

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by Dr. Walter Friedrich

and to Claimant [REDACTED 2]
represented by Stephen M. Harnik

in re Account of Robert de Majo

Claim Numbers: 501738/RS; 501739/RS

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], formerly [REDACTED], née [REDACTED], (“Claimant [REDACTED 1]”) and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Robert de Majo (the “Account Owner”) at the [REDACTED] (the “Bank”).¹

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] and her nephew, Claimant [REDACTED 2], submitted Claim Forms identifying the Account Owner as Claimant [REDACTED 1]’s father and Claimant [REDACTED 2]’s maternal grandfather, Robert Abraham de Majo, who was born on 8 April 1877 in Vienna, Austria, and who was married to [REDACTED], née [REDACTED], on 15 August 1911 in Vienna. The Claimants indicated that Robert and [REDACTED], who were Jewish, had two children: [REDACTED] (Claimant [REDACTED 2]’s mother) and [REDACTED 1] (Claimant [REDACTED 1]). Claimant [REDACTED 1] added that between 1924 and 1938, her parents resided at Eckpergasse 8/3 in Vienna, and that during this time, her father was an agent for his company, *Robert de Majo*, based at Börseplatz 6 in Vienna. The Claimants indicated that, following the incorporation of Austria into the Reich in March 1938

¹ The CRT notes that, on the February 2001 published 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”), the Account Owner’s surname is listed as “De Majo.” Upon careful review, the CRT has concluded that the Bank’s record indicates that the name is spelled with a lower-case letter ‘d’: “de Majo.”

(the “*Anschluss*”), the family fled first to Switzerland, where they lived at the *Hotel Post* in Fleurier, Switzerland, according to Claimant [REDACTED 2]. Claimant [REDACTED 1] indicated that the family then fled to France, where her parents were initially interned in the Drancy transit camp; then, as of 1944, they resided at 11 Rue Berlioz in Nice. Claimant [REDACTED 1] indicated that after being arrested by the Gestapo in Nice, her father committed suicide at the *Hotel Excelsior* on 29 March 1944. Claimant [REDACTED 1] stated that her mother was then deported to Auschwitz, where she perished.

In support of her claim, Claimant [REDACTED 1] submitted copies of documents, including: (1) her father’s death certificate, indicating that Robert De Majo died in Nice on 29 March 1944; (2) a certificate from the Jewish Community of Vienna indicating that [REDACTED] was born on 18 August 1912 to Robert de Majo and [REDACTED], née [REDACTED]; (3) a certificate from the Jewish Community of Vienna, indicating that [REDACTED], daughter of Robert de Majo and [REDACTED], née [REDACTED], was married to [REDACTED] on 19 May 1938; (4) pages of testimony that Claimant [REDACTED 1] submitted in 1979 to the Yad Vashem database of victims for Robert de Majo and [REDACTED], née [REDACTED], indicating that they were married, and that they were originally from Vienna; and (5) documents concerning Robert de Majo’s 1938 asset registration, which are further described below.²

In support of his claim, Claimant [REDACTED 2] submitted copies of documents, including: (1) his grandfather’s birth certificate, issued by the Jewish Community of Vienna, indicating that Robert Abraham de Majo was born in Vienna on 8 April 1877; (2) his own birth certificate, issued by the Jewish Community of Vienna, indicating that [REDACTED] was born in Vienna on 5 January 1935, and that his parents were [REDACTED] and [REDACTED]; and (3) his mother’s death certificate, indicating that [REDACTED] was born in Austria, and that her parents were Robert Abraham de Majo and [REDACTED], née [REDACTED].

Claimant [REDACTED 1] indicated that she was born on 18 August 1912 in Vienna. Claimant [REDACTED 2] indicated that he was born on 5 January 1935 in Vienna.

Information Available in the Bank’s Record

The Bank’s record consists of a customer card. According to this record, the Account Owner was Robert de Majo, who resided in Vienna, Austria. The Bank’s record indicates that the Account Owner held a demand deposit account.

The Bank’s record indicates that the account was closed on 20 July 1938.³ The amount in the account on the date of its closure is unknown.

² The CRT notes that by decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”).

³ The Bank’s record is not entirely legible, but it appears to indicate that the account was closed on 20 July 1938.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level, to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Robert de Majo, numbered 45159, of which Claimant [REDACTED 1] provided a copy. These records include the asset declaration signed by Robert de Majo in Vienna on 30 June 1938. The records indicate that Robert de Majo was born on 8 April 1877 in Vienna and that he lived at Eckpergasse 8 in Vienna. In addition, the records indicate that Robert de Majo was married to [REDACTED] and that he was a sales agent or trade representative (*Handelsvertreter*). Furthermore, these records indicate that as of 30 June 1938, Robert de Majo held several accounts with banks in Austria, including a savings account at the *Creditanstalt* in the amount of 838.86 Reichsmark (“RM”) and savings with the *Postsparkasse* and *Schöller & Co. Bank AG* with a combined value of RM 7,549.66. These records make no mention of assets held in a Swiss bank 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 name and country of residence of Claimant [REDACTED 1]’s father and Claimant [REDACTED 2]’s grandfather match the published name and country of residence of the Account Owner. Claimant [REDACTED 1] and Claimant [REDACTED 2] identified the Account Owner’s city of residence, as well as the correct spelling of the Account Owner’s name, which matches unpublished information about the Account Owner contained in the Bank’s record.

In support of their claims, the Claimants submitted documents, including Robert de Majo’s birth and death certificates, Claimant [REDACTED 1]’s birth certificate, Claimant [REDACTED 1]’s marriage certificate, copies of 1938 Census records, and Claimant [REDACTED 2]’s mother’s death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank’s record as the name and city of residence 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 1] in 1979 concerning Robert de Majo, and indicates that his date of birth was 8 April 1877, and that his place of birth was

Vienna, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Furthermore, the CRT notes that the name Robert de Majo 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 (the “ICEP List”).

The CRT 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. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that he fled Nazi-controlled Austria for Switzerland and France. Claimant [REDACTED 1] further indicated that the Account Owner and his wife were interned in a transit camp in France, that the Account Owner was later arrested by the Gestapo in Nice, and that he committed suicide shortly thereafter. Claimant [REDACTED 1] stated that the Account Owner’s wife was subsequently deported to Auschwitz, where she perished. Claimant [REDACTED 1] also submitted pages of testimony from Yad Vashem indicating that the Account Owner and his wife were deported from Nice in the spring of 1943. The CRT notes that the Account Owner was required to register his assets in the 1938 Census. As noted above, a person named Robert de Majo was included in the CRT’s database of victims.

The Claimants’ Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was Claimant [REDACTED 1]’s father and Claimant [REDACTED 2]’s grandfather. These documents include: Claimant [REDACTED 1]’s birth and marriage certificates, indicating that her father was Robert de Majo; Claimant [REDACTED 2]’s mother’s death certificate, indicating that [REDACTED]’s father was Robert Abraham de Majo; and Claimant [REDACTED 2]’s birth certificate, indicating that his mother was [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Bank’s record indicates that the account was closed on 20 July 1938, at which time, according to information provided by the Claimants, the Account Owner may have been outside Nazi-dominated territory.⁴ However, given that the Bank’s record does not indicate to whom the account was closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of

⁴ The CRT notes that the Claimants were not able to specify exactly when their relative fled Austria.

obtaining indemnification from the German authorities, 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 (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her father, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his grandfather, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). 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 SF 26,750.00.

Division of the Award

According to 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. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the total award amount, and Claimant [REDACTED 2] is entitled to one-half 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
27 February 2007