

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Alexander Weiss

### **in re Accounts of Aleksandar Weiss and Emanuel Weiss**

Claim Numbers: 004711/HB; 004925/HB

Award Amount: 31,000.00 Swiss Francs

This Certified Award is based upon the claims of Alexander Weiss (the “Claimant”) to the unpublished accounts of Aleksandar Weiss (“Account Owner Aleksandar Weiss”) and Emanuel Weiss (“Account Owner Emanuel Weiss”) (together the “Account Owners”) at the Lausanne branch of the [REDACTED] (the “Bank”). The account awarded is from the Total Accounts Database (“TAD”) at the Bank.

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 two Claim Forms identifying Account Owner Emanuel Weiss as his father, Emanuel (Emil) Weiss, who was born on 8 April 1885 in Nagykomarás, Hungary, and was married to Erna Weiss, née Werber, on 15 April 1926 in Bielsko (today Bielsko-Biala), Poland. According to the Claimant, his father, who was Jewish, resided in Kamienica, a village near Bielsko, from 1926 until 1931, and from 1931 until 1939, he resided at Mickiewiczza 11 in Bielsko and at Piastowska 8 in Bielsko, where he also owned a successful wood export business called “*Emanuel Weiss - Holzexport, Bielsko,*” for which he traveled around Europe on business, sometimes to Switzerland. The Claimant indicated that after Bielsko was invaded by Nazi Germany, his father’s assets and business were confiscated, and that his father fled to eastern Poland, and was subsequently deported to the USSR. The Claimant stated that after the Second World War, his father returned to Bielsko, where he died in on 19 July 1951.

The Claimant further identified Account Owner Aleksandar Weiss as himself, Alexander (Aleksander) Weiss, who was born on 28 January 1927 in Cieszyn, Poland. The Claimant indicated that he is Jewish, that he resided with his parents in Bielsko until summer 1939, when he moved to his aunt’s house in Krakow, Poland, and that he was interned in the Krakow ghetto in March 1941, and was forced to work in a slave labor camp until March 1943, when he was transferred to the camp in Plaszow, Poland, where he was imprisoned until he escaped in January 1945. The Claimant further indicated that he emigrated to Israel in 1950.

The Claimant stated that his father told him that he held a Swiss bank account in which he had deposited approximately 350,000.00 Swiss Francs (“SF”) before the outbreak of the Second World War. The Claimant further stated that he and his mother made unsuccessful attempts to find his father’s account after the War. The Claimant indicated that his mother died in 1963.

In support of his claim, the Claimant submitted copies of documents, including: (1) his own Israeli passport, issued on 10 June 2001 in Netanya, Israel, indicating that Alexander Weiss was born on 28 January 1927 in Poland; (2) his own birth certificate, issued on 11 March 1949 in Poland, indicating that Aleksander Weiss was born on 28 January 1927 in Poland, that his parents were Emanuel Weiss and Erna Weiss, née Werber, and that his father was an entrepreneur in Kamienica (Bielsko region); (3) a notice from the Public Register Office in Cieszyn, issued on 16 February 1927, indicating that Emanuel Weiss was required to register his son, who was born on 28 January 1927 in Cieszyn; (4) a decision, issued on 25 January 1965 under the German Restitution Law (*Bundesentschädigungsgesetz* - BEG), indicating that Aleksander Weiss, born on 28 January 1927, was persecuted by the Nazis from 18 November 1939 until 16 January 1945, and that he was forced to live in the Krakow ghetto and subsequently deported to Plaszow; (5) his father’s identification card, indicating that Emanuel Weiss was born on 8 April 1885, that his parents were Aleksander and Teresa Weiss, and that he was an entrepreneur; (6) his father’s confirmation of citizenship, issued on 14 January 1947 by the Public Register Office in Bielsko, indicating that Emanuel Weiss was born on 8 April 1885 in Nagykararás, to Aleksander Weiss and Teresa Weiss, née Neumann, and that Emanuel Weiss was a Polish citizen; (7) his father’s business certificate, issued in Bielsko on 30 January 1920, indicating that Emanuel Weiss’s business was located in Jaworze 6, and that he was a wood and building materials trader; (8) a letter of refusal, issued by the Passport Division of the Polish Public Security Ministry on 22 September 1950, indicating that Emanuel and Erna Weiss were denied exit visas from Poland to Israel; and (9) his father’s death certificate, indicating that Emanuel Weiss died on 19 July 1951 in Bielsko-Biala, and that he was married to Erna, née Werber.

The Claimant indicated that he was born on 28 January 1927 in Cieszyn.

The Claimant previously submitted three Initial Questionnaires (“IQs”) to the Court in 1999, asserting his entitlement to a Swiss bank account owned by himself, his father, and his father’s business, *Emanuel Weiss Holzexport*.<sup>1</sup>

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

The Bank’s records consist of a customer card and a printout from the Bank’s database. According to these records the Account Owners were Aleksandar Weiss and Emanuel Weiss. The Bank’s records do not contain information about the Account Owners’ domicile. The Bank’s records indicate that the Account Owners had two safe deposit boxes, numbered 1287 and 1293, which were held under a numbered relationship, 14047. The Bank’s records indicate that the accounts were closed on 15 June 1954. The value of the contents of the safe deposit

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<sup>1</sup> The CRT will treat the claim to the account of *Emanuel Weiss Holzexport* in a separate determination.

boxes on the date of their closure is unknown. There is no evidence in the Bank's records that the Account Owners or their heirs closed the safe deposit boxes and received the proceeds themselves.

These accounts were not part of the Account History Database at the CRT, but were 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 auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") 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,<sup>2</sup> 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 accounts awarded are part of a group of accounts identified in the TAD.

## **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 two claims of the Claimant in one proceeding.

### Identification of the Account Owners

The Claimant's name substantially matches the unpublished name of Account Owner Aleksandar Weiss, and the Claimant's father's name matches the unpublished name of Account Owner Emanuel Weiss, as contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owners other than their names, but that the Claimant identified both names of the joint Account Owners.

In support of his claims, the Claimant submitted documents, including: his own Israeli passport, his own birth certificate, a notice from the Public Register Office in Cieszyn, a decision issued under the German Restitution Law, his father's identification card, his father's confirmation of citizenship, his father's business certificate, a letter of refusal issued by the Passport Division of the Polish Public Security Ministry, and his father's death certificate, providing independent verification that the persons who are claimed to be the Account Owners had the same names

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<sup>2</sup> These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

recorded in the Bank's records as the names of the Account Owners.

The CRT notes that the other claims to this account were disconfirmed because those claimants failed to identify both of the Account Owners. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

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

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that he is Jewish, that he was deported to the Krakow ghetto, that he performed slave labor, and that he was interned in the Plaszow camp. The Claimant also stated that Account Owner Emanuel Weiss was Jewish, that he fled to eastern Poland due to Nazi persecution, and that he was deported to the USSR.

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

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that he is Account Owner Aleksandar Weiss and that Account Owner Emanuel Weiss was his father. These documents include his Israeli passport; and his birth certificate, indicating that Aleksander Weiss's father was Emanuel Weiss.

There is no information to indicate that the Account Owners have other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were closed on 15 June 1954. Given that the Account Owners resided in Nazi-occupied Poland; that Account Owner Aleksandar Weiss was deported to the Krakow ghetto and then to the Plaszow camp; that Account Owner Emanuel Weiss fled to eastern Poland before being deported to the USSR; that the Account Owners resided in a Communist country in eastern Europe after the Second World War; that Account Owner Emanuel Weiss died in 1951, prior to the closure of the accounts; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about their accounts 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), (i), and (j), as provided in Article 28 of 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that he is Account Owner Aleksandar Weiss and that

Account Owner Emanuel Weiss was his father, and those relationships justify 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 accounts.

#### Amount of the Award

In this case, the Account Owners held two safe deposit boxes. 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 ICEP Investigation, in 1945 the average value of a safe deposit box was SF 1,240.00. Thus, the total 1945 average value of the accounts at issue is SF 2,480.00. 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 a total award amount of SF 31,000.00.

#### **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 claims 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