

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of J. F. Walter

Claim Numbers: 735962/MBC; 736151/ MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of [REDACTED 1] and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Iosif (Iozsef, Jozsef) Walter.² This Award is to the unpublished account of J. F. Walter (the “Account Owner”) at the [REDACTED] (the “Bank”).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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire identifying the Account Owner as his paternal grandfather, Josef Walter, who was born in approximately 1890 or 1900. Claimant [REDACTED 1] indicated that his grandfather, who was Jewish, resided in Warsaw, Poland. Claimant [REDACTED 1] stated that during the Second World War, his grandfather was deported to Siberia, the Union of Soviet Socialist Republics (now Russia), where he perished.

Claimant [REDACTED 1] indicated that he was born on 20 November 1958.

¹ [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit Claim Forms to the CRT. However, in 1999, they submitted Initial Questionnaires (“IQs”), numbered POR-0008058 and ROM-0003173, respectively, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim number 735962 and 736151, respectively.

² In a separate decision, the CRT awarded the account of Joseph Walter to the Claimants. See *In re Account of Joseph Walter* (approved on 12 October 2007).

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an Initial Questionnaire identifying the Account Owner as his father, Iosif (Iozsef, Jozsef) Walter, who was born in 1891 and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 2] indicated that his parents, who were Jewish, resided in Cluj, Romania (also known as Kolozsvár, Hungary; now Cluj-Napoca, Romania), and that they had four children: Claimant [REDACTED 2], who was born on 6 August 1915; [REDACTED], who was born in 1917; [REDACTED], née [REDACTED], who was born on 7 July 1920; and [REDACTED], who was born on 21 December 1921. Claimant [REDACTED 2] stated that his father worked in a lumber factory and a leather processing plant, and that he later became a businessman. According to Claimant [REDACTED 2], he and his family were deported to concentration camps in 1944, where his parents and sisters perished.

In additional correspondence with the CRT, Claimant [REDACTED 2] indicated that he did not know whether his father had a middle name or middle initial.

Claimant [REDACTED 2] submitted copies of documents in support of his claim, including: 1) his own birth certificate, indicating that [REDACTED 2] was born on 6 August 1915 in Szek, Hungary (now Sic, Romania) and that his parents were Jozsef Walter and [REDACTED], née [REDACTED], who were both Jewish; 2) his sister's birth certificate, indicating that [REDACTED] was born on 21 December 1921 in Ilva-Mica, Romania to Iosif and [REDACTED]; 3) an excerpt from the Cluj municipal records, indicating that Iosif Walter was born in 1891, that he was married to [REDACTED], and that they had four children – [REDACTED 2], who was born in 1915, [REDACTED], who was born in 1917, [REDACTED], who was born in 1920, and [REDACTED], who was born in 1921; 4) certificates indicating that [REDACTED 2]- who was born on 6 August 1915 to Regina, who was Jewish, and who was a Romanian national residing in Cluj - was deported to Germany on 4 December 1944 and that he was imprisoned in Bergen-Belsen and Theresienstadt during the Second World War; and 5) his sister's death certificate, indicating that [REDACTED] was born on 7 July 1920 to Iosif and [REDACTED], that she resided in Cluj, and that she perished in Auschwitz in 1944.

Claimant [REDACTED 2] indicated that he was born on 6 August 1915 in Szek.

Information Available in the Bank's Records

The Bank's records consist of a list of suspended accounts and a printout from the Bank's database. According to these records, the Account Owner was J. F. Walter. The Bank's records do not indicate the Account Owner's gender or domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which was suspended by the Bank on 30 June 1937, when it contained a balance of 12.00 Swiss Francs ("SF"). The account remains suspended.

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' relatives' names both match the unpublished first initial and surname of the Account Owner. The CRT notes that the Claimants have not identified the Account Owner's middle initial; however, the CRT notes that it is plausible that the Claimants would not know their relatives' middle initials, particularly if they did not regularly use their middle names. The CRT further notes that Claimant [REDACTED 1] was not born until 1958, well after the Second World War. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his or her initials and surname.

In support of his claim, Claimant [REDACTED 2] submitted documents, including his own birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the Bank's records as the first initial and surname of the Account Owner. The CRT notes that Claimant [REDACTED 1] has the same last name as the Account Owner, showing that his paternal grandfather had the same last name as the last name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 2]'s brother-in-law [REDACTED] in 1987, which indicates that Jozsef Walter was married to [REDACTED], that he resided in Kolozsvár (Cluj), and that he perished in Auschwitz in 1944, which matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that each Claimant filed an Initial Questionnaire with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by a person with the same first name initial and surname as the Account Owner, prior to the publication of the name Joseph Walter on the February 2001 list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List").³ This indicates that the Claimants have based their claims not on the fact that individuals identified on the ICEP List as owning Swiss bank accounts bear the same name as their relatives, but rather on direct family relationships that were known to them before the publication of the

³ As noted above, the account was awarded to the Claimants in a separate decision. See Note 2.

ICEP List. It also indicates that the Claimants had reason to believe that their relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified the Account Owner's first initial and surname, and that neither of them has identified the Account Owner's middle initial; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that he resided in Nazi-occupied Poland, and that he was deported to Siberia, where he perished.

Claimant [REDACTED 2] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that he resided in Nazi-allied Romania, and that he was deported to Auschwitz, where he perished. The Claimant also submitted documents indicating that the Account Owner was Jewish, that he and his family resided in Romania, that his daughter perished in Auschwitz, and that his son (the Claimant) was imprisoned in Bergen-Belsen and Theresienstadt. As noted above, a person named Jozsef Walter was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s grandfather. The CRT further notes that Claimant [REDACTED 1] filed his Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 1], prior to the publication of the name Joseph Walter in February 2001 on the ICEP List. The CRT further notes that it is plausible that Claimant [REDACTED 1], who was born in 1958, was named after a deceased relative. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as he has asserted in his Initial Questionnaire. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has also plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 2]'s father. These documents include Claimant [REDACTED 2]'s birth certificate, indicating that his father was Jozsef Walter. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains suspended.

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, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his grandfather and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his father, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his or 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 30 June 1937 was SF 12.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, 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. Consequently, the total award amount in this case is SF 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is 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
21 December 2007