

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Eljasz Mazur

Claim Number: 783531/AZ¹

Award Amount: 26,459.43 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Eljasz Mazur (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).² The account awarded is from the Total Accounts Database (“TAD”) at the Bank.

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 an Initial Questionnaire identifying the Account Owner as his maternal grandfather, Eljasz (Eliahu) Mazur, who was born on 1 June 1889 and was married to [REDACTED], née [REDACTED]. The Claimant indicated that his grandparents, who were Jewish, lived at 34 Mokotowska in Warsaw, Poland and that his grandfather was a wealthy international businessman, who controlled the distribution of rice and other grains in Poland and elsewhere in Europe, as well as a leader of the local Jewish community. The Claimant further indicated that among his extensive business interests, his grandfather had companies located in Chur, Switzerland, and that he and his companies had deposited assets in Swiss and Polish banks. According to the Claimant, in 1939, his grandfather learned that he was going to be arrested by the Gestapo, and so his grandparents fled to Vilna, Poland (now Vilnius, Lithuania), his grandfather’s real estate holdings and other assets throughout Europe were seized by the

¹ Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0532186, 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 783531.

² The CRT notes that the account was published on the October 1997 list of dormant accounts opened by non-Swiss individuals prior to the end of the Second World War.

Nazis, and his grain business was aryanized. The Claimant indicated that in 1940, his grandparents emigrated to Palestine (now Israel), where the Claimant's grandfather was elected to the first Israeli Parliament (*Knesset*) in 1948. Finally, the Claimant indicated that his grandmother died in 1958 and that his grandfather died in 1973, both in Israel. The Claimant indicated that he had recently received 329.00 Swiss Francs ("SF") in compensation for an account his grandfather held at the Bank but that he had been unable to recover any other accounts.

In support of his claim, the Claimant submitted copies of documents, including: 1) his mother's birth certificate, indicating that [REDACTED] was born on 15 June 1915 in Radziejow, Poland and that her parents were Eljasz Mazur and [REDACTED], née [REDACTED]; 2) his own birth certificate, indicating that [REDACTED] was born on 23 October 1946 in New York, New York, the United States, and that his mother's maiden name was [REDACTED]; 3) a document indicating that one of his grandfather's companies, *Luszczarnia Ryzu Wasserberger & Co.*, located in Gdynia, Poland, was placed under commissary administration on 24 September 1940 and that the firm was stricken from the commercial register in 1942; 4) a "seizure and collection" (*Beschlagnahme und Einziehung*) certificate, dated 15 August 1941, indicating that two real estate properties in Berlin, Germany belonging to Eljasz Mazur of Warsaw were seized to the benefit of the Reich; 5) his grandmother's death certificate, dated in 1958, indicating that [REDACTED] was born on 13 December 1888 and that she was Jewish; 6) a claim form seeking the recovery of various seized and looted assets, signed by his grandfather in 1959, indicating that Eliahu Mazur lived at Mokotowska 34 in Warsaw prior to the Second World War; 7) his grandfather's death certificate, dated in 1973, indicating that Eliahu Mazur was born on 1 June 1889 and that he was Jewish; and 8) a letter from the Bank, dated 30 July 1997, stating that his grandfather Eljasz Mazur held an account with a balance of SF 329.00, which would be returned to the Claimant upon his request. The Claimant further submitted biographies of his grandfather from the *Encyclopedia Judaica* and from a publication entitled *Zydzi W Polsce Orodzonej*, indicating that Eljasz (Eliyahu) Mazur was born in 1889, that he lived in Warsaw, that he was a wealthy businessman and community leader, and that he escaped to Palestine in 1940.

The Claimant indicated he was born on 23 October 1946 in New York.

Information Available in the Bank's Records

The Bank's records consist of account statements, lists of accounts, internal Bank memoranda, and printouts from the Bank's database. According to these records, the Account Owner was *Monsieur* (Mr.) Eljasz Mazur, who resided at Mokotowska 34 in Warsaw, Poland. The Bank's records indicate that the Account Owner held one demand deposit account, which had a balance of SF 474.00 on 30 June 1936. The Bank's records further indicate that the Bank's last contact with the Account Owner took place in 1936, and that the account was transferred to a suspense account for dormant assets on 4 November 1968 with a balance of SF 329.00.

Additional documents consist of correspondence between the Claimant and the Bank in 1998 and indicate that, on 2 April 1998, the Bank sent the Claimant a check for 214.60 United States Dollars ("US \$"), which the Bank indicated was equivalent to SF 329.00, in reference to the

account of Eljasz Mazur. The Bank noted that it would take the issue of interest into consideration and inform the Claimant if there were to be any additional payments. No further correspondence appears in the Bank's records.

This account was not part of the Account History Database at the CRT, but was identified as a result of matching and research carried out at the Bank and using, as noted above, the TAD at the Bank. The TAD at the Bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the ICEP auditors as open or opened in the 1933-1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks,³ are composed of 1.9 million savings accounts with a 1930-1940s value of 250 Swiss francs or less and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included within the Account History Database, that is within the 36,000 accounts that ICEP determined were "probably or possibly" owned by victims of Nazi persecution.

The account awarded is part of a group of accounts identified in the TAD.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence and street address, which match unpublished information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted documents, including his mother's birth certificate, a "seizure and collection" (*Beschlagnahme und Einziehung*) certificate, his grandfather's 1959 claim form, and his grandfather's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name, city and country of residence, and street address recorded in the Bank's records as the name, city and country of residence, and street address of the Account Owner. Finally, the CRT notes that the Claimant contacted the Bank, seeking accounts belonging to Eljasz Mazur, prior to the publication of the Account Owner's name in October 1997, and that in 1998, the Bank, acknowledging that the Account Owner was the Claimant's grandfather, paid the Claimant the remaining account balance.

The CRT notes that there are no other claims to this account.

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 stated that the Account Owner was Jewish, that he lived Nazi-

³ These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

occupied Poland, that his assets were looted by the Nazis, and that he fled from Warsaw to Vilna in 1939 and then to Palestine in 1940. The Claimant submitted documents indicating that the Account Owner's assets were confiscated to the benefit of the Nazi regime and that he fled from Poland to Palestine.

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 the Claimant's birth certificate, indicating that his mother was [REDACTED] and his mother's birth certificate, indicating that [REDACTED]'s father was Elias Mazur.⁴ There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; and that the Claimant filed an inquiry with the Bank before 30 July 1997, identifying the relationship between the Account Owner and the Claimant prior to the publication of the Account Owner's name in connection with a Swiss bank account in October 1997. The CRT further notes that the Claimant submitted copies of his grandfather's death certificate, a 1959 claim form, and documents relating to the confiscation of his grandfather's assets, as well as his mother's birth certificate and his grandmother's death certificate. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess, and which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Poland. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Initial Questionnaire.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Bank's last contact with the Account Owner was in 1936 and that the account was suspended by the Bank in 1968. The Bank's records further indicate that on 2 April 1998, the Claimant was paid US \$214.60, which the Bank indicated was equivalent to the balance of SF 329.00.

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 relationship justifies an Award. Third, the CRT has determined that the Account Owner did not receive the proceeds of the claimed account, and that his heir received the balance of the account in 1998.

⁴ Given the remaining information and documents submitted by the Claimant, the CRT determines that it is plausible that [REDACTED] and [REDACTED] are the same person.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 30 June 1936 was SF 474.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the account 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 value of SF 26,750.00. The Bank's records indicate that the Claimant received a payment of US \$214.60 on 2 April 1998, which the Bank indicated was equivalent to the balance of SF 329.00, but which the CRT determines was equivalent to SF 290.57.⁵

Consequently, after an adjustment to reflect the 1998 payment to the Claimant in the amount of SF 290.57, the total award amount in this case is SF 26,459.43.

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) at banks other than the Bank.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
17 November 2006

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