating that the Account Owner is the Claimant's great-uncle. The CRT further notes that Bank I's records indicate that the proceeds of the accounts at that bank were transferred to the Claimant following the Account Owner's death, which confirms that the Claimant is the Account Owner's heir, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Bank I

Bank I's records indicate that the Account Owner's three accounts, which were all held under the number 67603, were transferred on 22 May 1947 to the Claimant under her account numbered 67807 and subsequently closed on 27 May 1947. The records also show that the proceeds in the Claimant's account numbered 67807 were transferred to her in New York on 28 June 1947. The CRT therefore concludes that the Claimant previously received the proceeds of these accounts.

Bank II

The CRT notes that Bank II was informed on 7 May 1948 that the Account Owner had died, and that Bank II then held the account in the name of his heirs. The account was then closed approximately six weeks later, on 20 June 1948. Given these facts, and given that the Account Owner's heirs received the proceeds of the Account Owner's accounts at Bank I, the CRT concludes that the Claimant, or another of the Account Owner's heirs, was in contact with Bank II, closed the account, and received the proceeds.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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. The Claimant 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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 August 2010