

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]  
represented by [REDACTED 1]

**in re Accounts of Martin Weissmann and *Martin Weissmann Bankgeschäft***

Claim Numbers: 210486/CH, 210487/CH, 210488/CH, and 210489/CH

Award Amount: 166,261.87 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Martin Weissmann. This Certified Award is to the published account of Martin Weissmann (“Account Owner Martin Weissmann”) and to the unpublished account of *Martin Weissmann Bankgeschäft* (“Account Owner *Martin Weissmann Bankgeschäft*”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>1</sup> On 4 February 2002, the Court approved the Award of one custody account held by Account Owner *Martin Weissmann Bankgeschäft*. The CRT did not reach a decision regarding a second custody account held by Account Owner Martin Weissmann, pending further consideration as to whether or not Account Owner Martin Weissmann or his heirs received the proceeds of that account. This Award is the result of the further consideration of whether Account Owner Martin Weissmann received the proceeds of that account, as well as further consideration of information regarding Account Owner *Martin Weissmann Bankgeschäft* available from German historical archives.

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.

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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”), Martin Weissmann was indicated as an individual owning two accounts. Upon careful review, the CRT has concluded that Martin Weissmann was both the name of an individual and a business entity. The Bank’s records and information from the German Archives indicate that they collectively held three accounts.

## Information Provided by the Claimants

Claimant [REDACTED 1] submitted a Claim Form identifying Account Owner Martin Weissmann as her paternal grandfather and the great-grandfather of Claimant Barron, Martin Weissmann, who was born on 1 March 1876 in Suggenheim, Germany, and was married to Clara Goldschmidt. Martin and Clara Weissmann had one child, [REDACTED], who was born on 27 July 1903 in Frankfurt am Main, Germany. According to Claimant [REDACTED 1], Martin Weissmann, who was Jewish, was a banker and owned *Martin Weissmann Bankgeschäft* in Frankfurt am Main. Claimant [REDACTED 1] stated that Martin Weissmann resided at Unterlindau 45 in Frankfurt am Main until February 1938, at which time he fled to the Netherlands, fearing imminent arrest by the Nazi authorities for moving his assets outside of Germany. Claimant [REDACTED 1] stated that Martin Weissmann resided in Amsterdam, the Netherlands, and then in Zandvoort, the Netherlands, between February and September of 1938. Claimant [REDACTED 1] further stated that Martin Weissmann then resided at Bas Backerlaan 9 and Deventstraat 51 in Apeldoorn, the Netherlands until 4 October 1942. According to Claimant [REDACTED 1], Martin Weissmann was interned at Westerbork, the Netherlands, on 4 October 1942 and was released shortly thereafter. According to information provided by Claimant [REDACTED 1], Martin Weissmann died in Groningen, the Netherlands on 25 October 1942 of complications arising from bladder surgery. In support of her claim, Claimant [REDACTED 1] submitted a letter written by Clara Weissman to her son [REDACTED], who at that time resided in San Antonio, Texas, the United States. Claimant [REDACTED 1] stated that Clara Weissman was killed on 14 May 1943 in the Sobibor concentration camp. Claimant [REDACTED 1] indicated that [REDACTED] died on 24 July 1974, and that his wife, [REDACTED], and his two daughters, Claimant [REDACTED 1] and [REDACTED], survived him. Claimant [REDACTED 1] indicated that Claimant [REDACTED 2] is the daughter of Claimant [REDACTED 1]'s sister, [REDACTED]. Claimant [REDACTED 1] stated that [REDACTED] died on 15 December 1997 and submitted [REDACTED]'s death certificate, indicating that she died on 21 September 1989.

Claimant [REDACTED 1] submitted the marriage certificate of [REDACTED] and [REDACTED], indicating that [REDACTED]'s father was Martin Weissmann, that his mother was [REDACTED], née [REDACTED], and that [REDACTED] was born and resided in Frankfurt am Main, Germany. Claimant [REDACTED 1] redact also provided a letter from the Red Cross, indicating that Martin Weissmann and Clara Weissman were deported to Westerbork on 4 October 1942, and that [REDACTED] was interned in the camp until 11 May 1943, when she was deported to Sobibor. In addition, Claimant [REDACTED 1] submitted a letter from the United States Holocaust Memorial Museum, which states that [REDACTED] was killed at Sobibor on 14 May 1943; [REDACTED]'s German passport, indicating that he had a child named [REDACTED]; the death notice of [REDACTED], indicating that he had a daughter named [REDACTED 1] and two granddaughters; and her birth certificate and the birth certificate of [REDACTED], Claimant [REDACTED 2]'s mother, which show that their father was [REDACTED] and that they both were born in Frankfurt am Main. Claimant [REDACTED 1] stated that she legally changed her named from [REDACTED] to [REDACTED] after arriving in the United States. In her Claim Form, Claimant [REDACTED 1] stated that she was born on 5 November 1930 in Frankfurt am Main.

Claimant [REDACTED] previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Martin Weissmann.

Claimant [REDACTED 1] also submitted a Claim Form on behalf of Claimant [REDACTED 2], identifying Account Owner Martin Weissmann as Claimant [REDACTED 2]’s great-grandfather, Martin Weissmann, who was born on 1 March 1876 in Suggenheim, Germany and was married to Clara Goldschmidt. Claimant [REDACTED 1] indicated that Claimant [REDACTED 2] is the daughter of Claimant [REDACTED 1]’s sister, [REDACTED], née [REDACTED]. Claimant [REDACTED 1] indicated that her niece, Claimant [REDACTED 2], was born on 21 October 1967 in Boston, Massachusetts, the United States.

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

The Bank’s records consist of an opening contract, customer cards, receipts of securities deposited by Account Owner Martin Weissmann, an internal note regarding the claim of Hans Sauer to have the exclusive right to act on behalf of *Martin Weissmann Bankgeschäft* as its liquidator, a signature of the liquidator of *Martin Weissmann Bankgeschäft*, and printouts from the Bank’s database. According to these records, the Account Owners were Martin Weissmann, who resided at Unterlindau 45 and subsequently at Hochstrasse 19, Frankfurt am Main, and *Martin Weissmann Bankgeschäft*, which was located at Hochstrasse 19 and later at Neue Mainzerstrasse 82.

The Bank’s records indicate that Account Owner Martin Weissmann held a custody account. The Bank’s records indicate that this account was closed on 8 September 1936. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank’s records that Account Owner Martin Weissmann or his heirs closed the account and received its proceeds.

The Bank’s records further indicate that *Martin Weissmann Bankgeschäft* held a custody account, numbered 21916, that was closed on 13 June 1938. The Power of Attorney Holder to this account was *Frau* (Mrs.) Clara Weissmann-Goldschmidt. The records indicate that a liquidator from Germany, Hans Sauer, claimed the exclusive right to act on behalf of Account Owner *Martin Weissmann Bankgeschäft* as of April 1938. The Bank’s records contain a signature sample of Hans Sauer, dated 23 April 1938. According to the internal note regarding Hans Sauer’s claim, dated 29 April 1938, the Bank’s legal department indicated that an extract from the Commercial Register (*Handelsregisterauszug*) was sufficient proof that Hans Sauer was authorized to sign on behalf of Account Owner *Martin Weissmann Bankgeschäft*. According to this note, the only thing missing from a legal point of view was sufficient proof that the letters were signed by Hans Sauer. (“*Dagegen fehlt vom rechtlichen Standpunkt aus der Nachweis dafür, dass die Briefe wirklich von Hans Sauer unterzeichnet sind.*”) The note suggested obtaining a signature sample from Hans Sauer in order to clarify this point. (“*Um diesen Punkt zu klären, wäre ein, im Sinne des deutsch-schweizerischen Beglaubigungsvertrages legalisiertes Unterschriften-Specimen zu verlangen.*”) According to a notation on the customer card dated 22 April 1938, the depositor was asked to submit the above mentioned extract from the Commercial Register and that, until receipt of the extract, all activity on the account would require advance

approval from Vice Director Hess of the Bank. The Bank's records do not indicate whether the required extract was ever submitted to the Bank. According to the Bank's records, custody account 21916 was closed on 13 June 1938. The amount in the account on the date of its closure is not known. The CRT notes that this account was awarded to the Claimants in previous decision approved by the Court on 4 February 2002.

### **Information Available in the German Archive**

The records in the German archive include correspondence between Account Owner *Martin Weissmann Bankgeschäft* and the Foreign Exchange Office of Financial Authorities (*Oberfinanzpräsident - Devisenstelle*) and records concerning administrative criminal proceedings taken against Martin Weissmann, [REDACTED], and [REDACTED] for currency offenses (*Devisenvergehen*).

These records indicate that Martin Weissmann and [REDACTED] were the sole shareholders of the Account Owner *Martin Weissmann Bankgeschäft*. These records further indicate that Martin Weissmann had fled Germany in February 1938, and that [REDACTED] had been in the United States since mid-January 1938.

The records indicate that Account Owner *Martin Weissmann Bankgeschäft* held a custody account<sup>2</sup> and a demand deposit account at the Bank. These records indicate that the balance of the demand deposit account at the Bank in February 1938 was 213.50 Swiss Franks, as established by the auditors reporting to the Financial Authorities. The value of the custody account was not reported. According to these records, the liquidator of Account Owner *Martin Weissmann Bankgeschäft* informed the Financial Authorities that the balance of the demand deposit account in the amount of 294.50 Swiss Francs (the balance after the deduction of fees of 6.45 Swiss Francs) had been transferred by 14 June 1938 to the *Reichsbank*.

### **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 four claims of the Claimants in one proceeding.

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<sup>2</sup> Given that the custody account numbered 21916 held by Account Owner *Martin Weissmann Bankgeschäft* referred to in the Bank's records was closed on 13 June 1938; that the information in the German archive records refers to a custody account at the Bank held by Account Owner *Martin Weissmann Bankgeschäft*; and that the information in the German archives about this account is consistent with the information about the custody account referred to in the Bank's records, the CRT concludes that the custody account referred to in the German archive records is the same custody account referred to in the Bank's records, which was previously awarded to the Claimants. See In re Account of *Martin Weissmann Bankgeschäft*, (approved on 4 February 2002).

### Identification of the Account Owners

Claimant [REDACTED 1], on her own behalf and on behalf of Claimant [REDACTED 2], has plausibly identified Account Owner Martin Weissmann. Claimant [REDACTED 1]'s paternal grandfather's and Claimant [REDACTED 2]'s great-grandfather's name and city and country of residence match the published name and city and country of residence of Account Owner Martin Weissmann. Claimant [REDACTED 1] identified Account Owner Martin Weissmann's occupation as a banker. Claimant [REDACTED] also plausibly identified Account Owner *Martin Weissmann Bankgeschäft* as the bank owned by her grandfather in Frankfurt am Main. Claimant [REDACTED 1] also identified one of the addresses of Account Owner Martin Weissmann as Unterlindau 45, Frankfurt am Main, which matches unpublished information about Account Owner Martin Weissmann contained in the Bank's records.

In support of her claim and that of Claimant [REDACTED 2], Claimant [REDACTED 1] submitted documents, including the marriage certificate of her father, [REDACTED], indicating that [REDACTED]'s father was Martin Weissmann and resided in Frankfurt am Main, providing independent verification that the person who is claimed to be Account Owner Martin Weissmann had the same name and city of residence recorded in the Bank's records as the name and city of residence of Account Owner Martin Weissmann.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Martin Weissmann, and indicates that his residence was Frankfurt am Main, which matches the information about Account Owner Martin Weissmann provided by Claimant Krent. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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

The CRT notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Martin Weissmann, 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 Claimant [REDACTED 1] has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1]. The CRT notes that there are no other claims to these accounts.

### Status of Account Owner Martin Weissmann as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that Account Owner Martin Weissmann was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that Account

Owner Martin Weissmann was Jewish, was forced to flee Germany for the Netherlands, fearing imminent arrest, and was detained in Camp Westerbork, the Netherlands from 4 October 1942. In addition, Claimant [REDACTED 1] stated that Account Owner Martin Weissmann's wife, Clara Weissmann, was deported to the Sobibor concentration camp on 11 May 1943 and was killed there on 14 May 1943. Claimant [REDACTED 1] also submitted a letter from the Red Cross, indicating that Martin Weissmann and Clara Weissmann were brought to Camp Westerbork on 4 October 1942 and that Clara Weissmann was imprisoned in the camp until 11 May 1943, when she was deported to Sobibor. Claimant [REDACTED 1] also submitted a letter from the United States Holocaust Memorial Museum, indicating that Clara Weissmann was killed at Sobibor on 14 May 1943.

As noted above, a person named Martin Weissmann was included in the CRT's database of victims.

#### The Claimants' Relationship to Account Owner Martin Weissmann

The Claimants have plausibly demonstrated that they are related to Account Owner Martin Weissmann by submitting specific information and documents, demonstrating that Account Owner Martin Weissmann was Claimant [REDACTED 1]'s paternal grandfather and Claimant [REDACTED 2]'s great-grandfather. These documents include the marriage certificate of [REDACTED] and [REDACTED], indicating that [REDACTED]'s father was Martin Weissmann, that his mother was Clara Weissmann, née Goldschmidt; [REDACTED]'s German passport, indicating that he had a child named [REDACTED 1] (whose name was subsequently changed to [REDACTED]); the death notice of [REDACTED] indicating that he had a daughter named [REDACTED 1] and two granddaughters; and the birth certificates of Claimant [REDACTED 1] and [REDACTED], Claimant [REDACTED 2]'s mother, indicating that both were born in Frankfurt am Main to Max Weissmann. There is no information to indicate that Account Owner Martin Weissmann has other surviving heirs other than Claimant [REDACTED 1] and Claimant [REDACTED 2].

#### The Issue of Who Received the Proceeds

With regard to the demand deposit account held by Account Owner *Martin Weissmann Bankgeschäft*, the documents in the German archives indicate that the account was transferred by 14 June 1938 by the liquidator of *Martin Weissmann Bankgeschäft* to the *Reichsbank*, Berlin.

With respect to the custody account held by Account Owner Martin Weissmann, given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that Claimant [REDACTED 1] stated that Account Owner Martin Weissmann remained in Germany until February 1938 and would not have been able to repatriate his custody account to Germany without its confiscation; that there is no record of the payment of Account Owner Martin Weissmann's custody account to him; that Account Owner Martin Weissmann and his heirs would not have been able to obtain information about his custody 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,<sup>3</sup> the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Martin Weissmann 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.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that Account Owner Martin Weissmann was Claimant [REDACTED 1]'s paternal grandfather and Claimant [REDACTED 2]'s great-grandfather, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither Account Owner Martin Weissmann nor his heirs received the proceeds of the claimed accounts, and has determined that neither the owner of *Martin Weissmann Bankgeschäft* nor his heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Award is for one custody account held by Account Owner Martin Weissmann and one demand deposit account held by Account Owner *Martin Weissmann Bankgeschäft*.

With regard to the custody account owned by Account Owner Martin Weissmann, 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 custody account was 13,000.00 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 an amount of 162,500.00 Swiss Francs.

The information in the records from the German archives indicates that the balance of the demand deposit account at the time of its transfer to the *Reichsbank* was 300.95 Swiss Francs (294.50 Swiss Francs plus 6.45 Swiss Francs in fees). According to Article 29 of the Rules, if the amount in a demand deposit account is less than 2,140.00 Swiss Francs, in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. In this case, the documents in the German archives show that the auditors who reported to the Financial Authorities determined that the balance of the demand deposit account in February 1938 was 213.50 Swiss Francs. The liquidator of Account Owner *Martin Weissmann Bankgeschäft* reported that the balance of the account of 294.50 Swiss Francs (after the deduction of fees of 6.45 Swiss Francs) was transferred to the *Reichsbank*. As the actions of the financial authorities and the liquidator of Account Owner *Martin Weissmann* were directed at

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<sup>3</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

the confiscation of all assets of Account Owner *Martin Weissmann*, the CRT has concluded that the balances reported in the documents from the German archives constitute plausible evidence that the balance of the demand deposit account was less than 2,140.00 Swiss Francs. 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 award amount for the demand deposit account is 3,761.88 Swiss Francs, and the total award amount is 166,261.87 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. In this case, Claimant [REDACTED 1] is representing Claimant [REDACTED 2], her niece. Accordingly, the Claimants are each entitled to one-half 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  
31 August 2004