

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Anna Weiss and Helene Weiss

Claim Number: 703364/AZ¹

Award Amount: 201,587.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Artur and Anna Weisz.² This Award is to the published account of Anna Weiss (“Account Owner Anna Weiss”) and Helene Weiss (“Account Owner Helene Weiss”) (together, the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).³

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 Account Owner Anna Weiss as her mother, Anna Weisz, who was married to [REDACTED] (the Claimant’s father). The Claimant also identified Account Owner Helene Weiss as herself, and indicated that she was born on 20 April 1931 in Vienna, Austria, where she and her family lived until 1941. The Claimant

¹ The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0252138, 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 703364.

² The CRT will treat the claim to the account of Artur Weisz in a separate determination.

³ The CRT notes that, 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”), Anna Weiss is indicated as owning this account. Upon careful review, the CRT has concluded that the record submitted by the ICEP auditors indicate that Anna Weiss and *Frl.* (Miss) Helene Weiss jointly owned the account. A person named *Frl.* Helene Weiss was not included on the ICEP List, which also listed accounts belonging to additional persons named Anna Weiss and Helene Weiss. The CRT will treat the Claimant’s claims to these accounts in separate determinations.

indicated that her parents' savings, intended for an apartment purchase, were blocked by the Nazis in 1938. The Claimant further indicated that her family moved to Budapest, Hungary in 1941 and that she and her parents were deported to forced labor camps in Hungary in 1944. Finally, the Claimant indicated that they returned to Vienna in November 1945 and remained there until 1951, when they emigrated to the United States.

The Claimant indicated that she was born on 20 April 1931 in Vienna.

Information Available in the Bank's Records

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 provide any Bank's records pertaining to the account at issue. These auditors provided copies of a form showing that the account held by *Frau* (Mrs.) Dr. Anna Weiss and *Frl.* (Miss) Helene Weiss had been registered with the Swiss Clearing Office under the requirements of the 1945 freeze of assets held in Switzerland by nationals of Germany and of the territories incorporated into the Third Reich (the "1945 Freeze"). According to this form, the Account Owners resided in Austria, but their precise domicile was unknown at the time of the 1945 Freeze. The form further indicates that the Account Owners held an account, the type of which is not indicated, which held a balance of 16,112.00 Swiss Francs ("SF") as of 17 February 1945. This record does not contain any information about the disposition of the account.

The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Identification of the Account Owners

The Claimant's mother's name, marital status, and country of residence match the published name, marital status, and country of residence of Account Owner Anna Weiss. The Claimant also identified the unpublished marital status of Account Owner Helene Weiss.⁴

The CRT notes that the Claimant filed her Initial Questionnaire with the Court in 1999 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 her present claim not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also

⁴ The CRT notes that Weiss and Weisz are variations of the same name, and determines that it is plausible that the Claimant and her mother held an account under the spelling Weiss, or that the Claimant's family adopted the spelling Weisz after moving to Hungary.

indicates that the Claimant had reason to believe her relative owned a Swiss bank account independently of the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claims to the account were disconfirmed because those claimants provided a different country of residence or marital status than the country of residence and respective marital status 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 the Account Owners were Jewish, that they resided in Nazi-controlled Austria and Nazi-allied Hungary, and that they were deported to a forced labor camp in Hungary.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is Account Owner Helene Weiss and that Account Owner Anna Weiss was her mother by submitting specific biographical information. There is no information to indicate that the Account Owners have other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owners; and that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between Account Owner Anna Weiss and the Claimant independently of the publication in February 2001 of the ICEP List. Finally, the CRT notes that the information submitted by the Claimant is of the type that family members would possess and indicates that Account Owner Anna Weiss was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to her, as she has asserted in her Initial Questionnaire.

The Issue of Who Received the Proceeds

The record provided by the auditors who carried out the ICEP Investigation does not contain any information about the ultimate disposition of the account.

Given that the Account Owners were in Nazi-controlled Austria until 1941 and Nazi-allied Hungary until 1945; that, according to the Claimant, assets belonging to Account Owner Anna Weiss were blocked in 1938; that there is no record of the payment of the Account Owners' account to them, nor any record of a date of closure of the account; that the Account Owners and their heirs would not have been able to obtain information about their 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 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 claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were herself and her mother, 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 account.

Amount of the Award

In this case, the Account Owners held one account of unknown type, which had a value of SF 16,112.00 as of 17 February 1945. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 15.00, which reflects standardized bank fees charged to the account in 1945. Thus, the total value of the account is SF 16,127.00. The current value of this amount is determined by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 201,587.50.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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