

# CLAIMS RESOLUTION TRIBUNAL

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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 G. Weil**

Claim Numbers: 220475/NB; 750417/NB<sup>1,2</sup>

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 Gertrude Weil, and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Roger Weil.<sup>3</sup> This Award is to the published account of G. Weil (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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his sister, Gertrude Weil, who was born on 4 May 1920 in Pforzheim, Germany, to [REDACTED] and [REDACTED]. Claimant [REDACTED 1] stated that his sister, who was Jewish, resided at her

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<sup>1</sup> In a separate decision, the CRT treated the claim of Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Gertrud Weil. See *In re Accounts of Gertrud Weil* (approved on 17 November 2006). Claimant Weil appealed that decision on 21 February 2007. Claimant Weil’s appeal will be treated in a separate decision.

<sup>2</sup> Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit a Claim Form. However, in 1998 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-G-80-520-075-036, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 2]’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 750417.

<sup>3</sup> The CRT did not locate an account belonging to Roger Weil in the Account History Database prepared pursuant to the investigation of ICEP (the “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

father's house in Pforzheim until 1938, when she moved to Klosters, Switzerland in order to become a governess. Claimant [REDACTED 1] further stated that upon completion of her studies, his sister was employed as a governess for the children of the head of the Bulgarian Central Bank, and that around the time of the outbreak of the Second World War, his sister was forced to return to Pforzheim; she stayed there until 1940, at which point she was deported to the Gurs concentration camp in France. Claimant [REDACTED 1] finally indicated that on 16 September 1942, his sister was deported from the Drancy transit camp in France to Auschwitz, where she perished.

In support of his claim, Claimant [REDACTED 1] submitted copies of documents, including: (1) his father's certificate of inheritance, dated 26 June 1951, which indicates that [REDACTED] was declared dead by 1945, and that his son, [REDACTED 1], was his sole heir; (2) a list of victims of Nazi Persecution who were deported from the Drancy transit camp to Auschwitz, which includes the name of Gertrude Weil, who was born on 4 May 1920 in Pforzheim, Germany; and (3) a letter submitted by the Holocaust and War Victims Tracing Information Center, dated 10 July 1995, which indicates that Gertrude Weil was deported on 22 October 1940 from Baden-Württemberg to Gurs, and transferred on 16 September 1942 from the Drancy camp to Auschwitz, according to the International Tracing Service in Germany.

Claimant [REDACTED 1] indicated that he was born on 7 May 1922 in Pforzheim, Germany.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an ATAG Ernst & Young Claim Form ("ATAG Form"), identifying the Account Owner as his mother, Georgette Weil, née Levy, who was born on 22 January 1892, in Mulhouse, France, and was married to [REDACTED] by 1923. Claimant [REDACTED 2] stated that his parents lived at 27 rue d'Alsace, Epinal, in Vosges, France until 1942, when his father [REDACTED] was deported in October 1942. Claimant [REDACTED 2] did not indicate the fate of his mother. Finally, Claimant [REDACTED 2] indicated that in order to escape deportation, he changed his family name from [REDACTED] to [REDACTED].

In support of his claim, Claimant [REDACTED 2] submitted copies of documents, including: (1) Claimant [REDACTED 2]'s birth certificate, which indicates that [REDACTED 2] was the son of [REDACTED] and Georgette Levy, who was born in Mulhouse, France on 22 January 1892, and which also contains an inscription indicating that he changed his name from [REDACTED] to [REDACTED] on 30 January 1951; and (2) Claimant [REDACTED 1]'s sister's record of personal details for administrative purposes ("*Fiche Individuelle d'Etat Civil*"), which indicates that [REDACTED], who was born on 30 July 1921 in Epinal, France, was the daughter of [REDACTED] and Georgette Levy.

Claimant [REDACTED 2] indicated that he was born on 11 August 1923 in Epinal, France.

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

The Bank's records consist of a list of accounts transferred to the Bank's profit and loss account. According to these records, the Account Owner was G. Weil, whose domicile is not indicated. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which held a balance of 50.00 Swiss Francs ("SF") on 30 June 1937. The Bank's records finally indicate that the account was eventually closed to the Bank's profit and loss account on an unknown date.

### 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 CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his or her name.

#### *Claimant [REDACTED 1]*

Claimant [REDACTED 1] has plausibly identified the Account Owner. His sister's first initial and last name match the published first initial and last name of the Account Owner.

In support of his claim, Claimant [REDACTED 1] submitted documents, including a letter from the Holocaust and War Victims Tracing Information Center, 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 name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Gertrude Weill, and indicates that her date of birth was 4 May 1920, that she resided in Pforzheim, Germany, and that she was deported from Drancy to Auschwitz on 16 September 1942, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

#### *Claimant [REDACTED 2]*

Claimant [REDACTED 2] has plausibly identified the Account Owner. His mother's first initial and last name match the published first initial and last name of the Account Owner.

In support of his claim, Claimant [REDACTED 2] submitted documents, including his birth certificate, which indicates that [REDACTED 2] was the son of Georgette Weil, née Levy, 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 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] in 2003, which indicates that Georgette Weil, née Levy, was born on 22 January 1892 in Mulhouse, France, to [REDACTED] and [REDACTED], that she was married to [REDACTED], that she resided at 27 rue d'Alsace, Epinal, France prior to and during the Second World War, and that she was deported on 25 March 1943 to Sobibor, Poland, where she perished, which matches some of the information about the Account Owner provided by Claimant [REDACTED 2].

Furthermore, the CRT notes that Claimant [REDACTED 2] filed an ATAG Form with the Court in 1998, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED], prior to the publication in February 2001 of the 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"). This indicates that Claimant [REDACTED 2] has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his mother, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 2] had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2].

The CRT notes that the Claimants' relatives are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in these 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 equally plausible claims to this account, the CRT finds that the Claimants have each 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. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that she was deported to the Gurs concentration camp, and later to Auschwitz, where she perished. As indicated above, a person named Georgette Weil was included in the CRT's database of victims.

Claimant [REDACTED 2] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. While Claimant [REDACTED 2] did not specifically indicate that his mother was Jewish, he did indicate that his father, Georgette Weil's husband [REDACTED], was deported in October 1942, and that Claimant [REDACTED 2] himself changed his surname from [REDACTED] to [REDACTED] in an effort to avoid deportation. Additionally, the CRT notes that the Yad Vashem record submitted by Claimant [REDACTED 2] indicates that Georgette Weil was deported to Sobibor, Poland, where she perished.

#### The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner.

Claimant [REDACTED 1] submitted specific biographical information, demonstrating that the Account Owner was her sister, and Claimant [REDACTED 2] submitted specific information and documents, including his birth certificate, which indicates that Georgette Weil was his mother.

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 was closed to the Bank's profit and loss account.

#### 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 Claimant [REDACTED 1]'s sister, and Claimant [REDACTED 2]'s mother, and these relationships justify an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

#### Amount of the Award

The Bank's records indicate that the value of the account of unknown type as of 30 June 1937 was SF 50.00. 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 present 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] and Claimant [REDACTED 2] are each entitled to one-half of the Award amount.

**Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
12 May 2009