

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED 1]¹
also acting on behalf of [REDACTED 2]

and to Claimant [REDACTED 3]

in re Account of Marguerite Weber

Claim Numbers: 200659/JG, 215267/JG

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 Jakob Weber,² and upon the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Ferdinand Weber.³ This Award is to the unpublished account of Marguerite Weber (the “Account Owner”) at the Biel branch of the [REDACTED] (the “Bank”).⁴

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.

¹ In a letter to the CRT, dated 26 July 2007, the wife of Claimant [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED], indicated that Claimant [REDACTED 1] passed away on 25 March 2007 in Frankfurt am Main, Germany. Therefore, this award is to the Estate of Claimant [REDACTED 1].

² In a separate decision, the CRT treated Claimant [REDACTED 1]’s claim to the account of Jakob Weber. See *In re Account of Jakob Weber* (approved on 5 April 2007). In two additional decisions, the CRT awarded the account of Hermann Weber and the account of Max Weber to Claimant [REDACTED 1]. See *In re Account of Hermann Weber* (approved on 21 September 2005) and *In re Account of Max Weber* (approved on 30 November 2005).

³ The CRT did not locate an account belonging to Ferdinand Weber in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

⁴ The CRT notes that on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the names of account owner Marguerite Cledat Weber of France, and Margarete Weber of Nuernberg, Germany, also appear. Upon careful review, the CRT has determined that these account owners are not necessarily the same person as the account owner addressed in the current decision and, consequently, the Claimants did not identify these other account owners as their relatives.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his mother, Margerete (Margarethe) Sybille Weber, née Wertheim, who was born on 7 February 1902, and was married to [REDACTED] in 1922 in Andernach, Germany. Claimant [REDACTED 1] stated that his mother, who was Jewish, resided at Breilestrasse 72 in Andernach, and was then forcibly relocated to Breilestrasse 152 or 158, also in Andernach. Claimant [REDACTED 1] indicated that his father was arrested by the Nazi authorities shortly after the *Kristallnacht* (Night of Broken Glass) pogrom of November 1938. Claimant [REDACTED 1] added that, after escaping detention, his father attempted to flee Germany with his family, but they were denied entry to Switzerland. According to Claimant [REDACTED 1], his parents hid in various places in Germany before successfully fleeing to Columbia via the Netherlands. Claimant [REDACTED 1] indicated that his mother died on 27 December 1966, and his father on 1 November 1974, both in Bogota, Columbia.

Claimant [REDACTED 1] indicated that he was born on 21 April 1925 in Andernach. Claimant [REDACTED 1] is representing his brother, [REDACTED 2], who was born on 17 February 1923, also in Andernach. In a letter to the CRT, dated 26 July 2007, the wife of Claimant [REDACTED 1], [REDACTED], indicated that Claimant [REDACTED 1] passed away on 25 March 2007 in Frankfurt am Main, Germany.

In support of her late husband's claim, [REDACTED] submitted copies of the following documents: (1) an extract from a German family register, dated 31 December 1965, indicating that [REDACTED 1] was born on 21 April 1925 in Andernach to [REDACTED] and Sibilla Margereta Weber, née Wertheim; and (2) Claimant [REDACTED 1]'s death certificate, which indicates that [REDACTED 1] was Jewish, that he died on 25 March 2007 in Frankfurt am Main, and that he was married to [REDACTED], née [REDACTED].

Claimant [REDACTED 1] previously submitted an Initial Questionnaire ("IQ") to the Court in 1999, asserting his entitlement to Swiss bank accounts owned by his parents.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his sister, Margaret Witriol, née Weber, who was born in Mako, Hungary. Claimant [REDACTED 3] stated that his parents, [REDACTED] and [REDACTED], who were Jewish, resided in Mako. Claimant [REDACTED 3] stated that his father was a shareholder in a produce company, supplying clients in various parts of Europe, including Switzerland, with fruits and vegetables. According to Claimant [REDACTED 3], his family was wealthy and his parents had opened bank accounts for each of their ten children. Claimant [REDACTED 3] indicated that in March 1944, his family was forced to live in the Mako ghetto, that they were next moved to a ghetto in Szged, Hungary, and then deported to several concentration camps in Austria and Germany, as well as the Theresienstadt camp in Czechoslovakia. Claimant [REDACTED 3] further stated that, in May 1945, his family was freed from Theresienstadt, but that his father died from typhus

on the train leaving the camp. According to Claimant [REDACTED 3], his family was denied entry to Switzerland in 1945.

Claimant [REDACTED 3] indicated that he was born on 12 February 1930 in Mako. Claimant [REDACTED 3] previously submitted an IQ to the Court in 1999, asserting his entitlement to Swiss bank accounts owned by his siblings.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Marguerite Weber. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated, and that the balance of 71.90 Swiss Francs ("SF") was transferred to the Bank's suspense account on 5 November 1979. The Bank's records indicate that the account remains suspended.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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

Claimant [REDACTED 1]'s mother's name and Claimant [REDACTED 3]'s sister's name match the name of the Account Owner.⁵ The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. In support of his claim, Claimant [REDACTED 1] submitted documents, including an extract from a German family register, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.⁶

Additionally, both Claimants submitted IQs in 1999 asserting their entitlement to accounts owned by their relatives, well before the publication in February 2001 of the 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").

⁵ The CRT notes that the names provided by the Claimants, namely Margarete, Margarethe and Margaret, are all recognized variations of the name Marguerite.

⁶ Claimant [REDACTED 1]'s mother is referred to as "Sibilla Margereta Weber" in the extract from the German family register, she is referred to as Margarete (Margarethe) Sybille Weber in Claimant [REDACTED 1]'s Claim Form and as "Margarethe Weber" in his Initial Questionnaire ("IQ"). The CRT has determined that this variation in the order of Claimant [REDACTED 1]'s mother's first and second names is not a material variation.

The CRT notes that Claimant [REDACTED 1]'s mother and Claimant [REDACTED 3]'s sister are not the same person. However, given that the Claimants have identified all information about the Account Owner that is available in the Bank's records; 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 are no other admissible claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants each indicated that the Account Owner was Jewish.

Claimant [REDACTED 1] further indicated that his family attempted to flee Germany for Switzerland shortly after *Kristallnacht*, and that his parents hid in Germany before successfully escaping to Colombia.

Claimant [REDACTED 3] further stated that his family was forced to live in ghettos in Mako and Szged, before being transported to concentration camps in Austria, Germany, and Czechoslovakia.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and a document, an extract from a German family register, demonstrating that the Account Owner was his mother. Claimant [REDACTED 3] has also plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was his sister. Additionally, the CRT notes that both Claimants have the same surname as the Account Owner.

The information provided by Claimant [REDACTED 3] indicates that he may have other surviving relatives; however, because they are not represented in his claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was suspended on 5 November 1979, and that it remains so today.

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 mother and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was his

sister, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner, nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of an unknown type. The Bank's records indicate that the value of the account as of 5 November 1979 was SF 71.90. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 525.00, which reflects standardized bank fees charged to an account of unknown type between 1945 and 1979. Consequently, the adjusted balance of the account at issue is SF 596.90. 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, to produce a total award amount of 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. Additionally, under Article 23(1)(c) of the Rules, if the account owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the account owner who have submitted a claim, in equal shares by representation.

In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 3] is entitled to one-half of the Award amount and Claimant [REDACTED 1] and represented party [REDACTED 2] are each entitled to one-fourth of the total 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
30 September 2008