

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Rene Weil

Claim Number: 219235/ES

Award Amount: 47,919.13 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Rene Weil (the “Account Owner”) at the New York 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 a Claim Form and an Initial Questionnaire identifying the Account Owner as his father, Rene Weil, who was born on 19 October 1875 in Paris, France, and was married to [REDACTED] on 6 December 1923 in Paris. The Claimant indicated that his parents had two children: himself and his brother, [REDACTED]. The Claimant stated that his father, who was Jewish, was a metal trader who conducted business throughout Europe. The Claimant explained that his father was an active member of the *Licra*, an Anti-fascist organization, and by 1936, his father was on the Nazis' list of people that should be arrested and deported. The Claimant stated that his father fled France in 1940 to New York, the United States, where he died on April 1942. The Claimant added that prior to his father's escape to the United States, his father resided at 23 Ave Leopold 2, Paris. The Claimant indicated that his mother died on 3 November 1986 in Paris and that his brother died in June 1975. The Claimant added that his brother died without children and that he is his father's sole heir.

In support of his claim, the Claimant submitted his birth certificate, indicating that his father was Rene Weil; his father's marriage certificate, indicating that his name was Rene Weil, and that he was born and married in Paris, France; and a letter dated 12 June 1989 from [REDACTED] stating that the Claimant is the sole surviving heir of Rene Weil. The Claimant indicated that he was born on 4 January 1932 in Paris, France. The Claimant is represented by [REDACTED]. The Claimant previously submitted an Initial

Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998 asserting his entitlement to a Swiss bank account owned by his father, Rene Weil.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts prepared by the United States Treasury Department of blocked accounts from the 1941 freeze of Swiss assets in the United States and a printout from the Bank's database. According to these records, the Account Owner was Rene Weil, who was a Swiss national and resided in Paris, France. The Bank's records indicate that the Account Owner held a demand deposit account in United States dollars in the New York branch of the Bank. The Bank's records indicate that the balance of the account as of 14 June 1941 was 889.45 United States Dollars. All Swiss assets deposited in the United States were unfrozen after the signature of the Washington Agreement on 25 May 1946.

The Bank's records do not show when the account at issue was closed, or to whom it was paid. 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") indicated that this account was blocked in the 1941 freeze of Swiss assets in the United States. The Auditors did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records 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's father's name matches the published name of the Account Owner. The Claimant stated that his father resided in Paris, France, which matches published information about the Account Owner contained in the Bank's records.¹ In support of his claim, the Claimant submitted numerous documents, including his birth certificate, indicating that his father was Rene Weil; and his father's marriage certificate, indicating that his name was Rene Weil, and that he was born and married in Paris, France. The CRT notes that the marriage certificate submitted by the Claimant provides independent verification that the person who is claimed to be the Account Owner resided in the same city and country recorded in the Bank's records as the residence of the Account Owner.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss

¹ The CRT notes that while the Bank's records indicate that the Account Owner was a Swiss national, the Claimant has plausibly demonstrated by the documents that he has submitted that his father was a resident of Paris, France.

bank account owned by Rene Weil, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant 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 relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant 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 the Claimant. The CRT further notes that the name Rene Weil 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. Finally, the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city of residence than the city of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 Claimant stated that the Account Owner, who was Jewish, was on the Nazis' list of people that should be arrested and deported, and that he fled from France in 1940 to New York.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, including his birth certificate, which states that Rene Weil was his father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In this case, the Bank’s records indicate that the account was frozen by the United States government in 1941. The CRT notes that although the Washington Accord provided for the release of certain assets belonging to persecutees that were frozen pursuant to the Trading with the Enemy Act, not all such assets were returned to their rightful owner.² In this case, there is no evidence that the Account Owner was notified of the release of his account, or that the account was closed and the proceeds paid to him. Given that it is plausible that the Account Owner did not know that his account had been transferred to the New York branch of the Bank; that during the Second World War, the Bank relocated

² With regard to assets frozen under the Trading with the Enemy Act, according to the Findings and Recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States and Staff Report (December 2000)(“PCHA Report”), no exceptions nor distinctions were made for assets belonging to Holocaust victims. PCHA Report, at 11-12. Furthermore, many Holocaust victims did not recover their frozen assets or the full value of their assets. Id. The PCHA Report can be found at <http://www.pcha.gov>.

many accounts to the United States and account owners were rarely informed of such transfers; that the Account Owner died on April 1942 before the freeze of the account was lifted in 1946; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner or 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. Finally, it was because the account owner was a victim of Nazi persecution that he was placed in a situation in which it is plausible that his account was not paid to him or his heirs regardless of whether it was by action of the Bank or the United States government that led to the state of affairs.

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 his father, and that relationship justifies an Award. Finally, 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 a demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 14 June 1941 was 889.45 United States Dollars, which was the equivalent of 3,833.53 Swiss Francs.³ 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 47,919.13 Swiss Francs.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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).

³ In making this calculation, the CRT used official exchange rates.

Certification of the Award

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

Claims Resolution Tribunal
31 December 2003