

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Julius and Else Wetzlar**

Claim Number: 209042/MW/CH

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the "Claimant") to the published accounts of Else Wetzlar. This Award is to the published accounts of Else Wetzlar ("Account Owner Else Wetzlar") and Julius Wetzlar ("Account Owner Julius Wetzlar") (together "the Account Owners") at the [REDACTED] (the "Bank").<sup>1</sup>

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 Owners as her parents, Else Wetzlar, née Wachenheimer, who was born in Frankfurt am Main, Germany, on 6 November 1905, and Julius Wetzlar, who was born in Montevideo, Uruguay, on 16 May 1895. The Claimant indicated that her parents were married in Frankfurt am Main on 3 May 1929. According to the Claimant, her parents were Jewish and resided in Frankfurt am Main, and at a certain point moved to Erlangen, Germany, where they resided on Schillerstrasse until approximately 1936. The Claimant further indicated that her parents moved to Paris, France, where they stayed until they fled to Montevideo in approximately 1940. The Claimant stated that her mother died in Montevideo on 28 August 1998, and that her father died in Montevideo on 4 April 1955. In support of her claim, the Claimant submitted her mother's German passport, which indicates her name is Else Wetzlar, née Wachenheimer, and that she was born in Frankfurt am Main; and her parents' marriage certificate, which indicates that Julius Wetzlar and Else Wachenheimer were married in Frankfurt am Main on 3 May 1929. The Claimant indicated that she was born in Erlangen on 15 January 1932, and that she is her parents' only child.

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<sup>1</sup> 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"), Else Wetzlar is indicated as owner of three accounts. Julius Wetzlar does not appear on the ICEP List. Upon careful review, the CRT has concluded that the Bank's record indicates that Else Wetzlar and Julius Wetzlar jointly owned the three accounts.

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

The Bank's record consists of a customer card. According to this record, the Account Owners were Julius Wetzlar and *Frau* (Mrs.) Else Wetzlar, who resided in Erlangen, Germany; Frankfurt am Main, Germany; and Paris, France. The Bank's record indicates that the Account Owners held two demand deposit accounts and one custody account, numbered L7258. The Bank's record further indicates that the demand deposit accounts were closed on 3 February 1937 and 2 March 1938, and that the custody account was closed on 2 March 1938. The amounts in the accounts on their dates of closure are unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. Her mother's name and country of residence match the published name and country of residence of Account Owner Else Wetzlar. Furthermore, the Claimant's father's name matches Account Owner Julius Wetzlar's unpublished name, as contained in the Bank's record. The Claimant also identified the Account Owners' multiple cities of residence, namely Erlangen, Frankfurt am Main, and Paris, which also matches unpublished information about the Account Owners contained in the Bank's record. In support of her claim, the Claimant submitted documents, including her mother's German passport, which indicates her name is Else Wetzlar, née Wachenheimer, and that she was born in Frankfurt am Main; and her parents' marriage certificate, which indicates that Julius Wetzlar and Else Wachenheimer were married in Frankfurt am Main, providing independent verification that the persons who are claimed to be the Account Owners have 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 Owners. The CRT notes that there are no other claims to these accounts.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and resided in Germany after the Nazis came to power. The Claimant indicated that the Account Owners fled to Uruguay to avoid Nazi persecution.

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

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's parents. The CRT notes that the Claimant identified unpublished information about the Account Owners as contained in the Bank's record. The CRT further notes that the Claimant submitted her mother's German passport, which indicates her name is Else Wetzlar, née Wachenheimer, and that she was born in Frankfurt am Main; and her parents' marriage certificate, which indicates that Julius Wetzlar and Else Wachenheimer were married in

Frankfurt am Main on 3 May 1929. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and all this information supports the plausibility that the Claimant is related to the Account Owners, as she has asserted in her Claim Form. There is no information to indicate that the Account Owners have other surviving heirs.

#### The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the demand deposit accounts were closed on 3 February 1937 and 2 March 1938, respectively, and that the custody account was closed on 2 March 1938, at which time, according to information provided by the Claimant, the Account Owners were outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed, that the Account Owners fled their country of origin due to Nazi persecution, that the Account Owners may have had relatives remaining in their country of origin and that they may therefore have yielded to Nazi pressure to turn over their accounts to ensure their safety, that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank, even for the stated purpose of 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that there is a sufficient probability that the account proceeds were not paid to the Account Owners or their 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 Owners were her parents, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

#### Amount of the Award

In this case, the Account Owners held two demand deposit accounts and one custody 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"), and the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value of two demand deposit accounts and one custody account is SF 17,280.00.

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 216,000.00.

### **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  
10 September 2004