

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹

in re Account of Marco Wechsler

Claim Number: 709798/MC²

Award Amount: 187,450.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to an unpublished account owned by Marco Wechsler (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 Claimant

The Claimant submitted an Initial Questionnaire to the Court in 1999 identifying the Account Owner as her grandfather, Marco Wechsler, who was born on 4 July 1865. The Claimant stated that her grandfather, who was Jewish, resided at Str. Lirczii 12 in Sibiu, Romania, and that his property was confiscated during the Second World War. The Claimant further stated that her grandfather died on 1 November 1951 in Sibiu.

In support of her claim, the Claimant submitted a copy of an account statement from the Bank relating to an account held by her grandfather, which is further described below. The Claimant stated that this account statement was the last one that her grandfather received, and that the subsequent events in Romania prevented him from accessing his account.

The Claimant indicated that she was born on 22 October 1923 in Sibiu.

¹ The CRT was informed that [REDACTED], née [REDACTED], (the “Claimant”) passed away on 17 February 2003.

² The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered GER-0045-078, to the Court in the United States. Although this IQ was not a Claim Form, 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 IQ was forwarded to the CRT and has been assigned claim number 709798.

Information Available in the Bank's Record

The CRT notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not report an account belonging to Marco Wechsler during their investigation of the Bank. The Bank's document was submitted to the CRT by the Claimant.

The document submitted by the Claimant consists of an account statement from the Bank, dated 17 December 1932, indicating that the owner of the account was Marco Wechsler, who resided at 12 Str. Lirczii in Sibiu, Romania. According to this document, Marco Wechsler Owner held a demand deposit account at the Zurich branch of the Bank with a balance of 14,996.00 Swiss Francs ("SF") as of 31 December 1932.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name, address, and city and country of residence match the name, address, and city and country of residence of the Account Owner. The CRT notes that the Claimant submitted the document that evidences the existence of an account.

The CRT notes that there were no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that her grandfather was Jewish and resided in Nazi-allied Romania. The Claimant also stated that her grandfather's property was confiscated during the War.

The Claimant's Relationships 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 grandfather. These documents include an account statement from the Bank, dated 17 December 1932, indicating that the owner of the account was Marco Wechsler, who resided at 12 Str. Lirczii in Sibiu, Romania.

There is no evidence that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In this case, the Claimant submitted an account statement that confirms the existence of a demand deposit account at the Zurich branch of the Bank belonging to Marco Wechsler, who resided at 12 Str. Lirczii in Sibiu, Romania, as of 31 December 1932. The CRT notes that the document submitted by the Claimant shows that the account existed approximately eight years prior to 20 November 1940, on which date Romania entered into an alliance with Nazi Germany, and that during this period, the account owner could have freely accessed his account. However, the Court has approved other awards in which the documents evidencing the existence of an account predate the date of occupation or alliance with Nazi Germany for a similar period of time.³ The CRT notes that in this case, the Bank did not preserve a copy of the record, and that the only record of the existence of the account was provided by the Claimant. The CRT also notes that the Claimant stated that this account statement was the last one that her grandfather received, that the subsequent events in Romania prevented him from accessing his account, and that he remained in Romania after the War until his death in 1951. Given that the Claimant stated that the Account Owner was not able to access his account due to the events leading up to the War in Romania; that the Account Owner remained in Romania until his death in 1951; that there is no record of payment of the Account Owner's account to him, nor any record of a date of closure of the account, nor any record from the Bank regarding the account's existence, other than that provided by the Claimant; that the Account Owner's 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

³ See, e.g., *In re Account of Árpád Sebestyén* (account owner resided in Hungary and the document evidencing account is dated 21 October 1930, some ten years prior to Hungary's alliance with Nazi Germany); *In re Accounts of Farkas Rózsa and Paul Rózsa* (account owner resided in Hungary and the document evidencing account is dated 8 May 1930, some ten years prior to Hungary's alliance with Nazi Germany); *In re Account of Ignatz Kalmus* (account owner resided in Austria and the document evidencing account is dated 18 June 1931, some seven years prior to Austria's incorporation into the German Reich); and *In re Accounts of Ernst Blum* (account owner resided in Czechoslovakia and the document evidencing account is dated 14 August 1933, some five years prior to Nazi Germany's occupation of Czechoslovakia). These four awards were all approved by the Court on 10 November 2007. The accounts in these awards were not part of the Account History Database at the CRT, but were identified as a result of matching and research carried out at another Swiss bank using the Total Accounts Databank ("TAD") at that bank. The TAD at that bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the auditors who carried out the investigation of Swiss banks to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") as open or opened in the 1933 – 1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain.

Claimant has plausibly demonstrated that she is the grandchild of the Account Owner, and that relationship justifies 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. The account statement submitted by the Claimant indicates that the value of the demand deposit account as of 31 December 1932 was SF 14,996.00. The current value of the amount of the award is determined by multiplying the historic value 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 187,450.00.

Certification of the Award

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

Claims Resolution Tribunal
24 March 2011