

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of André Weber**

Claim Number: 711572/CN<sup>1</sup>

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of André Weber (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).<sup>2</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 an Initial Questionnaire (“IQ”) to the Court in 1999, identifying himself as the Account Owner. The Claimant indicated that he was born on 4 November 1930, and that, prior to the Nazi occupation, he and his parents, who were Jewish, lived at Petöfi Utca 4 in Papa, Hungary. The Claimant indicated that his parents imported fruits and vegetables from Trieste, Italy, and distributed them throughout Hungary. Additionally, the Claimant indicated that his parents acted as agents for various companies that sold sweets. The Claimant explained further that his family’s businesses and property were looted, and that both he and his parents were forced to perform slave labor in Mühldorf. Finally, the Claimant indicated that he and his parents were subsequently deported to Auschwitz-Birkenau.

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<sup>1</sup> [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HEB-0009-088, 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 711572.

<sup>2</sup> In his IQ, Claimant [REDACTED] also claimed the accounts of Jenö Groos, Iles Weber and Samu Groos. The CRT will treat the claims to these accounts in separate determinations.

The Claimant submitted copies of documents in support of his claim, including a document issued by the Camp of Feldafing, dated 19 August 1945, confirming that, prior to his liberation by the United States Army, [REDACTED] was imprisoned both at Mühldorf and at Auschwitz.

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

The Bank's records consist of excerpts from the Bank's ledgers, lists of accounts, and printouts from the Bank's database. According to these records, the Account Owner was André Weber. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held a savings account, numbered 6944.

The Bank's records indicate that the savings account was considered dormant and was transferred to a suspense account on or before 6 April 1954. The amount in the savings account on the date of its transfer was 5.60 Swiss Francs ("SF"). The savings account remains in the suspense account today.

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

#### Identification of the Account Owner

The Claimant's name matches the published name of the Account Owner.<sup>3</sup> The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. The CRT further notes that the Claimant was a child prior to and during the Second World War, but determines that it is plausible that an adult family member opened the account on his behalf, and in his name.

In support of his claim, the Claimant submitted a document issued by the Camp of Feldafing, identifying him as [REDACTED], providing independent verification that the person who is claimed to be the Account Owner has the same name recorded in the Bank's records as the name of the Account Owner. The CRT further notes that the name André Weber appears only once 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"). The CRT also notes that the Claimant filed an IQ with the Court in 1999, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant based his claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears his name, and that he had reason to believe he or his relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Finally, 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 the Account Owner.

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<sup>3</sup> The CRT notes that "[REDACTED]" is a Hungarian variant of "André," and concludes that it is plausible that the Claimant and his family used the name "André" for official purposes, including for opening a bank 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 he is Jewish, that he was required to perform forced labor, and that he was interned at Mühldorf and Auschwitz. The Claimant also submitted a document issued by the Camp of Feldafing, confirming that he was imprisoned at Mühldorf and at Auschwitz.

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

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific information and documents. These documents include a document issued by the Camp of Feldafing, identifying him as [REDACTED].

### The Issue of Who Received the Proceeds

The Bank's records indicate that, on or before 6 April 1954, the account was transferred to a suspense account, where it remains today.

### 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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that he is the Account Owner, and that justifies an Award. Third, the CRT has determined that the Account Owner has not received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one savings account. The Bank's records indicate that the value of the savings account as of 6 April 1954 was SF 5.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 150.00, which reflects standardized bank fees charged to the savings account between 1945 and 1954. Consequently, the adjusted balance of the account at issue is SF 155.60. According to Article 29 of the Rules, if the amount in a savings account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

### **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 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  
7 June 2006