

# 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 Edmund Weisz**

Claim Number: 214134/MI<sup>1</sup>

Award Amount: 49,700.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the published account of Edmund Weisz (the “Account Owner”) at the Zurich branch of 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 older brother, Edmund Weisz, who was born in 1914 in Nasfalau, Romania, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that his older brother, who was Jewish and unmarried, worked in the family’s supermarket in Nasfalau. The Claimant further indicated that his older brother traveled to Switzerland to meet with contacts before the Second World War. The Claimant indicated that his aunts, [REDACTED] and [REDACTED], who lived in New York, the United States, deposited large sums of money in Switzerland in the names of the Claimant, his brothers, and his parents, in order to help them emigrate to the United States. According to the information provided by the Claimant, in 1941 or 1942, after the annexation of Northern Transylvania by Nazi-allied Hungary, the family business was seized. The Claimant further indicated that, in 1942, his older brother was sent to a forced labor camp,

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<sup>1</sup> Claimant [REDACTED] (the “Claimant”) submitted four additional claims, to accounts belonging to himself, Abraham Weisz, Margareta Weisz (née Izsak), and Eugen Weisz, which are registered under the Claim Numbers 214070, 214130, 214131, and 214133, respectively. The CRT treated Claims 214070 and 214131 in a previous decision. See *In re Account of M. Weiss and Accounts of M. S. Weiss* (approved on 19 November 2004). The CRT will treat Claim 214130 in a separate determination. With respect to Claim 214133, the CRT did not locate an account belonging to Eugen Weisz in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

where he perished in 1944. The Claimant stated that his younger brother, [REDACTED], and his parents were deported to Auschwitz, where they perished in 1944.

The Claimant indicated that he was born on 8 December 1924 in Nasfalau.

The Claimant previously submitted Initial Questionnaires (“IQs”) to the Court in 1999, asserting his entitlement to Swiss bank accounts owned by members of his family, including himself, his parents, and his younger brother.<sup>2</sup>

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

The Bank’s records consist of account statements and printouts from the Bank’s database. According to these records, the Account Owner was Edmund Weisz, whose name also appears in the Bank’s records as Edmund (or E.) Weisz Well Weiz and Edmund Weis. The Bank’s records do not indicate the Account Owner’s domicile. The Bank’s records indicate that the Account Owner held an account, the type of which is not indicated, which was numbered 675617, and that the Bank was instructed to hold all correspondence. These records further indicate that the Bank suspended the account on 28 June 1960. The balance of the account on the date it was suspended was 681.00 Swiss Francs (“SF”).

Additionally, according to the report by 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”), the Bank last heard from the Account Owner sometime before 1945. These auditors also reported that the account had a balance of SF 3,856.00 on 17 December 1947.

The Bank’s records indicate that the Bank closed the account to fees and charges on 13 March 1994 with a negative balance of SF 115.75.

### **The CRT’s Analysis**

#### Identification of the Account Owner

The Claimant’s older brother’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 name Edmund Weisz appears only once on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of victims of Nazi persecution (the “ICEP List”).

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<sup>2</sup> See note 1 *supra*.

<sup>3</sup> The CRT notes that the Claimant failed to identify the Account Owner’s alternative names (Well, Weiz, and Weis), which appear in the Bank’s records. However, since Weiz and Weis are common spelling variations of Weisz, and the Bank’s records do not indicate whether Well was possibly a part of the Account Owner’s actual name, the CRT concludes that this discrepancy is not material.

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 members of his family, including himself, his parents, and his younger brother, prior to the publication in February 2001 of 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.

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.

#### 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 was deported to a forced labor camp, where he was perished in 1944, and that one of his brothers and his parents perished in Auschwitz.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's brother. The Claimant submitted a copy of his own passport, showing that the Claimant has the same family name as the Account Owner. 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 Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the Bank closed the account to fees and charges on 13 March 1994.

#### 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 the Account Owner was his brother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one account of unknown type. The auditors' report indicates that the value of the account as of 17 December 1947 was SF 3,856.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 120.00, which reflects standardized bank fees and hold mail fees charged to the account between 1945 and 1947. Consequently, the adjusted balance of the account at issue is SF 3,976.00. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,700.00.

### **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  
15 November 2007