

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by Walter Friedrich

**in re Account of Viktor Léon**

Claim Number: 402245/DE

Award Amount: 16,713.75 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Viktor Léon (the “Account Owner”) at the Zurich branch of 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 Owner as his maternal grandfather, Viktor Léon Hirschfeld, also known as Viktor Léon, who was born on 4 January 1858 in Senica, Czechoslovakia (today Slovakia), and was married to [REDACTED], née [REDACTED], born 10 April 1869. The Claimant indicated that his grandparents had one child, [REDACTED], née [REDACTED] ([REDACTED]) (the Claimant’s mother), who was born in Vienna, Austria, in 1888 and died on 27 November 1918. According to the Claimant, his grandfather, who was Jewish, was an author and resided at Wattmanngasse 22 in Vienna until his death on 3 February 1940. The Claimant indicated that he is one of three siblings, but did not indicate whether his siblings are still alive.

In support of his claim, the Claimant submitted copies of (1) partial records from the Austrian State Archive (Archive of the Republic, Finance), described in detail below; (2) his parents’

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<sup>1</sup> The CRT notes that, on the July 2005 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”), the name Victor Léon appears. The CRT further notes that the Account Owner’s name is spelled both “Victor” and “Viktor” in the Swiss Federal Archive Records. The CRT also notes that the Austrian State Archive (Archive of the Republic, Finance) includes a record for a Viktor Léon with an identical birth date and residence to the Account Owner listed in the Swiss Federal Archives who spells and signs his own first name “Viktor.” After a careful review the CRT has concluded that the correct spelling of the Account Owner’s name is therefore “Viktor.”

residency registration card, dated in 1911, indicating that [REDACTED] and [REDACTED], née [REDACTED] and their daughter, [REDACTED], age 3, resided at Blechturmgaſsee 10 in Vienna; (3) a second residency registration card for his father, dated in 1918, indicating that [REDACTED] and his three children, [REDACTED], age 10, [REDACTED], age 3, and [REDACTED] (the Claimant), age 5 months, resided at Wattmanngaſſe 22 in Vienna; and (4) the Claimant’s marriage certificate, dated 10 June 1968, indicating that [REDACTED] is the son of [REDACTED] and [REDACTED], and that they resided in Vienna.

The Claimant indicated that he was born on 2 July 1918 in Unterach on Attersee, Austria.

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

The CRT notes that 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 report an account belonging to Viktor Léon during their investigation of the Bank. The documents evidencing accounts belonging to Viktor Léon were obtained from archival sources in Switzerland and are further described below.

### **Information Available in the Swiss Federal Archive**

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (“the 1962 Survey”). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Viktor Léon, numbered 143.

The records from the Swiss Federal Archive indicate that the Account Owner was Viktor Léon, who resided at Wattmanngaſſe 22 in Vienna, Austria, and that the Bank had last received word from him prior to the end of the Second World War. The records from the Swiss Federal Archive indicate that the Account Owner held one savings/passbook account, which held 1,052.10 Swiss Francs (“SF”) as of 1 September 1963.

The records from the Swiss Federal Archive also include a letter dated 18 December 1968 from an Austrian assistance agency in response to a Red Cross request regarding specific account owners. According to this document, Viktor Léon was born on 4 January 1858 in Senica, Czechoslovakia (today Slovakia) and perished in February 1940 and was married to [REDACTED], who was born in Prague, Czechoslovakia (today the Czech Republic) on 10 April 1869, and who perished in April 1942.

According to a document dated 14 December 1966, the Guardianship Authorities of the city of Zurich (*Vormundschaftsbehörde der Stadt Zürich*) appointed a custodian for this account. The

records from the Swiss Federal Archive do not include indicate the ultimate disposition of this account.

### **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 concerning the assets of Viktor Leon Hirschfeld, numbered 42578.

The records indicate that Viktor Leon (Léon) Hirschfeld was born on 4 January 1858 and held Czech nationality. According to the records, Viktor Leon Hirschfeld was married to [REDACTED], who was born on 10 April 1869. According to these records, Viktor Leon Hirschfeld and his wife, who were Jewish, each owned half of the value of their home, a villa with a garden located at Wattmannngasse 22 in Vienna, Austria. The records also indicate that Viktor Leon Hirschfeld was an author and was affiliated with several publishing houses. According to these records, the *Bühnen & Musikalienverlag Josef Weinberger* publishing house located in Vienna paid 628.23 Austrian Shillings (“S”) to a Vienna bank account held in the name (*Herr*) Mr. Viktor Léon on 21 June 1938. The records also indicate that Viktor Leon Hirschfeld was owed outstanding royalties at the time of filing, including S 25,000.00 from the *Feliz Bloch & Söhne* publishing house located in Berlin and 1,000.00 Reichsmark from the *Glockenverlag* publishing house. The documents further indicate that Viktor Leon Hirschfeld was a member of a writer’s union (*Autorengesellschaft*) and held a pension fund of S 100.00 with them.

These records include a signature for Viktor Léon and [REDACTED] with both of them including the family name “Hirschfeld” in parenthesis. The records make no mention of assets held in a Swiss bank account.

### **The CRT’s Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The name used by the Claimant’s grandfather matches the published name of the Account Owner. The Claimant identified the correct spelling of the Account Owner’s first name, his date and place of birth, street address, city, and country of residence and spouse’s name and date of birth, which matches unpublished information contained in the records from the Swiss Federal Archive. In support of his claim, the Claimant submitted records from the Austrian State Archive, providing independent verification that the person who is claimed to be the Account Owner had the same name and birth date and resided at the same address recorded in the Swiss Archive records as the name, birth date, and address of the Account Owner.

The CRT notes that the name Viktor Léon appears only once on the List of Account Owners Published in 2005 (the “2005 List”).

Finally, the CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant indicated that the Account Owner was Jewish and resided in Nazi-controlled Austria until his death in 1940. The CRT notes that the Account Owner was required to register his assets pursuant to the 1938 Census.

#### The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant’s maternal grandfather. These documents include (1) partial records from the Austrian State Archive (Archive of the Republic, Finance) indicating that his grandfather was known both by the name Viktor Léon and the name Viktor Léon Hirschfeld and that he resided at Wattmangasse 22 in Vienna; (2) a residency registration card dated 1911 indicating that the Claimant’s mother’s maiden name was [REDACTED]; and (3) a second residency registration card dated 1918 indicating that the Claimant and his family resided at Wattmangasse 22 in Vienna;

The CRT notes that the Claimant indicated that he may have other surviving relatives, but because they are not represented in the Claimant’s claim, the CRT will not treat their potential entitlement to the Account Owner’s account in this decision.

#### The Issue of Who Received the Proceeds

Given that the Account Owner died in 1940; that the account was registered in the 1962 Survey; that there is no record of the payment of the Account Owner’s account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his 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 Owner 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 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 Owner was his grandfather, and that this relationship justifies an Award. Third, the CRT has determined that it is plausible 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 saving/passbook account. The records from the Swiss Federal Archive indicate that the value of the saving/passbook account as of 1 September 1963 was SF 1,052.10. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the saving/passbook account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 1,337.10. 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 16,713.75.

### **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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
18 December 2007