

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Melanija Miric

and Claimant Astrida Puric
represented by Bozidar Feldman

in re Account of Vera Heisinger

Claim Numbers: 211967/SJ; 218455/SJ¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of Melanija Miric, née Weinstein, (“Claimant Miric”) and Astrida Puric, née Heisinger, (“Claimant Puric”) (together the “Claimants”) to the published account of Vera Heisinger (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in these cases, only the name of the bank has been redacted.

Information Provided by the Claimants²

The Claimants, who are cousins, each submitted a Claim Form identifying the Account Owner as their aunt, Vera Heisinger, who was born on 11 January 1898 in Zagreb, Croatia to Gjuro and Melanija Heisinger. The Claimants stated that Vera Heisinger was the sister of Claimant Miric’s mother, Antonia Weinstein, née Heisinger, and that she married Nikola Mudronja in 1935 in Zagreb. The Claimants further stated that Vera Heisinger resided for a period of years with Claimant Miric’s parents, Jakob and Antonia Weinstein, in Zagreb. The Claimants explained that Vera Heisinger, who was Catholic, was born to a Jewish mother, and was considered to be Jewish by the pro-Nazi regime in Croatia. The Claimants further explained that their aunt remained in Zagreb during the Second World War and thereafter. The Claimants indicated that their uncle, Nikola Mudronja, died on 22 December 1942 in Zagreb, and that Vera Heisinger died without

¹ Claimant Miric submitted additional claims to the accounts of Antonia Weinstein and Jakob Weinstein, which are registered under the Claim Numbers 211965 and 211966, respectively. The CRT will treat the claims to these accounts in a separate decision.

² The CRT notes that many of the names contained in this award have been anglicized and may, therefore, have slightly different spellings than they do on official documents written in Croatian.

issue on 10 November 1983 in Zagreb.

Claimant Miric further stated that her parents, Antonia Heisinger and Jakob Weinstein, were married on 28 February 1926 in Zagreb, where they lived until 1941, first at Natkajev Prolaz 3 and then at Radicevo Setaliste 8. Claimant Miric also indicated her belief that her father, who was a director of *Nihag D.D. Zagreb*, a company involved in the wood industry, deposited monies in a Swiss account in the name of Vera Heisinger, his wife's sister. Furthermore, Claimant Miric indicated that between 1943 and 1945 her father was able to stay in Switzerland, before returning to his home at Radicevo Setaliste 8. In support of her claim, Claimant Miric submitted copies of Vera Heisinger's marriage and death certificates, Gjuro and Melanija Heisinger's marriage certificate, Antonia Heisinger's baptism certificate, and her own birth certificate, indicating the names of her parents. Claimant Miric indicated that she was born on 19 July 1932 in Zagreb, and is the daughter of Vera Heisinger's sister, Antonia Weinstein, née Heisinger.

Claimant Puric submitted documents, including copies of Vera Heisinger's birth, marriage and death certificate's, the birth certificate of Vera Heisinger's brother Alfonso, proof of Alfonso Heisinger's death, and a copy of her own birth certificate, indicating the names of her parents. Claimant Puric indicated that she was born on 16 April 1932 in Zagreb, and is the daughter of Vera Heisinger's brother, Alfonso Heisinger.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form, signed in Zagreb on 7 January 1929 that indicates that the Account Owner held a custody account,³ and printouts from the Bank's database. According to these records, the Account Owner was Vera Heisinger, and the Power of Attorney Holder was Antonia Weinstein. The Bank's records indicate that the Account Owner lived with the Weinstein family in Zagreb at Nadbiskupski Prolaz 3 at the time the power of attorney form was executed. The Bank's records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account.

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 on this account after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

³ The bank records contain a power of attorney form that references a "*Titeldepot*," which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that the Account Owner held a custody account, in the absence of evidence to the contrary, the CRT concludes that it is plausible that she held such an account.

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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' aunt's name and place of residence match the published name and place of residence of the Account Owner. Furthermore, the Claimants each identified the name of the Power of Attorney Holder to this account, which matches the unpublished name of the Power of Attorney Holder contained in the Bank's record. The Claimants also indicated that Vera Heisinger was married in 1935, and this information is consistent with the fact that the Account Owner signed the power of attorney form using the name Heisinger in 1929. Further still, Claimant Miric stated that Vera Heisinger lived with her parents, Jakob and Antonia Weinstein, which plausibly matches unpublished information contained in the Bank's records, and further provided a street address that plausibly matches the unpublished street address of the Weinstein family that is contained in the Bank's records. Finally, the date of marriage of Jakob Weinstein and Antonia Heisinger that was provided by Claimant Miric is consistent with the Power of Attorney Holder being named Antonia Weinstein.

In support of their claims, the Claimants each submitted the documents indicated above, including birth, marriage and death certificates demonstrating that they are related to Vera Heisinger and Antonia Weinstein, both of whom resided in Zagreb. The CRT notes that the name Vera Heisinger 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 also notes that there are no other claims to this account. Taking all of 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, whose mother was Jewish, was considered Jewish by the pro-Nazi regime in Croatia, and that she resided in Croatia when it was controlled by the Nazis during the Second World War.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents, including numerous birth, marriage and death certificates belonging to members of their family, which demonstrate that the Account Owner was their aunt.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-controlled Croatia; that there is no record of the payment of the Account Owner's account to her or her heirs; given that the Account Owner or 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, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody account. 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs. 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 162,500.00 Swiss Francs.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Accordingly, Claimant Miric and Claimant Puric are each

entitled to one-half of 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
28 May 2004