

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],
to Claimant [REDACTED 2],
to Claimant [REDACTED 3],
to Claimant [REDACTED 4],
and to Claimant [REDACTED 5]

in re Account of Hugo Weil

Claim Numbers: 215313/RS; 215314/RS; 752306/RS; 752883/RS;
753645/RS; 753696/RS;¹ 785818/RS²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Hugo Weil and Alfred Weil; the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of Hugo Weil; the claim of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) to the account of Hugo Weil; the claims of [REDACTED 4] (“Claimant [REDACTED 4]”) to the accounts of Hugo Weil, Cecile Weil, Erich Weil, Siegfried Weil, Jacob Weil, and S.H. Weil; and the claim of [REDACTED 5] (“Claimant [REDACTED 5]”) (together the “Claimants”) to the account of Hugo Weil. This

¹ Claimants [REDACTED 2], [REDACTED 3], and [REDACTED 4] did not submit CRT Claim Forms. However, in 1998 they each submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BUD-B-20-198-182-054, C-NYC-T-71-208-025-009, and C-NYC-W-71-224-113-704, respectively, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimants’ ATAG Forms were forwarded to the CRT and have been assigned Claim Numbers 752306, 753645, and 753696, respectively.

² Claimant [REDACTED 5] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0616-105, 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 785818.

Award is to the published account of Hugo Weil (the “Account Owner”) at the Lugano 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his father, Hugo Emanuel Weil, who was born on 30 July 1907 in Meisenheim, Germany. Claimant [REDACTED 1] indicated that his father was married twice, first to [REDACTED], née [REDACTED], and then to [REDACTED], née [REDACTED]. According to Claimant [REDACTED 1], his father and [REDACTED], who were Jewish, fled Germany for the Netherlands in 1938, and in 1942 were deported to several concentration camps, including Auschwitz. Claimant [REDACTED 1] further indicated that [REDACTED] perished in Auschwitz on 6 October 1944, but that his father survived, and married [REDACTED] on 20 April 1948. Claimant [REDACTED 1] indicated that his father died in Amstelveen, the Netherlands in 1979.

In support of his claim, Claimant [REDACTED 1] submitted a certificate of inheritance, dated 17 September 1981, indicating that he was the only son of Hugo Emanuel Weil.

Claimant [REDACTED 1] previously submitted an ATAG Ernst & Young claim form (“ATAG Form”) in 1998, asserting his entitlement to a Swiss bank account owned by Siegmund Hermann Weil.³

Claimant [REDACTED 1] indicated that he was born on 1 August 1949 in Amsterdam, the Netherlands.

Claimant [REDACTED 2] and Claimant [REDACTED 3]

Claimant [REDACTED 2] and Claimant [REDACTED 3], who are siblings, each submitted an ATAG Form identifying the Account Owner as their father, Hugo Weil, who was born on 11 January 1904 in Germany, and was married to [REDACTED], née [REDACTED]. According to Claimant [REDACTED 2], Hugo Weil held a doctorate degree in economics. Claimant [REDACTED 2] indicated that his parents, who were Jewish, resided in Germany, and fled to Buenos Aires, Argentina on 14 November 1938. Claimant [REDACTED 2] and Claimant [REDACTED 3] indicated that their father died on 17 September 1995 in Buenos Aires.

³ The CRT will treat the claim to this account in a separate determination.

In support of his claim, Claimant [REDACTED 2] submitted a copy of: (1) his father's death certificate, indicating that Hugo Weil died on 17 September 1995; and (2) a ticket belonging to Dr. and Mrs. Hugo Weil for passage on the ship Monte Pascoal, departing from Hamburg, Germany for Buenos Aires on 14 October 1938.

Claimant [REDACTED 2] indicated that he was born on 9 June 1944, and Claimant [REDACTED 3] indicated that she was born on 1 September 1941.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an ATAG Form identifying the Account Owner as Hugo Weil, who was his great-uncle on his father's side. Claimant [REDACTED 4] indicated that when he was a child, his parents had discussed Hugo Weil, and had indicated that their family lived in Frankenthal (Pfalz), Germany, at the time of the Second World War. Claimant [REDACTED 4] further indicated that he did not know the fate of Hugo Weil, who was Jewish.

Claimant [REDACTED 4] indicated that he was born on 3 September 1946.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted an Initial Questionnaire ("IQ") identifying the Account Owner as his father, Hugo Weil, who was born on 15 January 1900 in Beneschau, Bohemia (now the Czech Republic), and who was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 5] indicated that his father, who was Jewish, lived in Vienna, Austria, from 1934 until 1939, when he fled to the United States.

In support of his claim, Claimant [REDACTED 5] submitted copies of: (1) a 1938 census record, which is further described below; (2) a written valuation, dated 9 May 1939, of a number of small items, such as a radio and a camera, belonging to Hugo Weil, indicating that the valuation was prepared in Vienna for Hugo Weil prior to his emigration from Austria; (3) an affidavit of support, dated 31 December 1938, in which Richard Rice, a clerk in the Export Department of *L.H. Hamel Leather Co.* in Haverhill, Massachusetts, the United States, stated that he would assume responsibility for Hugo Weil, who was born on 15 January 1900, upon his arrival in the United States, and indicating that Hugo Weil wished to emigrate to the United States "because of the German Government's attitude toward the Jewish people in Germany."

Claimant [REDACTED 5] indicated that he was born on 22 September 1935 in Vienna.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Hugo Weil. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The records also contain contact information for banks in Loerrach and

Mannheim, Germany, as well as a name associated with those contacts, but do not specify how these contacts were related to the Account Owner.

The Bank's records indicate that the account was transferred to the Bank's suspense account on 6 June 1986. The amount in the account on the date of its transfer was 638.00 Deutsche Mark ("DM"), and the records indicate that the account was originally valued in Swiss Francs ("SF").

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents, copies of which were also supplied by Claimant [REDACTED 5], concerning the assets of Hugo Weil, numbered 22598.

Those records indicate that Hugo Weil was born on 15 January 1900, that he was married to Marie Weil, née Springer, that he resided at Berggasse 11/11 in Vienna, and that he worked as a businessman for the firm *Leopold Waller*. The records further indicate that he was dismissed from his employment on 30 June 1938. The records include a letter to the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned property (*Vermögensverkehrsstelle*), in which Hugo Weil stated that since the end of September 1938 he had been without income or property. These records make no mention of assets held in a Swiss bank account.

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 seven claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants' relatives' names match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

In support of his claim, Claimant [REDACTED 1] submitted documents, including a certificate of inheritance. Claimant [REDACTED 2] submitted his father's death certificate and a ticket for passage on a ship sailing from Hamburg to Buenos Aires in 1938. Claimant [REDACTED 5] submitted documents, including copies of a 1938 Census record, a valuation of items belonging

to Hugo Weil, and an affidavit of support. These documents provide independent verification that the people who are claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that Claimant [REDACTED 4] stated that his relative's family lived in Frankenthal (Pfalz), Germany, at the time of the Second World War, and that Frankenthal is only approximately 10 kilometers from Mannheim, which is indicated as the location of a bank listed as a contact address with relation to this account in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hugo Weil, and indicates that his date of birth was 11 January 1904, and that he resided in both Germany and Argentina, which matches the information about the Account Owner provided by Claimant [REDACTED 2] and Claimant [REDACTED 3]. The database also includes a person named Hugo Emanuel Weil, and indicates that he was born on 31 July 1807⁴ in Meisenheim, Germany, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Hugo Weil appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4] filed ATAG Forms in 1998, and that Claimant [REDACTED 5] filed an IQ with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Hugo Weil, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on direct family relationships that were known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT further notes that the father of Claimant [REDACTED 2] and Claimant [REDACTED 3], and the relatives of Claimant [REDACTED 4], Claimant [REDACTED 1], and Claimant [REDACTED 5] are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

⁴ The CRT notes that this year of birth is likely a typographical error, and should indicate 1907, as an individual who was born in 1807 would not have been alive during the Second World War.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Each of the Claimants indicated that the Account Owner was Jewish. Furthermore, Claimant [REDACTED 1] indicated that the Account Owner fled Germany for the Netherlands in 1938, and was subsequently deported to Auschwitz; Claimant [REDACTED 2] indicated that the Account Owner fled Germany for Argentina on 14 November 1938; Claimant [REDACTED 4] indicated that the Account Owner lived in Germany during the Second World War; and Claimant [REDACTED 5] indicated that in 1939, the Account Owner fled Austria for the United States.

As noted above, persons named Hugo Weil and Hugo Emanuel Weil were included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his father. These documents include a certificate of inheritance, indicating that [REDACTED 1] was the only son of Hugo Emanuel Weil. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] and Claimant [REDACTED 3] have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was their father. There is no information to indicate that the Account Owner has other surviving heirs. The CRT notes that Claimant [REDACTED 2] and Claimant [REDACTED 3] filed ATAG Forms in 1998, identifying the relationship between themselves and the Account Owner, prior to the publication in February 2001 of the ICEP List; and that they also identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 2] and Claimant [REDACTED 3] submitted a copy of a ticket for passage on a ship from Hamburg to Buenos Aires held by Dr. and Mrs. Hugo Weil. The CRT notes that it is plausible that this document is a document which most likely only family members would possess. The CRT further notes that Claimant [REDACTED 2] submitted a copy of his father's death certificate, which provides independent verification that his relative bore the same name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 2] and Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] and Claimant [REDACTED 3] are related to the Account Owner, as they have asserted in their Claim Forms.

Claimant [REDACTED 4] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was his great uncle. The CRT notes that Claimant [REDACTED 4] indicated that he may have other surviving relatives, but that because they are not represented in Claimant [REDACTED 4]'s claim, the CRT will not treat their potential entitlement to the Account Owner's account in this

decision. The CRT notes that Claimant [REDACTED 4] filed an ATAG Form in 1998, identifying the relationship between himself and the Account Owner, prior to the publication in February 2001 of the ICEP List. All of this information supports the plausibility that Claimant [REDACTED 4] is related to the Account Owner, as he has asserted in his Claim Form.

Claimant [REDACTED 5] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was his father. There is no information to indicate that the Account Owner has other surviving heirs. The CRT further notes that Claimant [REDACTED 5] filed an IQ with the Court in 1999, identifying the relationship between himself and the Account Owner, prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 5] submitted a copy of an affidavit of support and a valuation of items belonging to Hugo Weil. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. All of this information supports the plausibility that Claimant [REDACTED 5] is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that on 6 June 1986, the account was transferred to the Bank's suspense account, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have each plausibly demonstrated that the Account Owner was their relative, and those relationships justify an Award. Third, the CRT has determined 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 account of unknown type. The Bank's records indicate that the value of the account as of 6 June 1986 was DM 638.00, which was equivalent to SF 527.63.⁵ In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 665.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1986. Consequently, the adjusted balance of the account at issue is SF 1,192.63. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

⁵ The CRT uses official exchange rates when making currency conversions.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-fourth of the Award amount, Claimant [REDACTED 2] and Claimant [REDACTED 3] are jointly entitled to one-fourth of the Award amount, Claimant [REDACTED 4] is entitled to one-fourth of the Award amount, and Claimant [REDACTED 5] is entitled to one-fourth of the Award amount.

With respect to the one-fourth share to which Claimant [REDACTED 2] and Claimant [REDACTED 3] are entitled, 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 2] and Claimant [REDACTED 3] are each entitled to one-eighth of the 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
16 October 2008