

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Anna Weiss

Claim Number: 000495/AH

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], (the “Claimant”) to the account of Anna Weiss (the “Account Owner”) at the [REDACTED] (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 a Claim Form identifying the Account Owner as his mother, [REDACTED 2], née Anna Weiss, who was born on 29 May 1912 to [REDACTED] and [REDACTED], was married to [REDACTED] and had one son, the Claimant. The Claimant indicated that his father was a wealthy cheese merchant in Bucharest, Romania, who also owned a warehouse for cheese barrels. The Claimant indicated that during the Second World War, his father, who was Jewish, entrusted the family’s money, diamonds, precious metals, and assets to a Hungarian confidant named [REDACTED], who deposited them in Switzerland in the Claimant’s mother’s name or on her behalf. The Claimant stated that his father was supposed to meet [REDACTED] in Switzerland, but he was captured when he tried to cross the border to Switzerland via Satu Mar, Hungary in 1942 and again in 1943. The Claimant stated that his parents’ house and business were confiscated and that his parents were sent to slave labor camps. The Claimant stated that his father died in 1978 in Israel, and that his mother is in a nursing home in Israel.

In support of his claim, the Claimant submitted documents indicating that he is representing his mother and asserting that his mother owned accounts in her name. The Claimant also submitted his and his mother’s identity documents, documentation regarding assets that had been looted from his family and for which they have received acknowledgment and compensation, and certificates indicating that the Claimant is handicapped and that his mother was admitted to a nursing home. The Claimant indicated that he was born on 20 May 1952 in Romania.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his parents.

Information Available in the Bank Records

The bank records consist of printouts from the Bank's database, and a list of dormant savings/passbook accounts that were transferred by the Bank into a suspense account. According to these records, the Account Owner was Anna Weiss, who was born in 1913. The bank records indicate that the Account Owner held a savings/passbook account that was opened at an unknown date. The account was transferred to the suspense account on 31 December 1971. The amount in the account on the date of its suspension was 1,074.50 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name matches the published name of the Account Owner. The Claimant identified his mother's year of birth, which is within a year of the unpublished date of the Account Owner's birth contained in the bank records. The CRT notes that the Claimant was born after the Second World War and that his mother lives in a nursing home. The CRT also notes that the bank records do not contain any specific information about the Account Owner other than her name and year of birth. Thus, the additional information provided by the Claimant cannot be compared with the bank information. In support of his claim, the Claimant submitted documents, including his and his mother's identity documents.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his parents, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that although there were three other claims to this account, those claims were disconfirmed because the dates of birth of the claimed account owners were inconsistent with the date of birth of the Account Owner as identified in the bank records.

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 during the Second World War his father was captured twice when he tried to cross the border to Switzerland, and that his parents were sent to slave labor camps.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner was his mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a suspense account and remains open and dormant.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his mother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the savings/passbook account as of 31 December 1971 was 1,074.50 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 405.00 Swiss Francs, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 31 December 1971. This amount is reduced by 708.53 Swiss Francs, to reflect interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 770.97 Swiss Francs. According to Article 35 of the Rules, if the amount in a savings/passbook account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 9,960.00 Swiss Francs.

Division of the Award

According to the principles of distribution set forth in Article 29 of the Rules, the Claimant's mother, [REDACTED 2], whom the Claimant is representing in these proceedings and whom the Claimant identified as the Account Owner, is entitled to the entire Award.

Initial Payment

In this case, [REDACTED 2] is age 75 or older and is therefore entitled to receive payment of 100% of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

December 27, 2002