

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1] and [REDACTED 2]

**in re Account of Jan Landau and Irene Landau, née Wajle**

Claim Numbers: 209367/AY, 209368/AY,<sup>1</sup> 203134/AY

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of Jan Landau (“Account Owner Jan Landau”) and Irene Landau, née Wajle, (“Account Owner Irene Landau”) (together the “Account Owners”), and upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of [REDACTED].<sup>2</sup> This Award is to the account of Jan Landau and Irene Landau, née Wajle, at the Lausanne branch of the [REDACTED] (the “Bank”). Claimant [REDACTED 1] and Claimant [REDACTED 2] are referred to collectively in this Award as “the Claimants.”

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 Claimants**

### Information Provided by Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owners as her parents, Jan Landau and Irene Landau, née Weile. Claimant [REDACTED 1] stated that her father, Jan Landau, was born to [REDACTED] and [REDACTED], née [REDACTED], on 11 September 1896 in Lodz, Poland, and that her mother, Irene Landau, was born to [REDACTED] and [REDACTED] on 23 February 1898 in Lodz. Claimant [REDACTED 1] further stated that her parents, who were both Jewish, were married in Lodz where they also resided and where her father worked as a director of a cotton mill. Claimant [REDACTED 1] indicated that her parents were highly educated and wealthy, and that prior to 1939 they traveled extensively throughout Europe. Claimant [REDACTED 1] stated that in 1939 she and her mother fled Poland for

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<sup>1</sup> Claimant [REDACTED 1] submitted an additional claim to the accounts of [REDACTED], which is registered under the Claim Number 209369. The CRT will treat the claim to this account in a separate decision.

<sup>2</sup> The CRT will treat the claim to this account in a separate decision.

Sweden, but that the Russians captured her father. Claimant [REDACTED 1] stated that her father escaped from the train on which he was being held captive by jumping off, and that he survived by stealing clothing from a woodsman and hiding in the forest. Claimant [REDACTED 1] further stated that the family reunited in Belgium in 1939. Claimant [REDACTED 1] indicated that they then left Belgium and traveled via Switzerland to France, where her father joined the Polish army. Claimant [REDACTED 1] indicated that, while in France, she and her family lived in Nice, Paris, and Marseilles. Claimant [REDACTED 1] stated that in 1940, when the Nazis invaded France, she and her family fled first to Spain and then to Portugal. Claimant [REDACTED 1] also stated that from Portugal they took a boat to Bogota, Colombia, sometime in 1940. Claimant [REDACTED 1] further stated that in early 1943, Claimant [REDACTED 1]'s father left Colombia for New York and that she and her mother followed shortly thereafter. Claimant [REDACTED 1] indicated that her mother died in 1946 in New Jersey and that her father died in either 1947 or 1948 in New York. Claimant [REDACTED 1] stated that in 1947 her father legally changed her surname and his own surname to [REDACTED].

In support of her claim, Claimant [REDACTED 1] submitted the joint Polish passport of herself and her mother, issued by the Polish Consulate in Bogota and indicating Lodz as her mother's place of birth; documents dated 18 September 1943, evidencing her mother's and her own entry into the United States at Miami, Florida; her Certificate of Naturalization issued by the United States on 7 March 1956; her marriage certificate dated 2 June 1957; her United States passport; and the Petition filed in 1947 in the City Court of the City of New York of New York County, and the subsequent Order of that court granting her father's application for a surname change. Claimant [REDACTED 1] indicated that she was born on 15 February 1934 in Lodz.

#### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owners as his maternal aunt, Irene Landau, née Weile, and her husband, Jan Landau. Claimant [REDACTED 2] stated that his aunt was born to [REDACTED] and [REDACTED] of Lodz, Poland and indicated that [REDACTED] was a textile engineer and the owner of a cotton mill in Lodz named *Landau & Weile*. According to Claimant [REDACTED 2], he and Claimant [REDACTED 1] are cousins. Claimant [REDACTED 2] explained that his grandfather died around 1916 and that his grandmother, Irene Landau's mother, perished in the Holocaust. Claimant [REDACTED 2] stated that he changed his name in 1943 from [REDACTED] to [REDACTED]. In support of his claim, Claimant [REDACTED 2] submitted his birth certificate, issued on 12 May 1938 in Cologne, Germany, indicating he was born to [REDACTED], née [REDACTED]; a certificate of name change issued on 11 June 1943; and British and United States Certificates of Naturalization. Claimant [REDACTED 2] stated that he was born on 6 April 1921 in Cologne.

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

The Bank's records consist of a customer card and a printout from the Bank's database. According to the Bank's records, the Account Owners were Mr. Jan Landau and *Mme* (Mrs.) Irene Landau, née Wajle, who resided in Lodz, Poland. The Bank's records indicate that *Mlle*

(Miss) Irene Wajle held a United States Dollar demand deposit account, which was opened on 24 November 1931. The Bank's records indicate that on 14 January 1933 a modification took place and that, from that point, the account was jointly held by Mr. Jan Landau and *Mme* (Mrs.) Irene Landau, née Wajle. The Bank's records further indicate that the account was closed on 1 March 1933 and that a new Swiss Francs demand deposit account was opened and was jointly held by the Account Owners. The Bank's records show that the account was closed on 21 June 1940. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account and received the proceeds.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

### Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Claimant [REDACTED 1]'s parents' and Claimant [REDACTED 2]'s aunt's and uncle's names, city and country of residence match the published names, city and country of residence of the Account Owners.<sup>3</sup> The CRT notes that while the Account Owners' names were published separately on the February 2001 list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), the Claimants identified the Account Owners as being related, which matches unpublished information contained in the Bank's records. In support of her claim, Claimant [REDACTED 1] submitted documents dated 18 September 1943, evidencing her mother's and her own entry into the United States at Miami, Florida; the Petition filed in 1947 in the City Court of the City of New York, County of New York; and the subsequent Order of that court granting her father's application for a surname change. Claimant [REDACTED 1] further submitted the joint Polish passport of herself and her mother, issued by the Polish Consulate in Bogota and indicating Lodz as her mother's place of birth, providing independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's records as the residence of Account Owner Irene Landau. The CRT also notes that the other claim to this account was disconfirmed because that claimant provided a different maiden name and spouse's name than the maiden name and the spouse's name of Account Owner Irene Landau. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owners.

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<sup>3</sup> The CRT notes that Claimant [REDACTED 1]'s mother's name in the Bank's documents is spelled Wajle, which reflects the Polish pronunciation of the name Weile.

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

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owners were Jewish, and were forced to flee both Poland and France to avoid Nazi persecution.

### The Claimants' Relationship to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents demonstrating that the Account Owners were her mother and father. In support of her claim, Claimant [REDACTED 1] submitted the joint Polish passport of herself and her mother, issued by the Polish Consulate in Bogota and indicating Lodz as her mother's place of birth; and documents dated 18 September 1943, evidencing her mother's and her own entry into the United States at Miami. Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owners by submitting information demonstrating that the Account Owners were his aunt and uncle.

### The Issue of Who Received the Proceeds

Given that the Account Owners were forced to flee Poland in 1939 due to the Nazi invasion; that the Account Owners also were forced to flee France to Spain, Portugal and then Colombia after the Nazi invasion of France in early May 1940, and the Account Owners' account was closed after that date, on 21 June 1940; that there is no record that the Account Owners' account was paid to the Account Owners or their heirs; that the Account Owners and their heirs would not have been able to obtain information about the account from the Bank after the Second World War due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the bank's concern regarding double liability, and the application of Presumptions (a), (h), (i) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible 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 Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owners were her parents, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owners held 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 demand deposit account was 2,140.00 Swiss Francs. 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 26,750.00 Swiss Francs.

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 1], who is the daughter of the Account Owners, has a better entitlement to the account than Claimant [REDACTED 2] and is therefore entitled to receive 100% of the total award amount.

#### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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  
20 May 2004