

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Olga Bizjak

## **in re Account of Olga Bizjak and Wilhelm Bizjak**

Claim Number: 501238/AE

Award Amount: 411,050.00 Swiss Francs

This Certified Award is based upon the claim of Olga Bizjak (“the Claimant”) to the published account of Olga Bizjak. This award is to the published account of Olga Bizjak (“Account Owner Olga Bizjak”) and Wilhelm Bizjak (“Account Owner Wilhelm Bizjak”) (together the “Account Owners”) at the Lausanne branch of the [REDACTED] (the “Bank”).<sup>1</sup>

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying Account Owner Olga Bizjak as her paternal aunt, Olga Bizjak, who was born in approximately 1907 or 1908 in Trieste, Italy. The Claimant indicated that her aunt resided in Postojna and Ljubljana, Yugoslavia (now Slovenia), and Postioma, Italy. The Claimant further indicated that her aunt remained single until 1937, and that she was a nurse who worked in a hospital near Montreux, Switzerland. In a telephone conversation with the CRT on 29 June 2005, the Claimant indicated that she was unable to provide information regarding her aunt’s spouse. The Claimant indicated that while her aunt’s parents, Giacomo Bizjak and Maria Bizjak, née Delost, were in the habit of keeping their money in cans, her aunt, who was the most educated member of the family, most likely deposited money in a Swiss bank account. The Claimant further indicated that her aunt, who was Jewish, was deported to la Risiera, a Nazi camp in Italy.<sup>2</sup> The Claimant indicated that her father fled to South America, and that she was named Olga Bizjak in honor of her aunt. In support of her

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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”), Olga Bizjak and Wilhelm Bizjak are each indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidences the existence of only one account, jointly owned by Olga Bizjak and Wilhelm Bizjak.

<sup>2</sup> Risiera di San Sabba is a former rice-husking facility that was built in 1913 on the outskirts of Trieste, Italy. After 8 September 1943, the Nazi occupation forces used the premises as a prison camp for hostages, partisans, political and Jewish prisoners.

claim, the Claimant submitted her father's identity card and death certificate, indicating his name as Antonio Bizjak; and her baptism certificate and Brazilian identity card, indicating her name as Olga Bizjak, and her parents as Antonio Bizjak and Benedita Bizjak. The Claimant indicated that she was born on 4 September 1947 in Sao Paulo, Brazil.

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

The Bank's record consists of an excerpt from the Bank's ledger for a suspense account. According to this record, the Account Owners were Wilhelm Bizjak and *Mme.* (Mrs.) Olga Bizjak. There is no information regarding the Account Owners' domicile. The Bank's record indicates that the Account Owners held an account, the type of which is not indicated.

The Bank's record indicates that the account was transferred to the Bank's suspense account on 23 February 1953, as of which date the account had a balance of 32,749.00 Swiss Francs ("SF"). The Bank's record does not show when the account at issue was closed.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's record that the Account Owners or their heirs closed the account and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owners

The Claimant's aunt's name matches the published name of Account Owner Olga Bizjak. The CRT notes that the Bank's record does not contain any specific information about the Account Owners other than their names and marital relationship.

The CRT further notes that the name Olga Bizjak appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified Account Owner Olga Bizjak.

The CRT notes that the Claimant did not identify Account Owner Wilhelm Bizjak, who appears to be related to Account Owner Olga Bizjak. The CRT notes that it is plausible that the Claimant did not know the name of her aunt's relative since she was born in 1947, in Sao Paulo. The CRT also notes that the Claimant indicated that Bizjak was her aunt's maiden name, and that the Bank's records indicate that Bizjak was Account Owner Olga Bizjak's married name. The CRT notes that Account Owner Olga Bizjak could have married someone with the same last name, that there could have been an error in the Bank's records, or that the Claimant, who was born

after the Second world War in South America, could have had incomplete information about her aunt. The CRT determines that these discrepancies do not materially affect the Claimant's identification of Account Owner Olga Bizjak.

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

The Claimant has made a plausible showing that Account Owner Olga Bizjak was a Victim of Nazi Persecution. The Claimant indicated that Account Owner Olga Bizjak was Jewish and that she was deported to la Risiera, a Nazi camp in Italy.

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

The Claimant has plausibly demonstrated that she is related to Account Owner Olga Bizjak by submitting specific information demonstrating that Account Owner Olga Bizjak was her aunt. The CRT notes that the Claimant submitted her father's identity card and death certificate, indicating his name as Antonio Bizjak; and her baptism certificate and Brazilian identity card, indicating her name as Olga Bizjak, and her parents as Antonio Bizjak and Benedita Bizjak, which provide independent verification that the Claimant and her relatives bear the same family name as the Account Owners. Furthermore, the Claimant shares the same name as Account Owner Olga Bizjak and indicated that she was named Olga Bizjak in honor of Account Owner Olga Bizjak. This information supports the plausibility that the Claimant is related to Account Owner Olga Bizjak, as she 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 Bank's record indicates that the account was transferred on 23 February 1953 to the Bank's suspense account, and the auditors who conducted the ICEP Investigation presumed that it was subsequently closed.

Given that there is no record of the payment of the Account Owners' account to them; that the Account Owners and their heirs would not have been able to obtain information about their 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 (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 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 Account Owner Olga Bizjak was her aunt, 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 account.

### Amount of the Award

In this case, the Account Owners held an account of unknown type. The Bank's records indicate that the value of the account of unknown type, as of 23 February 1953, was SF 32,749.00. In accordance with Article 31(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), this amount is increased by an adjustment of SF 135.00, which reflects standardized bank fees charged to the account between 1945 and 1953. Consequently, the adjusted balance of the account at issue is SF 32,884.00. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 411,050.00.

### **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  
14 December 2005