

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Marion Murrieta

**in re Account of Georg Warschawski**

Claim Number: 501513/HS

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Marion Murrieta, née Warschawski, (the “Claimant”), to the published account of Georg Warschawski (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

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

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her father, Georg Warschawski, who was born on 23 September 1894 in Berlin, Germany, and was married there in 1923 to the Claimant’s mother, Stella Warschawski, née Wolkiser. The Claimant stated that her parents had two children: the Claimant and Axel Warschawski, who was born in Berlin in 1925. According to the Claimant, her father, who was Jewish, owned a cinema in Germany, in addition to other business interests. The Claimant further indicated that, following the Nazi rise to power, all of her father’s property was confiscated, and the family was forced to flee from Germany to Italy, and eventually from Italy as well. Based on stamps in the German passport of her childhood, the Claimant indicated that her family left Germany on 7 July 1936, traveled through France and Spain, and arrived in Genoa, Italy, on 8 August 1936. The Claimant stated that her family settled in La Spezia, Italy, where her father owned another cinema, but that they were forced to flee several years later because of Hitler’s alliance with Mussolini. The Claimant further stated that she and her family left La Spezia on 14 February 1939, that they left Italy, via Genoa, on 8 March 1939, and that they settled eventually in Mexico City, Mexico. The Claimant indicated that her father died on 20 January 1965, that her mother died on 23 March 1973, and that her brother died on 1 June 1999, all in Mexico City.

The Claimant submitted documents including: a copy of her parents’ marriage certificate, dated in 1923 in Berlin, indicating their names; a copy of her own birth certificate, dated in 1928 in Berlin, indicating that her father was Georg Warschawski; a copy of her childhood passport, dated in 1936 in Berlin, indicating that her maiden name is Warschawski, and bearing stamps

showing the exact dates of her departure from Germany and Italy, including La Spezia (as above); a copy of a document issued by the Swedish legation in Mexico, dated in 1942, indicating that Georg Warschawski, his wife, and children (including the Claimant) were deprived of their German citizenship pursuant to German legislation; and a copy of the Claimant's certificate of Mexican citizenship, dated in 1951, indicating that her maiden name is Warschawski. The Claimant also submitted a copy of her father's will, dated in 1959 in Mexico City, according to which one-half of Georg Warschawski's estate is inherited by his wife, Stella Warschawski, and one-quarter each by his two children, Axel Warschawski and the Claimant; a copy of Georg Warschawski's death certificate, dated in 1965 in Mexico City; a copy of Stella Warschawski's will, dated in 1972 in Mexico City, naming her daughter, the Claimant, as her sole heir and executor of her estate; and a copy of Stella Warschawski's death certificate, dated in 1973 in Mexico City.

The Claimant indicated that she was born on 20 May 1928 in Berlin.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Georg Warschawski of La Spezia, Italy. This record indicates that the Account Owner held a demand deposit account, which was opened on 10 December 1938. This record also contains a notation of the account's closure, but the date of closure is illegible. The account balance is not indicated.

There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. Further, the period of residence in La Spezia indicated by the Claimant corresponds to the account's opening date. In support of her claim, the Claimant submitted copies of her parents' marriage certificate, her own birth certificate, her own childhood passport bearing a stamp from La Spezia, a document from the Swedish legation in Mexico, her father's death certificate, and her father's will, providing independent verification that the person who is claimed to be the Account Owner had the same name and city of residence as those of the Account Owner recorded in the Bank's record. The CRT notes that there are no other claims to this account.

### Status of the Account Owner as a Victim or Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner, who was Jewish, resided in Germany following the Nazi rise to power, that he fled in 1936 and settled in Italy, where he lived until 1939, when he was forced to flee again. Additionally, the Claimant submitted her own childhood passport, showing the dates on which the Account Owner and his family fled from Germany and Italy; and a document from the Swedish legation in Mexico, indicating that the Account Owner and his family were deprived of their German citizenship pursuant to German legislation.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her father. These documents include the Claimant's birth certificate, a document from the Swedish legation in Mexico, her childhood passport, her certificate of Mexican citizenship and the Account Owner's will. There is no information to indicate that the Account Owner has other heirs who submitted a claim.

### The Issue of Who Received the Proceeds

The Bank's record indicates that the account was opened on 10 December 1938, when the Account Owner resided in Italy, and that it was later closed, on a date which is impossible to determine from the available record. Because Italy formed an alliance with Germany on 25 October 1936, the CRT considers that from this date the possibility of spoliation of Jewish-owned assets was exacerbated. Accordingly, given that the only available Bank document pertaining to this account provides no information regarding the circumstances surrounding the account's closure; that the Account Owner fled Italy on 8 March 1939, by which time it is unlikely that he would have been able to enter Switzerland, due to the imposition of Swiss visa requirements on 20 January 1939; 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 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 Governing the Claims Resolution Process, as amended (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 Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that

relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner or his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held a 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 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.

### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she 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  
31 March 2005