

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Accounts of *Mme. Gaston Weill*

Claim Number: 214237/TC/AC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Gaston Weill.¹ This Award is to the published accounts of *Mme. Gaston Weill* (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”). The accounts awarded are from the Total Accounts Database (“TAD”) at 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 identifying the Account Owner as her late husband’s aunt, Marie Weill, née Schrameck, who was married to her husband’s paternal uncle, Gaston Weill, who was born on 10 July 1858 in Lille, France. According to the Claimant, her husband, [REDACTED], was the son of [REDACTED] and [REDACTED], and [REDACTED] and Gaston Weill were the sons of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that [REDACTED] resided in Basel from the time of her husband [REDACTED]’s death on 19 September 1881 until her death on 16 September 1891. According to the Claimant, Gaston Weill was a professor, and he and his wife had no children. The Claimant indicated that her husband’s aunt and uncle, who were Jewish, resided at 23 Boulevard Delessert in Paris, France, and had additional homes in Belfort, France, and Basel, Switzerland, where the family spent their summers. The Claimant indicated that her husband, [REDACTED], died in 1981, that they did not have children, and that she and her niece are the only surviving members of the family.

In a telephone conversation with the CRT on 22 June 2006, the Claimant stated that Gaston Weill died 3 January 1920 in Paris, that Marie Weill was a French national, who was born in the

¹ The CRT will treat the claim to this account in a separate determination.

Alsace region of France, and that she died after the War. The Claimant indicated that she did not have any other information regarding her husband's aunt.

In support of her claim, the Claimant submitted copies of documents, including: (1) the marriage certificate of [REDACTED] and [REDACTED], indicating that they were married on 10 April 1849 in Haguenau, France; (2) Gaston Weill's birth certificate, indicating that he was born on 10 July 1858 in Lille, and that his parents were [REDACTED] and [REDACTED]; (3) Gaston Weill's death certificate, indicating that he was a professor living in Belfort, and that he died on 3 January 1920 in Paris and was survived by his wife, Marie Schrameck; (4) [REDACTED]'s birth certificate, indicating that he was born on 25 May 1851 in Haguenau, and that his parents were [REDACTED] and [REDACTED]; (5) [REDACTED]'s death certificate, indicating that she was born on 8 March 1882 in Paris, that her parents were [REDACTED] and [REDACTED], and that she died on 13 April 1963; (6) her husband's family book (*livret de famille*), indicating that [REDACTED], who was the son of [REDACTED] and [REDACTED], married [REDACTED] on 15 July 1948; and (7) a copy of her husband's probate documents, indicating that his sole heir was his wife, [REDACTED].

The Claimant indicated that she was born on 27 February 1920 in Paris. The Claimant is representing her niece (the daughter of her late husband's sister [REDACTED]), [REDACTED], née [REDACTED], who was born on 8 October 1917 in Bordeaux, France.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Madame* (Mrs.) Gaston Weill, a French citizen, who used an address in Basel, Switzerland. The Bank's record indicates that the Account Owner held one custody account, numbered 16158, which was opened on 18 June 1940 and was closed on 3 March 1943, as well as a demand deposit account, which was opened on 1 January 1941 and was closed on 3 March 1943. The Bank's record does not indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

These accounts were not part of the Account History Database at the CRT, but were identified as a result of matching and research carried out at the Bank and using, as noted above, the TAD at the Bank. The TAD at the 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 in the investigation carried out pursuant to the 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. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks,² are composed of 1.9 million savings accounts with a 1930-1940s value of 250 Swiss francs or less and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included within the Account History Database, that is within the 36,000

² These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

accounts that ICEP determined were “probably or possibly” owned by victims of Nazi persecution.

The accounts awarded are part of a group of accounts identified in the TAD.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s husband’s aunt’s name and city and country of residence match the unpublished name and city and country of residence of the Account Owner.

In support of her claim, the Claimant submitted documents, including Gaston Weill’s birth and death certificates, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank’s record 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 Marie Weill, and indicates that she was born in Belfort, in the Alsace region of France, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claim to these accounts were disconfirmed because that claimant provided a different city and country of residence than the city and country 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 was Jewish, and lived in Nazi-occupied France. As noted above, a person named Marie Weill was included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was the Claimant’s husband’s aunt and represented party [REDACTED]’s great-aunt. These documents include (1) Gaston Weill’s birth certificate, indicating that his parents were [REDACTED] and [REDACTED]; (2) Gaston Weill’s death certificate, indicating that he was married to Marie Schrameck; (3) [REDACTED]’s birth certificate, indicating that his parents were [REDACTED] and [REDACTED]; (4) her husband’s family book (*livret de famille*), indicating that [REDACTED], who was the son of [REDACTED] and [REDACTED], married [REDACTED].

There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record, and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The CRT notes that the accounts were closed on 3 March 1943, and that the Bank records indicate that the Account Owner used an address in Basel, Switzerland. The CRT further notes that the Claimant was not able to indicate where the Account Owner was at the time the accounts were closed, and that it is possible that she resided in Switzerland, outside of Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the account was closed, that the Account Owner fled her country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in her country of origin and that she may therefore have yielded to Nazi pressure to turn over her accounts to ensure their safety; that the Account Owner was Jewish and a French national; that the accounts were closed after the German occupation of France in 1940; that the address in the Bank's records may have only been used as a temporary address for the purposes of maintaining a bank account; and given that the Account Owner and her heirs would not have been able to obtain information about her accounts 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 her 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 and represented party [REDACTED]. 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 husband's aunt and the great-aunt of represented party [REDACTED], and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one custody account and 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”) and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 189,250.00.

Division of the Award

According to Article 23(1)(g) of the Rules, if none of the persons entitled to an award pursuant to Article 23(1)(a)-(f) has submitted a claim, the CRT may make an award to any relative of the Account Owner, whether by blood or marriage, who has submitted a claim, consistent with principles of fairness and equity. In this case, no descendants of the Account Owner have submitted a claim. Both the Claimant, who is the wife of the Account Owner’s nephew by marriage, and represented party [REDACTED], who is the paternal granddaughter of the Account Owner’s brother-in-law, are related to the Account Owner by marriage. Accordingly, and consistent with the principles of fairness and equity, the Claimant and represented party [REDACTED] are each entitled to one-half of the total award amount.

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) at banks other than the Bank.

Certification of the Award

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

Claims Resolution Tribunal
25 September 2006